

VOLUME II OF III

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Apr 14 2025

SC Court of Appeals

Appeal from Horry County

Honorable William H. Seals, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICAH PRESSLEY,

APPELLANT

APPELLATE CASE NO. 2023-001799

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**STATE’S EXHIBIT #50 (VIDEO SURVEILLANCE FROM APT. COMPLEX);
DJJ WAIVER EVALUATION (UNDER SEAL)**

1 A He was on the floor.

2 Q On the floor where?

3 A In front of the couch.

4 Q So he never even made it really past right there at
5 the couch?

6 A No, ma'am.

7 Q And Fanotti, where is he at, at this point? Is he
8 still in the room?

9 A I couldn't tell because I had -- after the shot went
10 off, I had pulled the covers back over my head.

11 Q Okay. And you pulled the covers back over your
12 head. And what's the next thing that happens?

13 A I pulled the covers over my head. After I felt
14 somebody run past me, I pulled the covers back down, and I
15 went to go check on Josh.

16 Q Okay. When you pulled the covers back down, was
17 Fanotti Neal in the room?

18 A No. No.

19 Q Did you see him in the room again?

20 A No, not -- not since he had gave me a fist bump.

21 Q So after the shooting, do you ever see Fanotti Neal
22 in that room between that time and when the police come?

23 A No.

24 Q And the boy in the black hoodie with the hoodie up
25 that you say is pointing the gun at Josh -- after the

1 shooting happens, you pulled the covers back down. Do you
2 see that fellow still in the room?

3 A No.

4 Q So after the shooting, both Fanotti and the boy in
5 the black hoodie are no longer there?

6 A They're no longer there.

7 Q Who is still in the room?

8 A Everybody that we had came with. So it was me -- it
9 was me, Josh, Jalen, Travion, and Cameron.

10 Q So none of your folks -- none of your friends --
11 none of the people that were there in the room, none of
12 them ran out of the room; is that right?

13 A Yeah, none of them ran out.

14 Q Now, when you look over and you see Josh trying to
15 get off the couch, do you see a gun in his hand?

16 A No, I don't.

17 Q Now, would you -- all these people you have named,
18 they're your friends?

19 A Yes.

20 Q Would you recognize their voice?

21 A Yes.

22 Q Thank you. Have a seat, Mr. Robinson.

23 MS. LIVESAY: Could you hear him okay?

24 COURT REPORTER: Yes.

25

1 BY MS. LIVESAY:

2 Q Mr. Robinson, I'm going to let you listen to a
3 portion of what's already been put into evidence. It's
4 State's 13, the 911 tape. You tell me if you recognize
5 those voices -- okay? -- and who the voice belongs to.

6 A Okay.

7 (Video plays/State's 13.)

8 BY MS. LIVESAY:

9 Q Who is that?

10 A Shakira.

11 Q And was she one of the young ladies in the house?

12 A Uh-huh.

13 THE COURT: Is that a yes or no?

14 THE WITNESS: Yes.

15 BY MS. LIVESAY:

16 Q So she definitely didn't run out.

17 A No.

18 (Video continues to play/State's 13.)

19 BY MS. LIVESAY:

20 Q Who was that?

21 A Cameron.

22 Q Okay. And was she one of the young ladies in the
23 house?

24 A Yes.

25 Q She's on the phone with 911. So did she run out of

1 the apartment?

2 A No.

3 (Video continues to play/State's 13.)

4 BY MS. LIVESAY:

5 Q Who is that?

6 A Jalen.

7 Q What's he doing?

8 A He's trying to give him CPR.

9 Q Trying to what?

10 A Give him CPR.

11 Q That's his brother?

12 A Yeah, his older brother.

13 Q Play just a hair more.

14 (Video continues to play/State's 13.)

15 BY MS. LIVESAY:

16 Q Who is that hollering now?

17 A Jalen. I mean, Josh's older brother, Jalen.

18 Q And what's going on in the apartment during this
19 time?

20 A We're just trying to get him to respond to
21 something.

22 Q Was everybody at that time trying to work on the
23 victim?

24 A Yeah.

25 Q Did anybody from your friend group that was in

1 there, did any of those people leave the apartment?

2 A No.

3 Q Did you see any of those people fire a shot?

4 A You said did I see them fire a shot?

5 Q Yeah, did they fire a gun?

6 A No.

7 Q Did you ever see them point a gun at anybody?

8 A No.

9 Q So let me ask you something, Mr. Wilson asked
10 earlier before you were in here about somebody cleaning up
11 the kitchen. There was a broom and a dust pan in the
12 kitchen. The boy that's in there hollering and crying,
13 was he the one in there using the broom to clean up the
14 kitchen?

15 A I don't remember anybody cleaning up a kitchen.

16 Q So you don't remember anybody in the kitchen in
17 there sweeping up before the police got there?

18 A No.

19 MS. LIVESAY: Play just a hair more.

20 (Video continues to play/State's 13.)

21 BY MS. LIVESAY:

22 Q So while this is going on, who was that?

23 A That's Jalen.

24 Q Okay. And what's he doing?

25 A Still trying to get him to respond.

1 Q And his brother's been shot?

2 A Yes.

3 Q And you're telling me, nobody was in the kitchen,
4 cleaning up?

5 A Yeah, because everybody was focused on Josh.

6 Q Now, the apartment you were staying in, do you
7 remember that apartment?

8 A Yes, I remember it.

9 Q Would you be able to recognize you and your friends
10 coming out of that apartment?

11 A Yes, ma'am.

12 (Video continues to play/State's 13.)

13 MS. LIVESAY: Pause.

14 BY MS. LIVESAY:

15 Q Who are these people?

16 A The girl is Shakira and I don't know the dude.

17 Q Okay. And did Shakira live there?

18 A Yes, she did.

19 (Video continues to play/State's 13.)

20 MS. LIVESAY: Hold.

21 BY MS. LIVESAY:

22 Q Is she unlocking the door?

23 A I believe so.

24 Q Okay. Y'all kept the door locked?

25 A Mm-hmm.

1 THE COURT: Is that a yes?

2 THE WITNESS: Oh, yeah.

3 BY MS. LIVESAY:

4 Q And she's using her key to get in; is that right?

5 A Yes.

6 (Video continues to play/State's 13.)

7 BY MS. LIVESAY:

8 Q Do you recognize these people?

9 A Yes.

10 Q Who are they?

11 A That's me, Travion, Cameron, and Jalen.

12 Q And which one is you?

13 A The one in the white shirt in the back with the
14 bookbag and the gray pants.

15 Q Right here?

16 A Yeah, that's me.

17 Q And are these other people that were hanging out for
18 Jalen's birthday?

19 A Yes.

20 Q Now, is Josh right here?

21 A No.

22 Q Okay.

23 (Video continues to play/State's 13.)

24 MS. LIVESAY: Pause, please.

25

1 BY MS. LIVESAY:

2 Q Who is this young man?

3 A Josh.

4 Q That's the young man that was shot?

5 A Yes.

6 (Video continues to play/State's 13.)

7 MS. LIVESAY: Stop.

8 BY MS. LIVESAY:

9 Q What's going on here?

10 A I think we're trying to get the door unlocked.

11 Q So Cameron is unlocking the door for everybody to
12 come in?

13 A Yes.

14 Q And the last young man strolling in kind of swinging
15 the food, that's the victim?

16 A Yes.

17 Q Where had y'all been?

18 A Before this?

19 Q Mm-hmm.

20 A We was on the strip at the beach.

21 Q Okay.

22 A And then we went to Waffle House.

23 Q Is that what he was swinging in his hand, the Waffle
24 House food?

25 A Yes, ma'am.

1 Q And is this the young man that Shakira had brought
2 in?

3 A Yes.

4 Q Now, hold on now -- this time --

5 MS. LIVESAY: Go back just a hair. Could you go up
6 to when the victim was coming in? I apologize.

7 (Video continues to play/State's 13.)

8 BY MS. LIVESAY:

9 Q This time about right, y'all got back around 3:48?

10 A Yes, ma'am.

11 Q In the morning?

12 A Yes, ma'am.

13 (Video continues to play/State's 13.)

14 MS. LIVESAY: Pause.

15 BY MS. LIVESAY:

16 Q This car right here, the red Impala with the missing
17 hub cap, have you ever seen it before?

18 A No.

19 Q And have you always lived in Florence?

20 A Uh-huh.

21 Q So you never saw that car in Florence?

22 THE COURT: Is that a yes or no?

23 THE WITNESS: Oh, yes.

24 And, yes, I always lived in Florence.

25

1 BY MS. LIVESAY:

2 Q Okay. And you have never seen this car?

3 A No, I didn't. I never seen the car.

4 Q And you don't know who drives this car?

5 A No, I don't.

6 Q Okay. And hold on, 5:38 is the time. What's going
7 on inside the apartment?

8 A I believe all of us are -- we might be asleep at
9 this moment.

10 Q Everybody is asleep?

11 A Yes, ma'am.

12 (Video continues to play/State's 13.)

13 BY MS. LIVESAY:

14 Q All right, Mr. Robinson. Do you recognize any of
15 those folks?

16 A I recognize two of them.

17 Q I'm sorry?

18 A I said I recognize two of them.

19 Q Okay. And who are the two that you recognize?

20 A Fanotti and Micah Pressley.

21 MS. LIVESAY: If you don't mind, step down, if
22 that's okay with Your Honor.

23 BY MS. LIVESAY:

24 Q Point out the people you recognize.

25 A (Witness complies.)

1 Q And who is who?

2 A That's Fanotti and that's Micah Pressley.

3 THE COURT: He's got to speak up.

4 BY MS. LIVESAY:

5 Q And how about these two girls; do you know them?

6 A No.

7 Q So speak up for me. Repeat again. Point out who
8 you know in the video. And really speak up.

9 A This right here is Fanotti, and this right here is
10 Micah Pressley.

11 Q Do you recognize any of the other people?

12 A No.

13 Q You don't know those two girls?

14 A No.

15 Q And how about the third big boy?

16 A I don't know him.

17 Q And did you invite any of these people to come over
18 at 5:42 a.m.?

19 A No.

20 Q Okay.

21 (Video continues to play/State's 13.)

22 BY MS. LIVESAY:

23 Q Did you --

24 MS. LIVESAY: Stop there.

25

1 BY MS. LIVESAY:

2 Q Did anybody open the door?

3 A No.

4 Q No?

5 A No.

6 Q So he knocked but nobody got up and opened the door?

7 A Yeah, nobody got up and opened the door.

8 Q Okay.

9 (Video continues to play/State's 13.)

10 MS. LIVESAY: Back up a little more. Back up just a
11 hair more. Stop. Go back just a hair. I know.

12 BY MS. LIVESAY:

13 Q Who is this?

14 A Micah Pressley.

15 Q Does that sweatshirt look familiar to you?

16 A Yes, ma'am.

17 Q How does it look familiar to you?

18 A From the video.

19 Q Same one he was wearing in the video?

20 A Yeah.

21 Q And did you see that movement he made?

22 A Yeah.

23 Q Do you know what that means?

24 A Yeah.

25 Q That movement?

1 **A** Yeah.

2 **Q** What does that mean?

3 **A** It's like a gun. Like simulating a gun.

4 **Q** You have to speak up.

5 **A** Simulating a gun.

6 MS. LIVESAY: Could you hear him?

7 COURT REPORTER: Barely.

8 BY MS. LIVESAY:

9 **Q** Stand right here for me.

10 And is this the same beanie you saw Fanotti Neal
11 wearing inside the apartment?

12 **A** Yes.

13 **Q** And did you know all these people were in the
14 apartment at some point? Did you know that?

15 **A** I didn't know.

16 **Q** Okay. So you were asleep. So you didn't even
17 realize all these people had gone into the apartment?

18 **A** Yeah.

19 **Q** And, to your knowledge, did anybody else in the
20 apartment know anything about these people in the
21 apartment?

22 **A** Yeah, I don't think anybody else knew.

23 MS. LIVESAY: If you don't mind, back up just a
24 hair. I want to show him one more thing.

25

1 BY MS. LIVESAY:

2 Q You remember Shakira or Cameron having to dig into
3 their shoe to get into the apartment?

4 A No, I don't remember.

5 Q You don't remember them digging something out of
6 their shoe to get in?

7 A No, I don't.

8 (Video continues to play/State's 13.)

9 BY MS. LIVESAY:

10 Q And the last thing you remember after the shooting
11 is somebody running past your chair?

12 A Yes, ma'am.

13 MS. LIVESAY: If you don't mind, can you take us to
14 the end.

15 (Video continues to play/State's 13.)

16 BY MS. LIVESAY:

17 Q You say the guy that was pointing the gun had a
18 black hoodie on?

19 A Yes.

20 Q With the hoodie up?

21 A Yes.

22 Q And you're sure the gun was black?

23 A Yes.

24 Q That's the gun you saw?

25 A Yes.

1 MS. LIVESAY: Go back just a hair. Pause. Hit it
2 again one more time.

3 (Video continues to play/State's 13.)

4 BY MS. LIVESAY:

5 Q Do you see anything in that boy's hand?

6 A Yes.

7 Q What do you see?

8 A The gun.

9 Q Can you tell what color it is?

10 A Black.

11 Q Have a seat, Mr. Robinson.

12 MS. LIVESAY: Hit it one more time for me.

13 (Video continues to play/State's 13.)

14 BY MS. LIVESAY:

15 Q Did anybody -- can you recognize who is running out
16 of the room?

17 A Yes.

18 Q And who is that running out of the room?

19 A Micah Pressley.

20 Q Okay.

21 (Video continues to play/State's 13.)

22 BY MS. LIVESAY:

23 Q How about the second guy?

24 A Fanotti Neal.

25 Q Okay. You said you saw a gun in somebody's hand

1 that was running out on the video?

2 A Yes.

3 Q Who?

4 A It was Micah Pressley.

5 Q So he didn't leave the gun behind?

6 A No.

7 Q Okay. So when Conway Police Department showed up,
8 had he left the gun behind?

9 A No. No, ma'am.

10 Q Okay. Do you know how many times Josh was shot?

11 A I think y'all told me it was two.

12 Q But did you know?

13 A Oh, no. I only heard one gunshot.

14 Q And when the police showed up, did you tell them who
15 you saw in the apartment?

16 A Yes.

17 Q And who did you tell that you unequivocally
18 recognized in the apartment?

19 A Fanotti Neal.

20 Q And you have told the police that?

21 A Yes.

22 Q Okay. And at the time, did you tell the police
23 about a guy in there with a black hoodie?

24 A No, because I only seen one person in there so I
25 thought they was the same person.

1 Q Okay. And now that you have had time to think, do
2 you think it was the same person?

3 A Same person that woke me up out of my sleep the
4 person is the same person who shot Josh?

5 Q Yes.

6 A No, I think it was two different people.

7 Q So when you first talked to the police, all you knew
8 was "I for sure saw Fanotti Neal"?

9 A Yes.

10 Q And at a later time when you were asked about what
11 you saw at the very moment he was shot is when you said it
12 was a guy in a black hoodie?

13 A Yes.

14 Q And at the time, you just assumed that was Fanotti
15 Neal?

16 A Yes.

17 Q And did you have any idea that five people were in
18 there walking around while you and Josh were asleep in the
19 living room?

20 A No, I did not know.

21 Q Okay. And at some point, three of them leave. Did
22 you see that on the video?

23 A I think -- you said three of them? You can play it
24 again for me.

25 (Video continues to play/State's 13.)

1 BY MS. LIVESAY:

2 Q Do you know those three people?

3 A No, I don't.

4 Q Did you know they were ever in the apartment?

5 A No, I didn't.

6 Q So you didn't know anything about them leaving out?

7 A Yeah, I didn't know.

8 Q And none of them are running out; right?

9 A Yeah, they're just walking.

10 Q Now, when you saw this video for the first time, was
11 it after you had talked to police?

12 A Yes.

13 Q Okay. And did you know anything about all these
14 people going into the apartment ---

15 A No.

16 Q --- until you saw the video?

17 A Yeah, I didn't know anything about it.

18 Q I want you to tell these 12 people, do you have any
19 doubt at all that that is Fanotti Neal on the video?

20 A Right -- the one right there right now?

21 Q Yeah. No, not right now, but on the video that you
22 pointed to earlier with the beanie, do you have any doubt
23 that's Fanotti Neal?

24 A No, I've got no doubt.

25 Q Do you have any doubt that that was Fanotti Neal

1 that you saw in the apartment?

2 A No. I know that was him.

3 Q And do you have any doubt that is Micah Pressley on
4 the video in that dark hoodie with the hoodie up?

5 A No, I got no doubt.

6 Q Do you or have you ever had any ill will with either
7 one of these guys?

8 A No, ma'am.

9 Q And have you ever had an argument with them, a
10 fight, or anything?

11 A No, ma'am.

12 Q Ever been disgruntled with them?

13 A No, ma'am.

14 Q Any reason to come up here and story about anything?

15 A No, ma'am.

16 Q Do you got any pending charges?

17 A No, ma'am.

18 Q And is everything you told these folks the truth?

19 A Yes, ma'am.

20 MS. LIVESAY: No further questions Your Honor.

21 THE COURT: Do y'all mind if we take a lunch break
22 until 1:30?

23 MR. WILSON: That will be fine, Your Honor.

24 THE COURT: We're going to feed you lunch. The
25 clerk's office has everything taken care of.

1 (The jury exited the courtroom at 12:32 p.m.)

2 THE COURT: You can't talk to anybody about this
3 case. Do you understand? What we're going to do is have
4 you follow the deputy. They're going to give you a room
5 to yourself. Just an hour and come back. Okay? If
6 you'll just follow her. She'll tell you what to do.

7 THE COURT: All right. We'll see you back in an
8 hour.

9 I'm going to put him in a separate room where he
10 can't talk to anybody. All right. We'll see you back
11 shortly.

12 (A lunch recess was taken at 12:33 p.m. to 1:31
13 p.m.)

14 (State's Exhibit No. 61, DVD, was marked for
15 identification.)

16 JURY QUESTION

17 THE COURT: We did have one question from a juror.
18 Well, let me read it to you and then I'll tell you what I
19 think.

20 It says, "Which defendant is which? Can each one be
21 identified in courtroom, not video?"

22 I think the juror just doesn't who Micah Pressley is
23 and who Fanotti Neal is. Do you-all mind, when they come
24 in, you just introduce Micah Pressley without a mask, and
25 you introduce your client without a mask?

1 MR. WILSON: Your Honor, they were introduced to the
2 entire panel prior to the commencement of the trial. I
3 think to do that now actually points to them -- I'm
4 just -- I would object to doing it at this point. You
5 know, whatever happens in the rest of the testimony is
6 fine, but I think -- and the reason that I'm saying this
7 is because if they're sitting there and they've been
8 listening to this trial thus far and they have seen the
9 video and they still don't know who these two defendants
10 are, then I think that is an issue in this trial -- a
11 factual issue that the State has to satisfy, not us.

12 THE COURT: Maybe we could have a witness identify
13 them in court.

14 MR. HARRELSON: Yes, Your Honor.

15 MR. WILSON: Well, they already did. I mean, she
16 had him do it. That's my point.

17 THE COURT: Unless they've got cancer or something
18 like that, they need to take those masks off. This is
19 2023, about to be 2024. Nobody is wearing a mask.

20 MR. HARRELSON: And, Your Honor, if you want, we can
21 have this witness identify the two defendants with the
22 masks off.

23 THE COURT: That's up to you, but...

24 MR. WILSON: Now, let me tell you, she's rested so
25 she can't now get back up and reopen her case.

1 THE COURT: She can come back to him in rebuttal
2 after you're through.

3 MR. WILSON: Well, that's true, but only on issues
4 that I raise, not on new matter, and that's a new matter.
5 In fact, she's already done it. She actually specifically
6 asked this witness who these two individuals and
7 pointed --

8 THE COURT: Well, if you question this witness about
9 who is who, then rebuttal would be which one is which.

10 MR. WILSON: I don't have any reason to question
11 this witness about who is who.

12 THE COURT: Then let's see where the
13 cross-examination goes.

14 Why don't we just bring in the jury and start.

15 MS. LIVESAY: Judge, if we can, Mr. Wilson has not
16 begun his cross. If it's not offensive to anybody, I can
17 just ask that question and sit down.

18 THE COURT: I'm fine with that.

19 MR. WILSON: It's offensive with me, you know,
20 because she has had her turn. And we have had a break in
21 between, and now she wants to come back after the break,
22 and then it won't be one question; it's going to be ten.
23 And I object.

24 THE COURT: It's within my discretion. I'm going to
25 allow her to present her case.

1 MS. LIVESAY: Thank you, Judge.

2 THE COURT: And you can cross-examine.

3 MR. WILSON: Subject to our objection, Your Honor.

4 THE COURT: I understand.

5 MR. WILSON: Thank you.

6 THE COURT: But we don't need those masks. Take
7 them off, unless something's wrong with you.

8 All right. Let's go ahead and bring out the jury.

9 (Court's Exhibit 1, Jury Question/Note, was marked
10 for identification and received into the record.)

11 (The jury entered the courtroom at 1:40 p.m.)

12 THE COURT: I recognize the State for a few
13 questions.

14 MS. LIVESAY: Thank you, Judge. Just a couple of
15 questions.

16 CONTINUING DIRECT EXAMINATION

17 BY MS. LIVESAY:

18 Q Mr. Robinson, do you see Micah Pressley in the
19 courtroom?

20 A I do.

21 Q And can you point him out for the jurors?

22 A Yes.

23 Q Point him out for us.

24 A (Witness complies.)

25 Q Which person at that table are you pointing to?

1 A The one in the black shirt.

2 Q And do you see Fanotti Neal?

3 A Yes.

4 Q And point him out for the jury.

5 A The one in the white shirt.

6 MS. LIVESAY: No further questions, Your Honor.

7 THE COURT: Thank you. Cross-examination.

8 MR. WILSON: Thank you very much, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. WILSON:

11 Q Mr. -- what's your last name?

12 A Robinson.

13 Q Mr. Robinson, let's go back to the night this
14 incident occurred. All right? Tell me about what was
15 happening. Y'all had been to a party; right?

16 A Yes.

17 Q All right. And what time did the party start?

18 A I can't remember.

19 Q Well, what time did the party end?

20 A Maybe about like 12 or 1 or something.

21 Q 12 or 1.

22 And what were y'all doing at the party? Drinking
23 liquor? Drinking wine? Smoking pot? Using coke? Use
24 heroin? What were y'all doing at the party?

25 A Partying.

1 Q I'm sorry?

2 A I said partying.

3 Q You were partying?

4 A Yes.

5 Q Well, I know. And that's my question. What were
6 you doing at the party? Were you doing cocaine? Were you
7 doing heroin? Were you doing crack? What were you doing
8 at the party?

9 A Drinking maybe.

10 Q Drinking maybe?

11 A Yeah.

12 Q Well, how old were you at the time?

13 A 18.

14 Q 18? But you were drinking; right? Using drugs too?
15 Marijuana? Crack? Heroin?

16 A No.

17 Q No what?

18 A I don't -- no crack. Mari- --

19 Q No crack. Maybe a little heroin? Maybe a little
20 cocaine maybe? Right?

21 A No.

22 Q You're under oath; right?

23 A Mm-hmm.

24 Q You understand that; right?

25 A Yeah.

1 Q Do you know what under oath means?

2 A Yeah.

3 Q What does it mean?

4 A You can't -- you can't -- you're not supposed to
5 tell a lie.

6 Q You're not supposed to tell a lie. All right.

7 And so you're at this party. You're doing whatever
8 you're doing at the party until, you say, 1:00, 2:00 in
9 the morning. And then you come back to the hotel room or
10 to the apartment at some point in time; right?

11 A Yes.

12 Q All right. And are you intoxicated?

13 A Maybe a little tipsy.

14 Q A little tipsy. All right.

15 And when you're coming back a little tipsy, you go
16 and you sit on the couch or at least on the little chair
17 by the couch; right?

18 A Yes.

19 Q All right. And Mr. McPherson gets on the actual
20 couch; right?

21 A Yes.

22 Q All right. Now, you put something over your head;
23 right?

24 A A cover.

25 Q A cover?

1 A Yes.

2 Q What kind of cover was it that you put over your
3 head?

4 A A cover that you go to sleep with, like a blanket.

5 Q All right. You put a blanket over your head.

6 And then you say that, at some point in time while
7 this blanket is over your head, you hear a shot; right?

8 A Say it for me again.

9 Q After you put the blanket over your head initially,
10 you hear a shot at some point?

11 A Oh, yes.

12 Q Then you take the blanket down; right?

13 A Yes.

14 Q And when you take the blanket down, your story was
15 that you saw Mr. Fanotti in the corner by the window --
16 the sliding glass doors?

17 A Yes, somebody with a black hoodie.

18 Q Somebody with a black hoodie. So it wasn't
19 Mr. Fanotti?

20 A If he -- I think Micah Pressley had the black hoodie
21 on.

22 Q Well, I'm asking you what happened.

23 A Yeah, somebody with a black hoodie.

24 Q So you saw Micah Pressley in that room with a black
25 hoodie on that night? Is that what you're telling us?

1 A Yes.

2 Q Okay. Well, isn't it strange, though, that that's
3 not what you told the police? Why would you lie to the
4 police then when they come to you the night or the morning
5 that this happened -- the police talked to you that
6 morning; did they not?

7 A Yeah, they did.

8 Q Not only did they talk to you, they took you in the
9 back of their police car and asked you to tell them
10 exactly what happened; did they not?

11 A Yeah.

12 Q You never told them anything about some man with
13 some black hoodie, did you?

14 A No, that's because I didn't see -- see it until
15 after they showed me the video.

16 Q Right. After they showed you the video -- they
17 brought you down and showed you the video. And then when
18 they showed you the video, you said, "Oh, yeah, yeah,
19 yeah, that's what happened." Right?

20 A No, it all -- the video brought everything together.

21 Q The video brought everything together.
22 Well, why would you lie to the police --

23 A I didn't lie.

24 Q Why would you lie to the police and tell them that
25 the only person you saw that night in that room was

1 Mr. Fanotti, and now you're saying there are two people in
2 the room?

3 A Because Fanotti was the only person I seen in the
4 room and then, later, when they came to me with the video,
5 that's when I figured out there was more people in the
6 room.

7 Q Oh. So once you got the video and you saw somebody
8 else you say in the room, then, all of a sudden, you knew
9 there were two people in the room and so now it had to be
10 this gentleman; right?

11 A No. Because I seen -- the person I seen was
12 Fanotti. And after they showed me the video, they showed
13 me the video of Fanotti and Micah Pressley ---

14 Q Yeah.

15 A --- running out of the apartment.

16 Q Okay. So they showed you a video of two men running
17 out of the apartment, and then that's when you realized,
18 "Oh, that was the guy in the black hoodie that I saw with
19 Mr. Fanotti"; right? Is that what you're saying?

20 A Say it for me one more time.

21 Q Well, it's convoluted, isn't it?

22 Let me rephrase that and ask you this way: At any
23 point in time, on the night that this incident occurred,
24 did you ever tell the police about a man in a black hoodie
25 being in that room at any point in time that night?

1 **A** No.

2 **Q** No.

3 **A** Because the only person I seen was Fanotti.

4 **Q** That's right.

5 And now your story is there was some guy in a black
6 hoodie that ran past you. And that never happened, did
7 it?

8 **A** Hmm?

9 **Q** That never happened. No man in a black hoodie ran
10 past you; that's something you made up once you saw the
11 video.

12 **A** No.

13 **Q** In fact, let's talk about that video. You actually
14 met with the police to pick out of a lineup the individual
15 that you say you saw; right?

16 **A** Yes.

17 **Q** All right. And did you pick out that individual?

18 **A** Yes.

19 **Q** And who was that individual that you picked out?

20 **A** Fanotti.

21 **Q** You picked out Mr. Fanotti; right?

22 **A** Yes.

23 **Q** Did you ever pick -- from that day until January of
24 '23, did you ever pick anybody else out of the lineup and
25 say that that person was there?

1 A No.

2 Q No. No. But when you met with the police, they
3 wanted you to help them put a name to those faces; right?

4 A Yes.

5 Q Yeah. And, lo and behold, the name that came to
6 your mind: Micah Pressley.

7 Now, let's talk about something else because we know
8 that what you told the police -- either you told them a
9 lie or you're telling us a lie; right? Either way, you're
10 lying; right? No question about that; right?

11 A No.

12 Q All right. Let's talk about something else. Let's
13 talk about the gun that was found in the apartment.
14 You -- you were the only other person in that room with
15 Joshua McPherson?

16 A Yes.

17 Q No question about that, is there?

18 A Yeah, I was the only one in there.

19 Q No question.

20 And he was on the couch. You were in the chair next
21 to him; right?

22 A Yes.

23 Q Okay. Now, at some point in time -- well, let me
24 rephrase that and ask you this way: Was there a gun? Did
25 Mr. McPherson have a gun on his person that night?

1 **A** Not to my knowledge.

2 **Q** Not to your knowledge.

3 Now, you were in the apartment; right?

4 **A** I was.

5 **Q** All right. And you were the first person that went
6 to the body?

7 **A** Was I?

8 **Q** Yeah, after he was shot.

9 **A** Yeah, I was. I was.

10 **Q** You were the first person to get to him; right?

11 **A** Yes.

12 **Q** And you didn't remove the gun from him?

13 **A** No, I didn't. I didn't even see a gun.

14 **Q** All right. Well, do you know whether or not there
15 was a gun that was removed from his body?

16 **A** No, I didn't know.

17 **Q** You didn't know.

18 So did you have any conversations with the
19 solicitor's office about that?

20 **A** About a gun? I believe we did.

21 **Q** Yeah. You had a conversation with them about it;
22 right? And what did they tell you about the gun?

23 MS. LIVESAY: Your Honor, whatever I said in meeting
24 with Mr. Robinson is going to be hearsay.

25 MR. WILSON: She's absolutely right. I'll withdraw

1 the question.

2 BY MR. WILSON:

3 Q So you don't know anything about that gun that was
4 found; right?

5 A I didn't know -- I didn't know there was a gun.

6 MS. LIVESAY: And I'm going to have to object as to
7 facts not in evidence. There's no facts into evidence
8 about the victim having a gun.

9 MR. WILSON: Judge, there is --

10 THE COURT: This is cross-examination. You go
11 ahead.

12 BY MR. WILSON:

13 Q All right. Now, let me ask you this: So you don't
14 know about the gun.

15 Now, did you go to Mr. McPherson's aid once you took
16 the cover from over your head, after you say you heard the
17 shot; right? Because your story now is -- as I understand
18 it, and you correct me if I'm wrong -- your story is you
19 heard one shot?

20 A Yes.

21 Q You never heard two shots?

22 A I just heard one.

23 Q One. And you were on the couch next to him or on
24 the chair next to his couch; right?

25 A Yes.

1 Q All right. And when you pulled down your covers,
2 the only person you saw at that point was Mr. Fanotti,
3 according to you?

4 A No, I seen Fanotti when -- I seen Fanotti when he
5 first got there, I guess, and he fist-bump me. And then I
6 went back to sleep. And then I woke up to the sound of
7 two people, like, either tussling or wrestling. Then,
8 when I woke up, somebody in the black hoodie was standing
9 in the corner with a gun and they shot him. That's when I
10 pulled the covers back over my head, and I felt somebody
11 run past me. And after I pulled the covers back down from
12 my head, I went and checked on Josh.

13 Q Okay. But that's a new story; right? That's not a
14 story you told the night this happened.

15 A It's the same story.

16 Q When did you tell the police that you saw a man in a
17 black hoodie at any point that night?

18 A When?

19 Q The first time you tell that story is when you
20 talked to Ginger Pop from the solicitor's office on
21 January the 9th of 2023; is that not correct?

22 A I believe so.

23 Q Yeah. And so for -- from May the 29th of '22 until
24 January the 9th of 2023, your story was one person:
25 Mr. Fanotti.

1 And then, after you meet with the solicitor -- you
2 met with the solicitor; right? This lady right here?

3 **A** Yes.

4 **Q** Yeah. And after you met with them, then this is the
5 new story you came up with. Because that benefits the
6 facts of this case; right? Right?

7 **A** I believe that's when they showed me the video.

8 **Q** Yeah, they showed you the video.

9 What other conversation did they have with you?
10 Can't remember? Well, let me ask you this: These
11 individuals have been arrested within days of this
12 incident; right? So it was all over social media. Did
13 you ever go to the police any time before you met with the
14 solicitor and say, "Hey, look, I saw this guy on Facebook
15 that got arrested. That's the guy." Never, did you?

16 **A** No.

17 **Q** Nope. It wasn't until you met with them, had a
18 conversation with them, saw the video, and then, all of a
19 sudden, "I know who it is and he ran right past me";
20 right?

21 **A** He had a hoodie on.

22 **Q** Yeah, yeah.

23 Now, let me ask you about -- there was a picture,
24 38. Let me show you this picture. This is State's
25 Exhibit No. 37. Take a look at it for me. Have you ever

1 seen that picture before?

2 A No.

3 Q No? That night when you were there, did you see
4 that broom and that dust pan in the middle of the floor in
5 the kitchen?

6 A I don't recall.

7 Q Did you see the shell casing that was found in the
8 middle of the floor in the kitchen near this broom and
9 dust pan?

10 A No.

11 Q No. You didn't see it.
12 You didn't put it there; right?

13 A No.

14 Q Well, do you know who put it there?

15 A No.

16 Q There are five people in the house; right? Name
17 them for us. Five people in the house. Name them for us.

18 A That was with me?

19 Q Yes, sir, in the house before whoever came in came
20 in. Five people in the house. Who were the five people?

21 A Me, Travion, Cameron, Jalen, and Josh.

22 Q Okay. But the thing is, nobody is in that living
23 room except you and Mr. McPherson.

24 A Yeah.

25 Q Right? Everybody else is in a bedroom.

1 A Yes.

2 Q And their doors are closed?

3 A Yes.

4 Q In fact, they didn't even know what had happened
5 until you knocked on the door for Jalen McPherson?

6 A Yes.

7 Q And that's when everybody else got alarmed and woke
8 up and saw what was going on. How long between the time
9 that the shot or shots were fired before you knocked on
10 the door of Mr. McPherson -- Jalen McPherson?

11 A Maybe like -- probably like three to four minutes.

12 Q Three to four minutes.

13 Why in the world would you wait three or four
14 minutes after the shots were fired to call the brother of
15 the guy that had just been shot? Do you know how long
16 four or five minutes is? You're going to wait four or
17 five minutes after this victim has been shot before you
18 knock on his brother's door?

19 A That's because I went to go check on Josh first.

20 Q You went to go check on Josh first? And that took
21 you five minutes? You are standing literally -- sitting
22 literally next to him; right?

23 In fact, how close were you to him? Close as I am
24 to you or closer?

25 A It might have been a little closer.

1 Q Tell me when to stop.

2 A Probably about there.

3 Q So you're almost within arm's reach of him, but it
4 takes you four or five minutes from that point to get to
5 knock on the door of his brother?

6 A I mean, when I felt somebody run past me, I didn't
7 immediately take the blanket over my head.

8 Q Well, now, you didn't know somebody ran past you
9 when you first talked to the police. This is your new
10 story; remember? So you didn't know that, then, because
11 you didn't tell the police that. So this is your new
12 story. So I'm going back to your old story.

13 Truth of the matter is, both stories are a lie;
14 right?

15 A No.

16 Q No? Your story that you're telling here today came
17 as a result of your meeting -- and let me ask you, how
18 many times -- how many times did you meet with the
19 solicitor before you came up with this new story that
20 you're telling? Three? Four? 10? 12? How many times?

21 A No.

22 Q Huh?

23 A I only met with them -- I think I only met with them
24 three times.

25 Q Three times.

1 So it took three times for you to get this story
2 out; right?

3 A Oh, no, I -- no.

4 Q No what?

5 A It's the same story I have been telling.

6 Q I'm sorry; what?

7 A I said, it's the same story I have been telling.

8 Q Is this the same story you told the police that
9 night?

10 A I'm pretty sure.

11 Q So when did you tell the police anything about any
12 statement where you told the police about a man in a black
13 hoodie ran past you?

14 A I forgot the officer or detective name, but I'm
15 pretty sure I told him that.

16 Q You told him that. Okay.

17 So that's your fourth story now; right? That you
18 told him that; right? Because you said earlier you didn't
19 tell him. Now you're saying you did tell him.

20 A I'm pretty sure I did.

21 Q The truth is, you don't know what you told him
22 because you were high that night.

23 And is there any reason, once anybody was arrested,
24 that you did not see their picture, if you knew who they
25 were, and say, "Hey, look, that's him. That's the guy

1 that -- and here I am, police officers, it's May 30th or
2 June 2nd or 5th or whatever; I need to let y'all know that
3 this is the guy right here that y'all arrested a week
4 ago"? Any reason that you wouldn't have done that?

5 A The same day that it happened, I remember sitting in
6 the back of a police car, and I pulled up -- I pulled up a
7 picture of one of them -- of Fanotti. And that's who I
8 said that I seen that night.

9 Q Not only did you pull up a picture of Fanotti, you
10 also did a lineup with the police for Fanotti; did you
11 not?

12 A Yeah.

13 Q Yeah. And you picked him out of a lineup.

14 And not one time did you say anything about anybody
15 else to the police. Because they would have given you a
16 lineup for that too.

17 A That's because Fanotti was the only person I seen
18 that night. So I thought -- I thought the dude in the
19 hood -- I thought they were the same person, because he
20 was the only one I seen that night.

21 Q All right. So now let me go back to one last thing
22 here and then I'm going to be done with you. The gun.
23 Did you have a gun that night?

24 A I didn't.

25 Q I'm sorry?

1 A I did not.

2 Q You did not have a gun that night.

3 Do you normally have one? You just didn't have one
4 that night?

5 A No, I don't. I don't own one.

6 Q And you didn't see one with Mr. McPherson?

7 A No, sir, he didn't have one, not to my knowledge.

8 Q You deny that, that he had a gun?

9 A Yeah, I didn't see him with one.

10 Q Do you know whether or not guns were actually found,
11 one belonging to him? Do you know whether that happened?

12 A I don't know.

13 Q All right. You don't know.

14 You don't know a lot of stuff; right?

15 Now, let me ask you one other thing: If you hear a
16 shot, why would you pull down the covers from your face
17 and then pull it back up and not see what's going on? Why
18 would you do that?

19 A Say that one more time.

20 Q Your story or one of them -- one of your stories is
21 that you heard a shot; right?

22 A Yeah.

23 Q All right. You pulled down your whatever covers or
24 whatever you had over your head and then you put it back
25 over your head. Why?

1 **A** It was just my reaction.

2 **Q** That was just your reaction.

3 So you hear a shot. You pull down your whatever --

4 MS. LIVESAY: Your Honor, I'm going to have to
5 object because that's not the testimony he's given.

6 THE COURT: I'm going to overrule it. He talked
7 about covers.

8 MR. WILSON: Thank you, Your Honor.

9 BY MR. WILSON:

10 **Q** So you pulled down your mask or your -- I'm sorry;
11 not your mask -- your covers --

12 **A** Blanket.

13 **Q** And you put it back over your head after you hear a
14 shot? Why?

15 **A** I just said that was my reaction.

16 **Q** That was just your reaction.

17 So how long did you keep it over your head after you
18 put it back over your head?

19 **A** I really don't -- I really can't tell you a time
20 frame. It wasn't that long.

21 **Q** 30 seconds? Two hours? Ten minutes? What?

22 **A** Maybe about like 30 seconds.

23 **Q** Maybe about 30 seconds?

24 And then, when you pulled it down, what did you do?

25 **A** I went to go check on Josh.

1 Q So when you pulled it down, how did you know that
2 Josh had already been shot? Because you pulled it back
3 over your head once you heard a shot, and you didn't know
4 where the shot had come from; right?

5 A No, I seen -- I said I seen the dude in the hoodie
6 standing in the corner aiming at Josh.

7 Q Do you recall telling the police, at one point, that
8 you saw Fanotti standing in the corner with a gun pointing
9 at Mr. McPherson? Do you recall that?

10 A Yeah, because he was the only one I seen in the
11 apartment that night.

12 Q All right. So you told the police that at least on
13 one occasion; right?

14 A Yeah, I didn't -- I didn't know until I seen the
15 video that multiple people was in the apartment.

16 Q All right. You didn't know that there was more than
17 one person because nobody ever ran past you. You don't
18 know what happened in that apartment other than what you
19 say you saw when you pulled your covers off; right?
20 That's the truth of the matter; right?

21 A I mean, if that's what you say.

22 Q I'm asking you. You're telling the story -- these
23 stories. Let me put it that way. Right?

24 A (No response.)

25 Q I don't have any other questions for you.

1 CROSS-EXAMINATION

2 BY MR. RIGNEY:

3 Q Good afternoon, Mr. Robinson. I just have a few
4 questions for you.5 Let me start with, when they came in -- this person
6 or persons came into the apartment -- and, apparently, you
7 were asleep when they came in. So the first thing you
8 know of someone coming in was when Fanotti greeted you,
9 dabbed you up; is that correct?

10 A Yes.

11 Q And you don't have any knowledge of anyone forcibly
12 entering the place. There was not enough noise going on,
13 somebody breaking in, that you knew somebody was breaking
14 in; right?

15 A Yeah, I didn't know.

16 Q Okay. And when Fanotti dabbed you up and greeted
17 you, you were not afraid of anything; right?

18 A Yeah, I didn't think too much of it.

19 Q You've known him for a while; right?

20 A Yeah, from work.

21 Q From work. And you worked with him -- do you know
22 how long you worked with him?23 A I worked with him -- it was -- it was more than a
24 month.

25 Q Okay. So did you socialize with him at work? Did

1 y'all go out and party, do anything while you were working
2 together?

3 A Yeah. Me and Jalen, we went to his house one time
4 just to play Madden.

5 Q So you went to Fanotti's house?

6 A To play Madden.

7 Q Okay. With Jalen?

8 A Uh-huh.

9 Q No problems with anyone?

10 A Yeah.

11 Q No disputes, no fights. Nobody's got any hard
12 feelings at all toward Fanotti?

13 A Yeah.

14 Q Neither you nor Jalen nor Josh nor anything you're
15 aware of?

16 A Mm-mmm.

17 Q Okay. So you were asleep. People came in.
18 Somebody came in. At least, you know, one person coming
19 in. No forced entry that you could tell about?

20 A Yeah, I didn't hear anything.

21 Q Is it possible they had a key?

22 A I don't know.

23 Q Now, you and Fanotti at your work, y'all got along
24 at work; right? You worked together and you became -- you
25 got to know him enough that you could look at him and

1 figure out who he was; right?

2 A Mm-hmm.

3 Q Like you did with videos and things here today?

4 A (Witness nodding.)

5 Q So in determining who was doing the shooting, was
6 the hoodie -- who was wearing the hoodie, was that a key
7 element in what you were relying on to identify that
8 person?

9 A Say --

10 Q You said somebody is wearing a black hoodie; right?

11 A Yes.

12 Q And so, originally, you might have said that Fanotti
13 was the person that did the shooting?

14 A Yeah, because he was the only one I seen in the room
15 that night.

16 Q He's the only one you could remember being in the
17 room that night.

18 But then when you realized that there's more than
19 one person and you think through it, Fanotti wasn't
20 wearing a hoodie at all, was he, that night?

21 A He had on a beanie.

22 Q Right. That's what you told us earlier. Okay.

23 And so when he came around, he came in, did you have
24 any idea what he was doing there when you -- when Fanotti
25 greeted you?

1 **A** I just went -- I just went right back to sleep.

2 **Q** So you really didn't have any fear of anything, did
3 you?

4 **A** Mm-mmm.

5 **Q** Now, do you know what he might have been doing? Was
6 he there to, like, just hang out and party maybe?

7 **A** I don't know.

8 **Q** Had he been there before, that you're aware of?

9 **A** That was my first time being there.

10 **Q** Your first time being there. Okay.

11 But you had been hanging out with him before?

12 **A** Yeah, just one time.

13 **Q** Without any problems. So, as far as you knew, he
14 was just there for reasons that you don't have any idea
15 about?

16 **A** Yeah.

17 **Q** Okay. You had no reason to fear for yourself or
18 anyone else in there because you didn't wake anybody
19 up ---

20 **A** Mm-mmm.

21 **Q** --- and say, "Look, we got somebody in here that
22 doesn't belong here, I'm scared to death, let's get him
23 out of here." You didn't do that?

24 **A** Mm-mmm.

25 **THE COURT:** You may want to answer yes or no.

1 BY MR. RIGNEY:

2 Q Please do answer yes or no.

3 A Okay.

4 Q Now, there's some talk about the black hoodie.

5 Let's deal with that just for a little bit. Is that the
6 means now that you're using to identify -- is that the
7 primary reason that you know it was not Fanotti that did
8 that because he was not wearing the black hoodie?

9 A Yes.

10 Q Okay. And had you -- I think you may have already
11 determined this, but it seems like you might have been
12 drinking, using some drugs that night. So you were kind
13 of tired and out of it?

14 A Yeah.

15 Q Is that maybe why you didn't identify the right
16 person when you were first asked about it by the police?

17 A No, because like I keep saying, Fanotti was the only
18 one I saw in the apartment that wasn't supposed to be
19 there that night.

20 Q And when you looked over in the corner and you saw
21 somebody with a black hoodie, you were kind of tired,
22 waking up?

23 A Yeah, I was just waking up.

24 Q And you had been using drugs and alcohol. So you
25 may have not had the best ability to identify people when

1 that happened? Is that how you maybe misidentified
2 Fanotti?

3 A I mean, I wouldn't say that. I knew for a fact I
4 seen a black hoodie.

5 Q Okay. And you now know for a fact that it wasn't
6 Fanotti wearing it?

7 A Yeah.

8 Q You don't have any evidence of anybody breaking in.
9 And for a long time, it seems like, you were -- I guess a
10 long time in terms of what happened there -- it seemed
11 like a long time perhaps when you heard the shot and then
12 you pulled the cover over your head, and then, at that
13 point, you didn't know what happened for a moment; is that
14 right?

15 A Yes.

16 Q And then you got up and started looking around.

17 Did you see anything that caused you to think that
18 you were in danger?

19 A No. I just -- after I pulled the covers down, I
20 went to go check on Josh.

21 Q So you weren't afraid, after hearing the shot, that
22 something might happen to you?

23 A Oh, I wasn't -- I wasn't really thinking. I just
24 seen him on the floor.

25 Q You never had a gun that night?

1 A No, sir.

2 Q I think at some point along in some of your
3 interviews, you maybe had said that things were happening
4 really fast. Is that sort of an accurate description of
5 the way you felt about that, looking back on it?

6 A Yes, sir.

7 Q And is that possible that, because of the speed that
8 everything was happening, that contributed to you
9 misidentifying Fanotti? That everything is happening so
10 fast, you're looking up and you see somebody, and you just
11 got greeted by someone, the only person you had seen, and
12 you thought that's him?

13 A Yes.

14 Q But when you found out that it was not him, you
15 corrected yourself?

16 A Yes.

17 Q And what you're telling us now is that it was
18 certainly not Fanotti that was standing in the corner with
19 the gun?

20 A Yeah, because he didn't have on a Nike hoodie that
21 night.

22 Q Did you ever see Fanotti with the gun that night?

23 A No.

24 Q You identified Fanotti and Micah both here in court
25 and on video; correct?

1 **A** Yes.

2 MR. RIGNEY: Your Honor, if I may, I want to play a
3 little video, also they have already introduced.

4 (Pause in the proceedings. Counsel conferring.)

5 (Video continues to play/State's 13.)

6 (Pause in the proceedings. Counsel conferring.)

7 BY MR. RIGNEY:

8 **Q** Mr. Robinson, can you tell from there -- do you need
9 to come look at this a little closer to see if you can
10 identify who that is?

11 **A** Yeah, I will.

12 **Q** Okay.

13 I'm going to ask you to identify who that is coming
14 out the door and pause it.

15 THE COURT: You're going to have to speak up.

16 BY MR. RIGNEY:

17 **Q** Who is that?

18 **A** Micah Pressley.

19 **Q** Okay. Can you see something in his hand?

20 COURT REPORTER: I'm sorry; I can't hear you.

21 THE COURT: Yeah, y'all got to speak up. I can't
22 hear you either. We've got to hear you too.

23 (Video continues to play/State's 13.)

24 BY MR. RIGNEY:

25 **Q** What about now? Can you see something in his hand?

1 A No, not from this angle.

2 Q No, not from this angle? Do you see a bright spot
3 there?

4 (Video continues to play/State's 13.)

5 THE COURT: Speak up. Speak up. We can't hear you.

6 BY MR. RIGNEY:

7 Q One more time, please. This is very -- there we go.
8 Did you see something then in his hand?

9 A It looked like --

10 Q What did it look like?

11 A You can replay it one more time for me.

12 (Video continues to play/State's 13.)

13 BY MR. RIGNEY:

14 Q Can you tell what that is?

15 A I really couldn't see it right there.

16 Q I think we have seen it. If you can -- do you need
17 to see it one more time? Do you think that would help, or
18 no?

19 (Video continues to play/State's 13.)

20 BY MR. RIGNEY:

21 Q One more time; watch his hands and see. Could you
22 tell anything being in his hand?

23 A It looked like some silver maybe.

24 Q Okay. Would you think that might have been a
25 weapon?

1 MR. WILSON: Your Honor, the video speaks for
2 itself. And having him interpret what he thinks he might
3 see, I object to it.

4 THE COURT: You can ask questions and he can answer
5 them.

6 MR. RIGNEY: Come on back.

7 BY MR. RIGNEY:

8 Q So is that Micah Pressley in that video that you
9 just watched there?

10 A Yes.

11 Q And did you think you might have seen a weapon in
12 his hands?

13 A From -- from a different angle that they showed
14 earlier, yes.

15 Q Okay. And you, once again -- I just want to make
16 sure that we know, you were not alarmed when Fanotti came
17 in?

18 A I wasn't.

19 Q And you didn't hear any difficult things going on?
20 No breaking of doors or anything?

21 A No. I was asleep.

22 Q No forced entry that you're aware of?

23 A No.

24 Q Thank you.

25 MR. RIGNEY: No more questions, Your Honor.

1 THE COURT: Redirect?

2 MS. LIVESAY: Thank you, Judge.

3 REDIRECT EXAMINATION

4 BY MS. LIVESAY:

5 Q Mr. Robinson, I've got a few questions for you.

6 Do you remember Mr. Wilson asking you about a
7 statement on January the 9th, 2023? Do you remember that?
8 He said all this was fabricated?

9 A Oh, yes.

10 Q Do you remember that?

11 A Uh-huh.

12 Q Yes, when Mr. Wilson asked you about that.

13 Now, he forgot to bring up the fact -- do you
14 remember that that was a phone call, that that
15 conversation was over the phone? Do you remember that?

16 A Oh, yeah. Yes.

17 Q I'm sorry?

18 A Yes.

19 Q It was over the phone, wasn't it?

20 A Yes.

21 Q Okay. And where were you?

22 A Work. On break.

23 Q You were at work? In Florence?

24 A Yes.

25 Q Okay. And you spoke with the investigator in my

1 office, Ginger Pop; correct?

2 A Yep.

3 Q And it was over the phone?

4 A Yes.

5 Q And you were at work and said you couldn't meet with
6 us. Do you remember that?

7 A Yes.

8 Q And do you remember at that time you had not seen
9 the video? Do you remember that?

10 MR. WILSON: Your Honor, I'm going to object. She's
11 testifying. And she's not on cross-examination. This is
12 redirect. And that is not the appropriate manner in which
13 to do a redirect, so I object.

14 THE COURT: Yeah, just don't lead.

15 MS. LIVESAY: I understand.

16 BY MS. LIVESAY:

17 Q Mr. Robinson, do you remember talking to Ginger Pop
18 on January the 9th, 2023?

19 A Yes.

20 Q And how did you speak with Investigator Pop? Was it
21 in person or on the phone?

22 A On the phone.

23 Q Okay. And when you spoke with her on the phone,
24 where were you?

25 A On break at work.

1 Q Okay. And where do you work?

2 A At the time, I was working at Honda.

3 Q Okay. And is that in Florence or in Horry County?

4 A It's in Timmonsville.

5 Q Okay. So you weren't even in Conway; correct?

6 A Yeah, I wasn't.

7 Q Okay. And at the time we had that conversation, had
8 you seen any video at that point?

9 A No.

10 Q Okay. And this conversation that Mr. Wilson talked
11 to you about on January 9th was on the phone; correct?

12 A Yes.

13 Q Okay. And did we show you the video in the course
14 of that conversation?

15 A On January 9th? No.

16 Q Because it was over the phone; correct?

17 A Yes.

18 Q And had you met with me or anybody from my office
19 prior to January the 9th when we had that phone call?

20 A No.

21 Q That was the first time me and you had ever spoken
22 and you had ever talked with anybody from my office; is
23 that correct?

24 A Yes.

25 Q Now, do you remember that conversation with Ms. Pop?

1 A Not well.

2 Q I'm sorry?

3 A I said, "Not well."

4 Q Okay. You don't remember talking to her?

5 A Yeah, I remember talking to her.

6 Q Did you ever meet with Ms. Pop in person?

7 A No, ma'am.

8 Q So you couldn't even recognize her in the courtroom,
9 could you?

10 A No, ma'am.

11 Q Now, Mr. Wilson asked you about that conversation.
12 And at that time, did you tell Ms. Pop that Fanotti Neal
13 was in the room?

14 A Yes.

15 Q And did you tell Ms. Pop in that conversation that
16 there was a male in a black hoodie with a black gun that
17 shot Josh?

18 A Yes.

19 Q So you remember telling Ms. Pop that on January the
20 9th?

21 A Yes.

22 Q And had you seen the video prior to telling Ms. Pop
23 that?

24 A No.

25 Q Okay. Now, let's talk about this conversation --

1 this interview you had with the police. When was the
2 first time you talked to the police?

3 A It was right after -- like, right after it happened,
4 after the paramedics and everybody came.

5 Q Okay. And where did you talk to the police?

6 A In his truck.

7 Q In his truck.

8 And where was his truck parked?

9 A In the apartment complex.

10 Q Okay. Right there at the apartment complex; right?

11 A Yes.

12 Q So when you talked to him, they had just rolled your
13 friend out; correct?

14 A Yes.

15 Q And you were still sitting there in the apartment
16 complex in a truck, correct, talking to the police?

17 A Yes.

18 Q And do you remember who you talked to then?

19 A It was him right there (pointing).

20 Q You recognize him?

21 A Yes.

22 Q And you recognize him because you saw him in person;
23 correct?

24 A Yes.

25 Q Okay. And do you remember that, when you talked to

1 Detective Huggins that very day, you told him about a guy
2 wearing a hoodie in the corner of the apartment?

3 A Yes.

4 Q You told him that, didn't you?

5 A Yes.

6 Q Now, Mr. Pressley -- I'm sorry, Mr. Wilson asked you
7 about picking out Micah Pressley in a lineup. Do you
8 remember that?

9 A Picking out Micah Pressley in a lineup?

10 Q Yes.

11 A No, I don't remember that.

12 Q I'm asking, do you remember Mr. Wilson asking you
13 about that?

14 A Oh, oh, yeah.

15 Q That's fine.

16 Were you ever shown a lineup with Micah Pressley in
17 it?

18 A No.

19 Q Now, Mr. Wilson has gotten up here and said that you
20 have told multiple stories, just story after story after
21 story. Did you tell this man right here (indicating),
22 sitting right in the parking lot after they rolled your
23 friend out, did you tell him Fanotti Neal was in the
24 apartment?

25 A Yes.

1 Q Did you tell him there was another guy in a black
2 hoodie in the corner of the apartment?

3 A Yes.

4 Q That's what you told this man right here?

5 A Yes.

6 Q And when you talked to Ginger Pop -- had you seen
7 the video then?

8 A No.

9 Q You had not seen the video then?

10 A No.

11 Q Okay. Police had just gotten there; is that right?
12 The police had just gotten there when you talked to
13 Detective Huggins?

14 A Yes.

15 Q Okay. And you had not seen any kind of video?

16 A No.

17 Q About how long was it between when EMS came and got
18 Josh and when you talked to Detective Huggins in that
19 truck?

20 A I don't --

21 Q An hour?

22 A It probably wasn't even an hour.

23 Q Probably not even an hour.

24 And did you tell them that very day that Fanotti
25 Neal was the one in the apartment?

1 **A** Yes.

2 **Q** And did you tell them that very day about a guy
3 wearing a black hoodie?

4 **A** Yes.

5 **Q** And certainly there was nobody -- nobody had gotten
6 surveillance video at that point; correct?

7 **A** No.

8 **Q** Then did you talk to anybody? Did you go back to
9 the police station? Did anything like that happen?

10 **A** No, they told me to go home.

11 **Q** They didn't take you back to the police station;
12 correct? They let you go home?

13 **A** Yes.

14 **Q** And between the time they let you go home and the
15 time Investigator Ginger Pop reached out to you, did you
16 ever give any kind of statement regarding what you saw
17 that night?

18 **A** Like a written statement or...

19 **Q** Yes. Did you give any kind of statement to anybody
20 between the time you left that day and the time Ginger Pop
21 called you on the phone?

22 **A** I think -- I think I did because they had me come
23 back up to the police station.

24 **Q** I'm sorry?

25 **A** They had me come back up to the police station a

1 couple of days later.

2 Q So you went back to the police station?

3 A Yes.

4 Q And did you talk to Detective Huggins again?

5 A It might have been Detective Huggins. It might have
6 been somebody else, but it was a detective.

7 Q But it was somebody from the police department?

8 A Yes.

9 Q And did you tell him what happened?

10 A Yes.

11 Q And did you tell him that Fanotti Neal was in the
12 room?

13 A Yes.

14 Q And did you tell him about a guy in a black hoodie?

15 A Yes.

16 Q And when you spoke to Ginger Pop on January 9th,
17 2023, on the phone, did you tell her Fanotti Neal was in
18 the apartment?

19 A Yes.

20 Q And did you tell her it was a male in a black hoodie
21 with a black gun?

22 A Yes.

23 Q And when you gave these statements, had you watched
24 the surveillance footage?

25 A No.

- 1 Q That was not until a later date; correct?
- 2 A Yes.
- 3 Q Had you even met me prior to then?
- 4 A No.
- 5 Q You didn't meet me until after we talked on the
6 phone on January 9th; correct?
- 7 A Uh-huh.
- 8 Q Okay. Now, Mr. Wilson and Mr. Rigney have asked you
9 about drinking, doing drugs that night? Do you remember
10 that?
- 11 A We had a couple of shots to drink.
- 12 Q I'm sorry?
- 13 A We had a couple shots of drink.
- 14 Q And you saw the same video these folks saw; correct?
- 15 A Yes.
- 16 Q Were you falling down?
- 17 A Was I falling down?
- 18 Q Yeah.
- 19 A No.
- 20 Q You weren't falling down drunk?
- 21 A No.
- 22 Q Was anybody else in your group falling down drunk?
- 23 A No.
- 24 Q Was anybody acting crazy outside the door?
- 25 A No.

1 Q Was anybody out there doing their arm like this
2 (indicating)?

3 A No.

4 Q Was anybody reaching into their sock to get into the
5 door?

6 A No.

7 Q Now, he asked you about doing heroin, doing all this
8 kind of stuff. Do you remember that?

9 A No.

10 Q Mr. Robinson, were you doing any illegal drugs that
11 night as far as heroin, crack cocaine, anything like that?

12 A Marijuana but no crack, no heroin.

13 Q And have you got any pending charges on you now?

14 A No.

15 Q Have you ever been arrested for a drug charge?

16 A No.

17 Q Now, you know, there was on and on about this new
18 story, this new story. Tell these folks, have you ever
19 said anything different than what you are saying today?

20 A I have been saying this the entire time.

21 Q And do you have any ill will towards Micah Pressley
22 over here?

23 A No.

24 Q Have you got any reason to say that it was him other
25 than that's who you know it to be?

1 **A** No, I got no other reason.

2 **Q** And, in fact, you were just hanging out with him two
3 months ago -- a month or two months ago. Do you remember
4 that?

5 **A** Yeah, it was after the video.

6 **Q** Okay. And it was after this day right here?

7 **A** Yes.

8 **Q** And was he wearing these clothes when you saw him?

9 **A** Yes.

10 **Q** And there's certainly no doubt this is Micah
11 Pressley; correct?

12 **A** Yes, that's Micah Pressley.

13 **Q** And he's wearing the same sweatshirt and the same
14 type skinny jeans on the video; is he not?

15 **A** He is.

16 **Q** And he's from Florence; correct? Did he live in
17 Florence?

18 **A** I believe so.

19 **Q** Okay. Okay. Did you know that there was testimony
20 earlier that the car that brought him up here was from
21 Florence?

22 **A** Say it again.

23 **Q** Did you know there was testimony earlier in here
24 that that red car you saw came from Florence?

25 **A** Oh, no, I didn't know.

1 Q Okay. But certainly Florence is where Micah
2 Pressley lives; correct? And it's where Fanotti Neal
3 lives?

4 A Yes.

5 MS. LIVESAY: No further questions, Your Honor.

6 MR. WILSON: Your Honor, I have a matter of law that
7 I think we need to take up.

8 THE COURT: All right. Members of the jury, if you
9 would step into the jury room. Do not discuss the case.

10 (The jury exited the courtroom at 2:36 p.m.)

11 MOTIONS/MATTERS OF LAW

12 MR. WILSON: Your Honor, in the solicitor's
13 comments, she indicates that there was some statement
14 given by this defendant to law enforcement at the police
15 department. We have never received any of that. If that
16 ever happened, I never received it. I object to it. And
17 I'm going to ask for a mistrial as a result of it.

18 THE COURT: I thought -- hold on. Let's clarify
19 what happened. I thought that he spoke with the policeman
20 at the scene in the truck after it happened.

21 MR. WILSON: Yes, sir.

22 THE COURT: And then on the --

23 MR. WILSON: That's correct -- no, sir. She said,
24 in addition to that, that they went to the police station
25 -- that he went to the police station and gave a statement

1 to law enforcement about this and that he told them
2 specifically about this person in the black hoodie. He
3 also -- and there was also a statement about the black
4 hoodie from -- that he gave this officer, Officer Huggins,
5 a statement about the black hoodie.

6 If he gave Officer Huggins any statement about that,
7 I don't have that either. That is not in any material I
8 have received to date.

9 And I have the officer's report right here. And I
10 have been looking through it trying to see if there's
11 something --

12 THE COURT: Keep in mind, just because he says it --

13 MR. WILSON: No, sir. The solicitor said it. The
14 solicitor said it.

15 MS. LIVESAY: That's not true.

16 MR. WILSON: She was leading him --

17 MS. LIVESAY: That's definitely not true. And I'm
18 going to tell you something, Judge, I want it played back,
19 because Mr. Wilson is dead wrong.

20 I asked him -- and I don't know if it's intentional
21 or unintentional, but when I asked him, I said, "Did you
22 give any statement to law enforcement between the time in
23 the car and the time you talked to Ginger Pop," and he
24 said, "I went into the police station."

25 My understanding from Detective Huggins is, he came

1 into the police station to get his phone. He never had
2 any kind of sit-down interview.

3 His testimony was, "I gave that statement about the
4 black hoodie when I was sitting in the car in the parking
5 lot of the crime scene."

6 THE COURT: That's the way I understood it.

7 MS. LIVESAY: I never even knew he had gone back up
8 to the police department between then and Ginger Pop until
9 he just said it right there.

10 So to say that that's what I said and I have done
11 something wrong is incorrect. And I want it played back.

12 MR. WILSON: I want it played back too.

13 THE COURT: All right. Let's play it back. Give
14 her time to find it. See where it goes.

15 (The court reporter played back the requested
16 portion.)

17 MR. WILSON: We've covered that, Your Honor.

18 THE COURT: Yeah, let's begin. He said, "I think I
19 went to the police department," and then he added all this
20 stuff.

21 MR. WILSON: What I'm -- what I'm -- that's not what
22 I'm objecting to. What I'm objecting to is the fact that
23 she says to him, leading, which she shouldn't have been
24 doing in the first place, she says, "And isn't that what
25 you told them? Didn't you tell them on those occasions

1 that this man in the black hoodie was there?" That's what
2 I'm objecting to.

3 THE COURT: You should have objected to the leading
4 at the time.

5 MR. WILSON: She's leading. I objected to the
6 leading, but she did it anyway.

7 THE COURT: But you should have followed --

8 MR. WILSON: Then, on top of that, Judge, it leaves
9 this jury with the impression that this defendant gave a
10 statement to law enforcement saying that there was some
11 man with a black hoodie. There is nothing in any document
12 that I received from law enforcement or from the
13 solicitor's office prior to January the 9th when she sent
14 me that statement from Ginger Pop. There is nothing about
15 any man in a black hoodie. Nothing in no document. And I
16 object to it, I think it's improper, and I think that this
17 defendant is being prejudiced by it.

18 THE COURT: All right. The State?

19 MS. LIVESAY: Your Honor, the question was, "Did he
20 talk to law enforcement?" "Yes." I asked him did he give
21 the same statement. "Yes." Did he talk to Ginger Pop?
22 "Yes."

23 I asked him directly between the police being in the
24 parking lot and Ginger Pop did he give a statement.
25 Clearly, I didn't think there had been a statement in

1 between. He said, "Yes." That was the first time I had
2 ever heard it. And at that time he said, "Yes, that's
3 what I told him."

4 I learned that information the same time Mr. Wilson
5 did through inquiring of the witness. Witnesses say stuff
6 all the time that we learn for the first time right in
7 here.

8 Mr. -- Detective Huggins is the one that told me
9 right then that he told me, day one, that there was a
10 black hoodie in the corner of the room. That's what he
11 just told me right then.

12 And, of course, my conversation or Ginger Pop's
13 conversation on January the 9th was typed up and handed
14 over to Mr. Wilson. I have given him everything I have.
15 So I don't know what -- I can't produce something I don't
16 have.

17 MR. WILSON: And I'm not disputing that fact that
18 she's given me everything she has. I am not disputing
19 that whatsoever. But it doesn't change anything. If that
20 statement exists and if that happened, I was entitled to
21 have it. And I do not have it. And I'm not blaming the
22 solicitor for it because I believe her. If she says she
23 doesn't have it, she doesn't have it. I don't -- I don't
24 have a problem with that. But that doesn't change --

25 THE COURT: I tell you what we can do: I'm not

1 going to grant a mistrial. You can cross-examine him and
2 you can cross-examine the police in great detail if a
3 statement exists, and if there is one and it wasn't given
4 to you, we'll go from there. But it sounds like really
5 good cross-examination to me but not necessarily a
6 mistrial.

7 MR. WILSON: Your Honor, we move for a mistrial. I
8 understand the Court's ruling. We accept that.

9 THE COURT: All right. Go ahead and bring in the
10 jury.

11 MS. LIVESAY: And, Your Honor, while we have got a
12 minute, because Mr. Wilson has claimed recent fabrication,
13 the State wants to call Ginger Pop as well as Detective
14 Huggins next just for the purposes of prior consistent
15 statement under 801 so Mr. Wilson can cross-examine them
16 as well about these issues.

17 THE COURT: You can call whatever witnesses in
18 whatever order you want.

19 MS. LIVESAY: Thank you, Judge.

20 (The jury entered the courtroom at 2:47 p.m.)

21 THE COURT: All right. You may continue.

22 Mr. Wilson?

23 THE DEPUTY: Wait, we're missing one.

24 (Pause in the proceedings.)

25 (The final juror entered the courtroom at 2:49 p.m.)

1 RECCROSS-EXAMINATION

2 BY MR. WILSON:

3 Q I'll be a brief. I just have a couple of questions.

4 In your conversations with the solicitor, you
5 indicated that you told Officer Huggins back on the night
6 or the morning of this incident that you saw the man in
7 the black hoodie and you told him about that; right?

8 A Yes.

9 Q Is that your story?

10 A Yes.

11 Q Yes. So that's a yes?

12 A Yes.

13 Q All right. And that you told him that the man ran
14 past you and that -- and went out the door or left; right?

15 A Yes.

16 Q All right. Then you say that you also met with the
17 police down at the police station sometime after that;
18 right?

19 A Yes.

20 Q And that you told them the same thing; that you told
21 them that you saw the man in the black hoodie and that the
22 man in the black hoodie ran past you and left? This would
23 have been after the shots have been fired; right?

24 A Yes.

25 Q And then you said you met with the solicitor by

1 phone, I think in your latest conversation; right? And
2 you told them that -- about the man in the black hoodie;
3 right?

4 A Yes.

5 Q So your story is, is that, in each of your three
6 separate statements, that you told the police and the
7 solicitor about the man in the black hoodie. Is there any
8 question about the fact that you say you told them those
9 things?

10 A No.

11 Q No? Okay.

12 And when you went down to the police station, do you
13 recall who the officer was that you were talking to?

14 A No.

15 Q All right. You don't know.

16 Do you know when it was that you went down to the
17 police station and you told them that story?

18 A No. I --

19 Q Okay.

20 A I want to say it was around the time when I did the
21 lineup, I think.

22 Q When you did the lineup for who?

23 A I only did one lineup and that was for Fanotti.

24 Q And that would have been on the 29th -- right? -- of
25 May, the same day?

1 **A** No, I didn't do a lineup the 29th of May.

2 **Q** When did you do the lineup?

3 **A** I can't remember, but I'm pretty sure it wasn't the
4 same day.

5 MR. WILSON: May I approach, Your Honor?

6 BY MR. WILSON:

7 **Q** Let me show you this document. Take a look at it.
8 Can you read it?

9 **A** Yeah.

10 MS. LIVESAY: Your Honor, I'm going to object. This
11 is definitely outside of my redirect.

12 MR. WILSON: Do you want me to address --

13 THE COURT: I think it's in response. Go ahead and
14 ask the questions.

15 MR. WILSON: Thank you.

16 BY MR. WILSON:

17 **Q** Do you recognize what I just handed you?

18 **A** Yes.

19 **Q** What is it?

20 **A** The photo lineup.

21 **Q** The photo lineup of the lineup you did with the
22 police for Mr. Fanotti; right?

23 **A** Yes.

24 **Q** And what's the date on there that you did that?

25 **A** The 29th.

1 Q May the 29th. Same day of this incident; right?
2 Right?

3 A Yeah.

4 Q Yeah.

5 MR. WILSON: I don't have any other questions for
6 this witness.

7 MR. RIGNEY: No questions, Your Honor.

8 THE COURT: All right.

9 MS. LIVESAY: No further questions, Your Honor.

10 THE COURT: All right. You may step down. Thank
11 you.

12 Do you want to call your next witness?

13 MS. LIVESAY: Yes, sir. At this time, the State
14 calls Detective Huggins for just the limited purpose under
15 Rule 801(d)(1)(b), which is going to be prior consistent
16 statements.

17 DETECTIVE ALLAN HUGGINS,
18 after having been duly sworn, was examined and
19 testified to as follows:

20 THE CLERK: State your name and spell it, please.

21 THE WITNESS: Good afternoon. My name is Allan
22 Huggins. A-l-l-a-n H-u-g-g-i-n-s.

23 DIRECT EXAMINATION

24 BY MS. LIVESAY:

25 Q And, Detective Huggins, where are you currently

1 employed?

2 A I currently work for the City of Conway Police
3 Department.

4 Q And how long have you been employed there?

5 A I have been employed there since 2014.

6 Q And what were your responsibilities in May of 2022?

7 A May of 2022, I was assigned to the investigative
8 division as a federal task force officer with the Secret
9 Service. I handled major crimes and digital forensics and
10 analysis.

11 Q And as part of handling major crimes, did you
12 respond out to murders, rapes, robberies, any major crime?

13 A That is correct.

14 Q And did you respond out to the apartment on 544 when
15 Joshua McPherson was killed?

16 A I did, yes, ma'am.

17 Q And as part of your responsibilities, did you talk
18 with Marion Robinson?

19 A I did.

20 Q And where did you talk with Mr. Robinson?

21 A The initial interview was conducted in the front
22 seat of my assigned vehicle. We were parked directly in
23 front of the stairs to the entrance of the building in the
24 parking lot.

25 Q Okay. So sitting there in the parking lot?

1 **A** Yes. I was in the driver's seat, and he was in my
2 front passenger.

3 **Q** And about how long was it between when the murder
4 happened and when you talked to Mr. Robinson?

5 **A** I live roughly 20 minutes away from the incident
6 location. We did our initial brief. I established what
7 happened or preliminarily what happened. So I would say
8 roughly 30 to 45 minutes within the initial activation of
9 the incident.

10 **Q** And was Mr. Robinson an eyewitness?

11 **A** He was.

12 **Q** And is that why you interviewed him?

13 **A** Yes, ma'am.

14 **Q** And tell these folks what he told you on the very
15 day that the murder happened.

16 **A** Mr. Robinson had said he went out with some friends
17 the night previous to celebrate a birthday party. He said
18 that they had returned back to the residence roughly
19 around 3 a.m. after eating Waffle House.

20 He said that his friend, Joshua McPherson, was
21 sleeping on the couch inside the residence when he was
22 sitting on a small chair, sleeping. He said he was woken
23 up by Mr. Neal giving him what they call a dap; it would
24 have been like a hello. He said he went back to sleep
25 afterwards. He heard a scuffle. He said he heard a

1 scuffle and heard a gunshot. He said he was wearing a
2 blanket at the time. He said he saw an unknown individual
3 in the corner wearing a black hoodie with a black gun
4 present a weapon, at which point, he said, out of fear, he
5 pulled the blanket back up, at which time someone had ran
6 past him and exited the residence.

7 At that point, after the incident occurred, he said
8 he didn't know how long he laid under the blanket until --
9 after which he tried to render aid to his friend that was
10 dying on the floor. He said that he tried to render aid
11 and alert the other occupants of the building or the
12 residents to get help and call for 911, and that's about
13 all that he told me.

14 He said that he knew one of the people that had
15 dapped him up. He provided a Facebook page, which we
16 cross-referenced and did some intelligence gathering on
17 and later identified as Fanotti Neal. And that was all
18 kind of in that incident.

19 I also collected a cell phone during that interview.

20 Q We got you for a limited purpose under the rules,
21 Mr. Huggins ---

22 A Okay.

23 Q --- so I don't want to go outside the parameters.
24 Were you in here when Mr. Robinson testified?

25 A Yes.

1 Q And did he tell this jury anything different than he
2 told you on May the 29th after his friend was killed?

3 A No. He didn't tell me anything different. I think
4 our understanding of the statement was different later in
5 the investigation, once we finally started seeing the
6 totality of the facts with all the evidence that we
7 collected. I think we were both under the impression,
8 when he gave his statement, that Fanotti Neal and the male
9 in the black hoodie were one and the same. But we didn't
10 have all the facts at that time. We didn't have video.
11 We didn't know there were other people involved.

12 All we knew is that he saw Fanotti and then later
13 which he heard a gunshot and saw a male in a black hoodie,
14 which he, in turn, transposed Fanotti Neal into that male
15 with the black hoodie.

16 Q And during the course of the conversation, did you
17 also take it that they were one and the same?

18 A I did.

19 Q Okay. But there's no doubt he told you about
20 Fanotti Neal, and there's no doubt he told you about a
21 male in a black hoodie?

22 A Yes.

23 MS. LIVESAY: No further questions, Your Honor.

24 CROSS-EXAMINATION

25

1 BY MR. WILSON:

2 Q Detective, when you are conducting an investigation,
3 would you agree with me that it's important to get
4 accurate details about what's going on?

5 A It's imperative, sir.

6 Q It's imperative. It's imperative.

7 And not only do you want to get those details, you
8 want to put them in your report so that you can refer to
9 them and so that you can know about them; would you agree
10 with that?

11 A Yes, sir.

12 Q Show me anything -- this is your report. Take a
13 look at it. Take a look at that report. Point to me any
14 place in that report where you say that the defendant told
15 you -- I'm sorry, that the witness told you that he saw a
16 man in a black hoodie in that room at any point in time.

17 A So I understand your question and what my response
18 to that is, is that these are done chronologically. So
19 the facts change as we collect evidence and we start to
20 take into the totality.

21 So written documentation doesn't always encompass
22 all the facts that were given. That's why we wear body
23 cameras and everything is audio and video recorded. So
24 the minute details, such as a black hoodie, that may have
25 fallen through on written documentation don't go away

1 forever.

2 Q My point and my question again: Show me anything in
3 this report that says there was a man in the room with a
4 black hoodie, period.

5 A I don't believe it's in there, sir.

6 Q Right. And it's not in your report either?

7 A My report?

8 Q Yes, the one I just handed you.

9 A This is investigative follow-up. I don't -- out of
10 all the documentation in the binders, I can't tell you if
11 it's in one of those.

12 Q Well, look at it. It's yours. You wrote it. Tell
13 me what's in it.

14 A Sir, I said it's not in this report.

15 Q It's not in that report.

16 So you have got another report somewhere with some
17 different information in it? Is that what you're saying?

18 A No, I'm saying that, department-wide, we all carry
19 our own investigative notes and that everybody documents
20 their findings. So I'm not saying that it is or is not in
21 the reports. I'm simply answering your question saying
22 it's not in this one.

23 Q Show me any report that you have that you took at
24 any point in time from this witness who shows that this
25 witness told you that there was a man in a black hoodie in

1 the room, any -- I don't care where it is. If it's in
2 your luggage over there, that's fine. Show it to me.

3 A Yeah, see, this is just a brief synopsis. This
4 isn't even the totality of the conversation in the
5 interview. That is just saying that we conducted the
6 interview. It wouldn't be in this.

7 Q That's not my question. My question is: If you
8 have got it in some other document, show it to me.

9 A I'm sure it's on the audio and video of the body --
10 it's not in this document, sir.

11 Q All right. Now, you heard him say -- the solicitor
12 asked you about that, heard him say that he had gone down
13 to the police station on a separate occasion or had
14 another meeting with you or with some other officer at the
15 department -- right? -- and gave a statement?

16 A No, I don't think that's correct.

17 Q So that didn't happen, as far as you know?

18 A So I don't think that -- there was no statement or
19 talking, conversing. There was a recall for him to do the
20 lineup initially on the day, and then he came to the
21 station on a later date to retrieve his digital device
22 that we processed. There was no formal interview
23 conducting secondary at the Department or a follow-up
24 interview by the police department.

25 Q All right. So when he says or when the solicitor

1 says that he gave another statement indicating that there
2 was a man with the black hoodie to the police when he came
3 down there on that occasion, that's not true either, is
4 it?

5 A No, it's not.

6 Q All right. Now, there's this January 9th, 2023,
7 statement, some seven, eight months later, however many it
8 is. Were you present for the conversation between Ginger
9 Pop, the solicitor, and the witness?

10 A No, sir.

11 Q They didn't include you in on that?

12 A No, sir.

13 Q So you don't know what was said during that?

14 A I do not. I'm sorry.

15 Q I won't ask that. I'll withdraw it. Thank you so
16 much.

17 A You're very welcome.

18 CROSS-EXAMINATION

19 BY MR. RIGNEY:

20 Q I just want to ask one question of you, and that is
21 -- you mentioned your body cam.

22 A Mm-hmm, yes, sir.

23 Q So this first interview you did with him, the
24 mention of the black hoodie would appear on your body cam?

25 A It would, yeah.

1 MR. RIGNEY: No more questions.

2 MS. LIVESAY: Just briefly, Your Honor.

3 REDIRECT EXAMINATION

4 BY MS. LIVESAY:

5 Q Detective Huggins, Mr. Wilson asked you about your
6 report. Did you take a look at it, that he showed you?

7 A Yes, ma'am.

8 Q And tell these folks about how long the synopsis was
9 of your conversation with Marion Robinson.

10 A Marion Robinson's synopsis was about a paragraph.
11 So roughly, you know, a quarter-page at 10 font.

12 Q Okay. And did it include everything?

13 A No, ma'am.

14 Q And at the time, did you think that Fanotti Neal and
15 the guy in the black hoodie were one and the same?

16 A Yes, ma'am.

17 Q And did Marion Robinson on that day tell you Fanotti
18 Neal was in the room?

19 A He did, yeah.

20 Q And did he tell you about a guy in a black hoodie?

21 A He did.

22 MS. LIVESAY: No further questions.

23 MR. WILSON: Nothing further, Your Honor.

24 THE COURT: All right. You may step down.

25 Call your next witness.

1 MS. LIVESAY: Thank you. Ginger Pop.

2 DET. GINGER POP,

3 after having been duly sworn, was examined and
4 testified to as follows:

5 THE CLERK: State your full.

6 THE WITNESS: Ginger Pop. P-o-p.

7 DIRECT EXAMINATION

8 BY MS. LIVESAY:

9 Q And, Ms. Pop, if you don't mind, tell these folks
10 where you're currently employed.

11 A I'm an investigator at the solicitor's office.

12 Q And how long have you been employed with the
13 solicitor's office?

14 A Approximately 12 years.

15 Q And what did you do prior to working with the
16 solicitor's office?

17 A So I have been in law enforcement since 1999. I
18 started out as a game warden with the South Carolina
19 Department of Natural Resources and then went to the
20 Georgetown County Sheriff's Office for a little while and
21 then started here around 2012, 2011.

22 Q And what are your general responsibilities here at
23 the solicitor's office?

24 A We're kind of like the closers, so whatever
25 investigation the initial investigating agency has done,

1 we kind of close it up. Like, if they haven't spoken to a
2 neighbor, we go talk to a neighbor. If phone records
3 haven't been done, we do phone records. Medical records
4 search warrants, if somebody hasn't gotten those, we get
5 those.

6 Q And as part of your responsibilities in the
7 solicitor's office, did you talk with Marion Robinson?

8 A Yes, ma'am.

9 Q And who all was present?

10 A It was a conference call, so it was Mr. Robinson,
11 myself, you, and I believe his mother was on the phone as
12 well.

13 Q Okay. That's right.

14 And during that conversation, where were you
15 located?

16 A I was located -- our office is over in the old
17 Conway Hospital off of 16th Avenue, which is separate from
18 the courthouse you guys are in, which our office is
19 downstairs.

20 Q Okay. So you were in an office in Conway?

21 A I was in one location, you were in a location, and
22 they were in Florence.

23 Q So all three of us were on the phone in three
24 different locations?

25 A Yes, ma'am.

1 Q And do you remember talking to Mr. Robinson that
2 day?

3 A Yes, ma'am.

4 Q Okay. And in the course of that conversation, did
5 you talk with him about what he saw the night Joshua
6 McPherson was murdered?

7 A Yes, I did.

8 Q And after you spoke with him, did you do a
9 supplemental?

10 A I did.

11 Q And is that to ensure that we don't forget what was
12 said a month? This is January and now we're in November.

13 A It is helpful when we do those reports. You know,
14 there are a lot of times when we're trying to do trial
15 prep, and so it's just, you know, a review of what
16 somebody else has already said, just trying to make a
17 rapport with people. But, typically, we'll do a report of
18 some sort.

19 Q And in your report, do you document what the witness
20 tells you?

21 A Yes.

22 Q Okay. And on that day, did you show Marion Robinson
23 the surveillance footage?

24 A No, ma'am.

25 Q Did you show him any kind of video?

1 **A** No, ma'am.

2 **Q** And, to your knowledge, had he seen the video?

3 **A** No, ma'am.

4 **Q** And on the day that you spoke with him, did he tell
5 you that he saw Fanotti in the room the night that Joshua
6 McPherson was killed?

7 **A** Yes. He said he saw Fanotti, that Fanotti dabbed
8 him -- do the hand -- I think that's the dab -- but he
9 said that he dabbed, and then he went back to sleep, as I
10 recall. And then he heard some -- what's kind of
11 described as wrestling, a commotion. And when he looked
12 up, he saw a male in a black hoodie with a black gun shoot
13 his friend Josh.

14 **Q** And when you spoke with him, about how long was the
15 conversation?

16 **A** 10, 15 minutes.

17 **Q** Okay. And early on in the conversation, did you
18 think Fanotti and the guy in the black hoodie were one and
19 the same?

20 **A** I wasn't clear at first. I think that was a
21 misunder- -- you know, I wasn't sure what was happening
22 because I wasn't the initial investigator. So it did --
23 it could have -- it did come across that way.

24 **Q** Okay. And throughout the conversation, did you
25 clarify and ask questions to clear that up?

1 **A** So, like, if my recollection serves me right, that
2 he could not say they were one and the same. He was
3 confident that Fanotti had dabbed him, but he was not
4 willing to say that he was him to me; you know, that there
5 was another -- or there was somebody -- he's confident
6 that somebody in a black hoodie with a black gun shot his
7 friend.

8 **Q** So did you document that in your report?

9 **A** Yes, ma'am.

10 **Q** And he told you he saw Fanotti?

11 **A** Yes, yes.

12 **Q** And you documented that in the report?

13 **A** Absolutely.

14 **Q** And he told you Fanotti dabbed him up?

15 **A** Said he dabbed him.

16 **Q** And you documented that in the report?

17 **A** I did.

18 **Q** And he told you that he heard some wrestling?

19 **A** Yes.

20 **Q** And did you document that in the report?

21 **A** I did.

22 **Q** And did he tell you, when he looked up, he saw a
23 male in a black hoodie with a black gun?

24 **A** Yes, ma'am.

25 **Q** And did you document that?

1 **A** I did.

2 **Q** And did he tell you that he felt a person run past
3 him after the shots were fired?

4 **A** Yeah, he said he pulled the sheet, covers, blanket,
5 whatever he had, over his face after that happened, and
6 then he felt the person brush up against him and leave.

7 **Q** And did you show him any kind of video that day?

8 **A** No, ma'am.

9 **Q** And, to your knowledge, had he seen the video?

10 **A** No.

11 MS. LIVESAY: No further questions, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. WILSON:

14 **Q** Ms. Pop ---

15 **A** Yes, sir.

16 **Q** --- I understand that you work with the solicitor's
17 office; right?

18 **A** I do.

19 **Q** For the solicitor himself?

20 **A** Yes, sir.

21 **Q** And I think you refer to yourself kind of as a
22 closer, so to speak?

23 **A** Mm-hmm, yes.

24 **Q** For lack of a better --

25 **A** For lack of a better term.

1 Q Sure.

2 Now, you're having this conversation by phone;
3 right?

4 A Yes, sir.

5 Q So does he call you or do you call him?

6 A I called him.

7 Q Okay. How did you know where to reach him or how to
8 reach him?

9 A I don't remember exactly how I got his phone number.
10 We have tools at our service that I can look anybody up
11 and it will give me their phone number, their relatives,
12 their neighbors. I mean, it gives me -- and I just go
13 down a list of numbers.

14 So I'm not sure if that's how I did it or if I got
15 it out of a case file. Sometimes I look your mama up and
16 call her and she gives me your number. So I don't recall
17 exactly.

18 Q Had you ever spoken to him in the past prior to
19 January 9th?

20 A I think I called but he wasn't able to speak to me,
21 which is why this conversation was scheduled as a
22 conference call with the solicitor, you know, "Can you
23 speak on such and such a day?" And I believe that's how
24 this happened, if my memory serves me.

25 Q So are you saying that you may have -- may or may

1 not have had prior initial contact with him but there was
2 no discussion?

3 A Oh, yes. No, sir, no.

4 Q And the only discussion then would have been on
5 January 9th?

6 A Yes, sir.

7 Q And that was by phone?

8 A Yes, sir.

9 Q Okay. Now, who all was on the phone call?

10 A It was myself, Senior Solicitor Nancy Livesay,
11 Marion Robinson, and I believe his mother was on the call
12 as well.

13 Q And during the time that you're having this
14 conversation, is it being recorded?

15 A No, sir.

16 Q You don't record the conversation?

17 A I don't record all conversations. SLED doesn't
18 record their conversations, you know, unless there's an
19 opportunity or need to do that, especially if it's in
20 preparation for trial.

21 Q Well, isn't that what we're doing, getting prepared
22 for trial?

23 A Well, I did take meticulous notes and I did write
24 down what he told me, Mr. Wilson.

25 Q Well, wouldn't it be better -- you're an

1 investigator, for God's sake. Wouldn't it be better to
2 have the actual story so that we can hear it and know
3 exactly what was said and what wasn't said and who said
4 it? Wouldn't that be better, don't you think?

5 A It was a short conversation. I took meticulous
6 notes, and I documented it immediately afterwards.

7 Q But you don't deny that this is an important
8 conversation; right? This is an important conversation.
9 You're preparing a witness to come into this courtroom and
10 give testimony, and you don't think enough of it to record
11 it so you can bring it in here and say, "Listen to what he
12 says"?

13 A I thought enough to take meticulous notes, and I
14 even put in there that he dabbed somebody, which is pretty
15 meticulous, if you ask me.

16 Q That's in the police report, too, though, isn't it?

17 A I haven't read the police report, Mr. Wilson.

18 Q Let me ask you, how do you know, since you didn't
19 record it, that you were talking to the right person? How
20 do you even know that? You can't see him; right?

21 A No, sir, I can't see him.

22 So typically what I do when I start down this series
23 of phone numbers to make sure I'm calling somebody to set
24 up a phone conference with the solicitor and when is this
25 a good time for somebody, especially if he had to work,

1 which that is my recollection, the conversation is, Hi,
2 this is me. I introduce myself. Are you so-and-so and
3 such-and-such? I can't tell you that the phone number I
4 used is not the same one that's in the case file. "Do you
5 live in Florence? Is your--" and I'll have all this
6 information, and he confirms it with me. His mother's
7 name on this day was the same as the information I had as
8 well.

9 Q Okay. Now --

10 A Usually random people don't have that kind of
11 information about a murder either.

12 Q Did you talk to all the people who were in the
13 house?

14 A No, sir.

15 Q So you don't know who else knows how much else;
16 right?

17 A I don't.

18 Q All right. No other questions. Thank you, ma'am.

19 MR. RIGNEY: No questions, Your Honor.

20 MR. WILSON: Hold on one second.

21 BY MR. WILSON:

22 Q I do have one other question.

23 A Yes, sir.

24 Q Were you in court when the witness testified?

25 A Partially.

1 Q Well --

2 A I have been in the field all day today, like,
3 actually in the swamp before I came here, so I didn't know
4 I was testifying today, so I apologize about my dress. I
5 believe he -- the previous witness has testified long
6 before I got here today as well.

7 Q When you had your conversation with him by phone,
8 where was he?

9 A Where was Mr. Robinson?

10 Q Yes, ma'am.

11 A I don't know exactly. I'm not sure. I don't
12 recall.

13 Q Well, what if he said he was at work?

14 A I don't recall if he was at work or if he's at work
15 on break or, you know, in his car at work. I don't recall
16 hearing background noise. I don't even recall where he
17 said he worked.

18 Q See, isn't that the reason that it's important to
19 record these conversations so that we would know exactly
20 what was said, how it was said, who said it, and then
21 there wouldn't be these questions; right?

22 A The only thing that a recorded interview might have
23 offered would have been background noise, but I took
24 meticulous notes.

25 Q Thank you.

1 **A** Thank you, Mr. Wilson.

2 MR. RIGNEY: No questions.

3 THE COURT: You may step down.

4 THE WITNESS: Thank you.

5 THE COURT: You may call your next witness.

6 MR. HARRELSON: Your Honor, at this time, the State
7 calls Captain Darrin Yarborough.

8 CAPTAIN DARRIN YARBOROUGH,
9 after having been duly sworn, was examined and
10 testified to as follows:

11 THE CLERK: State your full name for the record and
12 spell it, please.

13 THE WITNESS: Darrin Yarborough. D-a-r-r-i-n.
14 Y-a-r-b-o-r-o-u-g-h.

15 DIRECT EXAMINATION

16 BY MR. HARRELSON:

17 **Q** Captain Yarborough, where do you currently work?

18 **A** Florence County Sheriff's Office.

19 **Q** And how long have you worked there?

20 **A** About 28 years.

21 **Q** Okay. And what are your responsibilities with the
22 Florence County Sheriff's Department?

23 **A** I'm the captain over the Investigation Bureau,
24 Forensic Bureau, Domestic Violence Bureau, Criminal Sexual
25 Conduct Bureau, and the Sex Offenders Bureau.

1 Q So, with that much responsibility, you probably have
2 gone through a lot of training for this; correct?

3 A Yes, sir.

4 Q Can you tell us a little bit about your training
5 with your current position?

6 A Throughout the 28 years, I have taken multiple
7 investigation classes. Of course our legal update classes
8 and on-the-job training a lot.

9 Q Did you assist the Conway Police Department with a
10 case regarding Fanotti Neal?

11 A I did.

12 Q And was that on May 29th, 2022?

13 A Yes, sir.

14 Q And did you make contact with Mr. Neal?

15 A I did.

16 Q Okay. And if you can, tell us and tell the jury a
17 little bit about that.

18 A So, basically, I was assisting one of our warrant
19 officers helping Conway P.D. locate some suspects that
20 were involved in a murder here in Conway. We was checking
21 one of our local mobile home parks, and we had some
22 information that, across from the mobile home park, which
23 is on Lamb Road, that one of the suspects possibly live
24 over there, which I drove across the street, sat kind of
25 in an open area and observed the mobile home where one of

1 the possible suspects live at.

2 Q Okay. And as you observed him, where did you see
3 the defendant? I guess what was the location -- where
4 were you located?.

5 A So I was -- again, if you come down Lamb Road, I was
6 across in an open lot where I can observe the mobile home
7 straight in front of me. I'd say about 60 yards.

8 Q Did you eventually conduct a traffic stop on a
9 vehicle in which this defendant was located?

10 A I did.

11 Q And how did you know which vehicle he was located
12 in?

13 A So after seeing who I realized was the defendant
14 later -- at that mobile home park with one of the real big
15 guys there that we're possibly looking for, I saw him
16 going behind that mobile home park, which there's another
17 mobile home park called Fenwick Grove.

18 So I went out Lamb Road and went to that mobile home
19 park. Sat in another open lot when I observed the
20 defendant coming through the pathway. And shortly after I
21 saw him coming through the pathway, he saw me sitting
22 there and kind of stopped, and then, at that time, a
23 vehicle was coming up that he got in. I actually followed
24 them until I conducted the traffic stop.

25 Q Okay. And if you can, walk us through the traffic

1 stop a little bit. What happened during the traffic stop?

2 A So, basically, once I conducted the traffic stop,
3 called it in, called the tag in, my location, another
4 officer came to back me up. I went up to the driver's
5 side of the vehicle, identified myself to the driver. Got
6 her out. Asked for a driver's license, registration, and
7 so forth.

8 I asked her who was that in the car with her, and
9 that's when she told me it was her boyfriend, Fanotti.
10 She kind of asked me what was going on. And I said,
11 "Well, let's just hold tight for a minute," and basically
12 called the information in at that point.

13 Q Do you recall what the driver's name was?

14 A I do not recall what her name was.

15 Q So, at that point, did you detain Fanotti Neal?

16 A I did not. He was still sitting in the passenger
17 side of the vehicle, and at which point, the officer that
18 I was assisting actually called me on my cell phone, and
19 we talked. And during that time, the conversation came up
20 of -- his name came up, at which time they told me, you
21 know, he needed to be detained at that time. And that's
22 when I went back to the car and, you know, detained him
23 for Conway P.D.

24 Q And did you interrogate him at all?

25 A I did not.

1 Q And during your -- or at this time, did you observe
2 anything that belonged to him in the vehicle?

3 A Yes, sir. There was a bookbag that was in the
4 vehicle, which I took the bookbag and put it on the back
5 of the trunk of the car. I asked the driver for
6 permission to search the car to make sure that there was
7 no weapons or anything in the car, nothing was put up
8 under the seat, and she gave me permission to search the
9 vehicle, which I did, and I found a cell phone in the
10 passenger side door of that vehicle, at that time, I asked
11 her was it hers, and she said it wasn't, and that's when
12 the defendant Fanotti said it was his cell phone, which I
13 took and put it on the back of the bookbag on the car.

14 Q Do you recall what color the bookbag was?

15 A I can't recall at this time.

16 Q Okay. But the defendant, he claimed possession of
17 the phone; is that correct?

18 A Yes, he did.

19 Q At this time, were you equipped with a body cam?

20 A Yes, I was.

21 MR. HARRELSON: Court's indulgence.

22 Your Honor, if I may approach the witness.

23 BY MR. HARRELSON:

24 Q I'm going to show you what's been marked as State's
25 Exhibit 61. Are you familiar with this?

1 A Yes.

2 Q And how are you familiar with this?

3 A I initialled that when I looked at it.

4 Q Okay. And what is it?

5 A It's, I believe, my body cam video.

6 Q Okay. And is it a fair and accurate representation
7 of what you observed during that time?

8 A Yes.

9 Q And has it been manipulated or altered in any way?

10 A No, sir.

11 MR. HARRELSON: Your Honor, at this time, the State
12 would like to offer State's Exhibit 61 into evidence.

13 THE COURT: Any objection?

14 MR. WILSON: I have no objection, Your Honor.

15 MR. RIGNEY: No objection.

16 THE COURT: State's 61 is in evidence without
17 objection.

18 (State's Exhibit No. 61 was received into evidence.)

19 MR. HARRELSON: Your Honor, at this time, the State
20 would like to publish State's 61 to the jury.

21 (Video plays/State's 61.)

22 BY MR. HARRELSON:

23 Q A question for you: The defendant --

24 MR. HARRELSON: Can you rewind it just a little bit?

25 BY MR. HARRELSON:

1 Q So the defendant, who is on this screen -- do you
2 want to step down real quick so you can see it a little
3 bit closer?

4 A I can see.

5 Q So is it true that that was Fanotti Neal?

6 A Yes.

7 Q Do you see that same person in this courtroom today?

8 A I believe that's him right there.

9 Q Which defendant are you pointing out when you say
10 that?

11 A The one with the mask on.

12 Q Sitting right where? What color shirt does he have
13 on? The defendant that was pulled over in that vehicle,
14 do you see him sitting at this table?

15 A If I'm not mistaken, it was the one with the mask
16 on. I'm not sure.

17 MR. HARRELSON: Court's indulgence.

18 A It's been a while.

19 MR. WILSON: Your Honor...

20 BY MR. HARRELSON:

21 Q So the defendant that you pulled over, did he have
22 glasses on in this video?

23 A No, he do not -- he did not.

24 Q Okay. And was his hair covered with anything on his
25 head?

1 **A** In the video?

2 **Q** Yes.

3 **A** I believe it was. I can't remember.

4 **Q** Do you want me to rewind it ---

5 **A** Yes, please do.

6 **Q** --- to refresh your recollection?

7 **A** It's been -- it's been a while.

8 (Video plays.)

9 **A** Yes, sir. Yes, sir.

10 BY MR. HARRELSON:

11 **Q** Do you believe his appearance from that video could
12 be altered from the individual that you see in this
13 courtroom?

14 **A** It could be.

15 **Q** Okay. Thank you. No further questions.

16 THE COURT: Mr. Wilson?

17 CROSS-EXAMINATION

18 BY MR. WILSON:

19 **Q** So your testimony is that this is the man right here
20 that you arrested?

21 **A** No, sir, that's not my testimony. As I said,
22 looking at -- his head is covered now. I mean, he could
23 have dreads up in there, I don't know. But, no, that's
24 not him right there.

25 **Q** This is not him?

1 A Not to my recollection, no.

2 Q Okay. I don't have any other questions.

3 THE COURT: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. RIGNEY:

6 Q I think I'm a little confused. Was that not the
7 person --

8 A That's not him, no, sir.

9 Q That was not the one you were pointing to earlier
10 when you identified him?

11 A No, sir. I mean, that was the one I was pointing
12 at, but that's not him, no, sir.

13 Q That's not him?

14 A No, sir.

15 Q Okay. So you're not identifying him then?

16 A No, sir.

17 Q Okay.

18 MR. RIGNEY: No more questions.

19 REDIRECT EXAMINATION

20 BY MR. HARRELSON:

21 Q Briefly. So the individual you see here, is his --
22 could his appearance be different than what you see here,
23 either the individual in the white or the individual in
24 the black?

25 MR. WILSON: Your Honor, this is not new matter.

1 This is the very same question he asked earlier.

2 THE COURT: Go ahead and ask something different.

3 MR. HARRELSON: Court's indulgence.

4 BY MR. HARRELSON:

5 Q Do you have any doubt that this individual in this
6 video is Fanotti Neal?

7 A I do not have any doubt on that.

8 Q Okay. Thank you.

9 THE COURT: All right. Anything further,
10 Mr. Wilson?

11 MR. WILSON: Nothing further, Your Honor.

12 MR. RIGNEY: No, Your Honor.

13 THE COURT: All right. You may step down. Thank
14 you.

15 Do y'all want to take a quick break and come back
16 with four more witnesses? Do not discuss the case.

17 (The jury exited the courtroom at 3:38 p.m.)

18 THE COURT: All right. Let's take a ten-minute
19 break and we'll come back and resume.

20 (A recess was taken from 3:39 p.m. to 3:59 p.m.)

21 THE COURT: Go ahead and bring in the jury.

22 (The jury entered the courtroom at 3:59 p.m.)

23 THE COURT: Call your next witness.

24 MR. HARRELSON: Yes, Your Honor. At this time, the
25 State would call Nyasia Williams.

1 THE CLERK: Please raise your right hand and place
2 your left hand on the Bible.

3 NYASIA WILLIAMS,
4 after having been duly sworn, was examined and
5 testified to as follows:

6 THE CLERK: State your full name for the record and
7 spell it, please.

8 THE WITNESS: Nyasia Williams.

9 DIRECT EXAMINATION

10 BY MR. HARRELSON:

11 Q Hi, Ms. Williams. How are you?

12 A I'm doing good.

13 Q Question: Where are you from?

14 A Darlington, South Carolina.

15 Q Okay. And how long have you lived in Darlington?

16 A I moved to Florence in 2019, so ever since then.

17 Q You moved from Florence to Darlington?

18 A No, I moved from Darlington to Florence.

19 Q Okay. So were you living in Florence during 2022?

20 A Yes.

21 Q Okay. And do you know any of the defendants that
22 are here today?

23 A Yes.

24 Q Which defendants do you -- or which defendant do you
25 know?

1 **A** Fanotti.

2 **Q** Okay. And how do you know Fanotti?

3 **A** We worked together.

4 **Q** And -- say that one more time. You worked together?

5 **A** We worked together.

6 **Q** Okay. And have you ever had a relationship with
7 him?

8 **A** Yes.

9 **Q** And was it a girlfriend-boyfriend relationship or a
10 friendly relationship?

11 **A** Boyfriendly.

12 **Q** Okay. And how long have you known him for?

13 **A** Since 2019.

14 **Q** Okay. And do you recall the day that Fanotti was
15 detained?

16 **A** Yes.

17 **Q** Okay. And can you explain, why was he detained?

18 **A** When the police stopped us, they said they just had
19 questions to ask him, but I didn't know until later on
20 what it was for.

21 **Q** Okay. And do you recall that day -- when was the
22 first time that you spoke to him?

23 **A** Earlier that morning, he called me around 7:00
24 maybe.

25 **Q** Okay. Did he call you or you called him?

1 **A** He called me.

2 **Q** Okay. And why did he call you?

3 **A** He asked could he come over.

4 **Q** So did he just want to hang out or did he need a
5 ride? What was going on?

6 **A** I'm not sure. He just called and said could he come
7 over. And I said no, and then that was it. He hung up.

8 **Q** Okay. Did you ever meet up with him later on that
9 day?

10 **A** I did.

11 **Q** Okay. And did you pick him up in your vehicle?

12 **A** It was my mom's.

13 **Q** Why did you pick him up?

14 **A** Because we were already planning to spend that day
15 together, so once he called and said he was ready, I went
16 and picked him up.

17 **Q** Where did you pick him up from?

18 **A** I'm not sure of the exact area what's the road
19 called, but it was a trailer complex.

20 **Q** Okay. And have you ever picked him up in that area
21 before?

22 **A** No.

23 **Q** So was it kind of a surprise to you?

24 **A** Yes.

25 **Q** So did you hang out with him the night before?

1 **A** No.

2 **Q** Did you talk to him the night before?

3 **A** No.

4 **Q** Was that common?

5 **A** Not really, no.

6 **Q** How often did you usually talk to him?

7 **A** Every day.

8 **Q** And, once again, where did you pick him up?

9 **A** It was a trailer complex. I'm not sure of the exact
10 road or anything.

11 **Q** And why did you pick him up there?

12 **A** Because we were already planning to spend the day
13 together.

14 **Q** Did you find it odd that he wanted you to pick him
15 up in that area?

16 **A** I didn't know exactly where it was leading me to
17 until I got there, but I've never picked him up from there
18 so it was kind of odd.

19 **Q** So did things seem normal once he got in the car?

20 **A** No.

21 **Q** What was his demeanor like?

22 **A** Scared. He was more scared than anything.

23 **Q** And why do you say he was scared?

24 **A** Because when he got in the car, he told me that he
25 didn't know who was following him, but there was a black

1 car sitting on the side where I picked him up at.

2 Q And, later on that day, were you stopped by the
3 police?

4 A I was.

5 Q How much longer were you stopped by the police after
6 picking Fanotti up?

7 A Maybe five minutes. It wasn't that long at all.

8 Q And do you know the reason why you were stopped?

9 A I didn't know until later on. The police just did a
10 regular traffic stop and then took Fanotti out the car and
11 ran Fanotti name.

12 Q While speaking with the police, what was the reason
13 -- did you learn the reason why you were stopped though?

14 A Not at first. The police just came up to the window
15 and asked for license and registration and that was it,
16 and asked me what Fanotti name was.

17 Q Okay. And during that time, did you later learn why
18 you were stopped?

19 A Yes.

20 Q Why was that?

21 A He was being accused of murder.

22 Q Okay. And while you were stopped, did police search
23 the vehicle?

24 A They did.

25 Q And do you recall if they collected anything from

1 the vehicle that belonged to Fanotti?

2 A Yes, a phone.

3 Q Was there anything else?

4 A No.

5 Q Did officers collect a bookbag?

6 A Yeah, they collected a bookbag and a phone and that
7 was it.

8 Q And who did the bookbag belong to?

9 A Fanotti.

10 Q And who did the phone belong to?

11 A Fanotti.

12 Q Where was the phone located?

13 A I believe it fell out the side of the seat.

14 Q Do you recall what Fanotti was wearing that day?

15 A I believe it was jeans, a white T-shirt, and the
16 beanie.

17 Q If I showed you a photo, do you think you would
18 recall from that day?

19 A Mm-hmm.

20 MR. HARRELSON: Court's indulgence.

21 Your Honor, at this time, the State is going to show
22 State's Evidence 61.

23 (Video plays/State's 61)

24 BY MR. HARRELSON:

25 Q Do you know this individual?

- 1 **A** Yes.
- 2 **Q** Who is that?
- 3 **A** Fanotti.
- 4 **Q** And is that the same individual in the courtroom
5 today?
- 6 **A** Yes.
- 7 **Q** Is he sitting at that table?
- 8 **A** Yes.
- 9 **Q** And do you know which one he is?
- 10 **A** Yes.
- 11 **Q** Which one is he?
- 12 **A** Right there with the white shirt on.
- 13 **Q** Is he wearing glasses?
- 14 **A** Yes.
- 15 **Q** Does his appearance today look any different than
16 what it did that day?
- 17 **A** He just didn't have on glasses really, but he's
18 always worn glasses before.
- 19 **Q** You said he did?
- 20 **A** Yeah, mm-hmm.
- 21 **Q** And, that day, was he wearing anything on his head?
- 22 **A** Yes. That beanie.
- 23 **Q** And what was that beanie?
- 24 **A** It's more like a ski mask.
- 25 **Q** Okay. Was it common for him to wear a ski mask?

1 **A** Yes, he always had it rolled up as a beanie.

2 **MR. HARRELSON:** Court's indulgence.

3 Your Honor, at this time, the State is going to show
4 the witness State's Evidence 50.

5 **BY MR. HARRELSON:**

6 **Q** Do you recall watching -- have you seen this before?

7 **A** Yes.

8 **Q** And do you recall what this is?

9 **A** Yes. It's the video.

10 **Q** Okay. And how do you know -- have you seen this
11 before, or how do you know you have seen this before?

12 **A** I was shown it.

13 **Q** Okay. And what is on the video?

14 **A** The video of them entering the apartment complex.

15 **Q** Okay.

16 **MR. HARRELSON:** Your Honor, at this time, the State
17 would show the witness.

18 **BY MR. HARRELSON:**

19 **Q** If you need to get closer, you can step down, if
20 that's okay with the judge.

21 **A** I'm fine.

22 (Video plays/State's 50)

23 **MR. HARRELSON:** It will pause it right there. Keep
24 going a little more. Keep going. Right there.

25 **BY MR. HARRELSON:**

1 Q If you would step down for a second.

2 A Mm-hmm.

3 Q So do you recognize anyone in this video?

4 A Yes.

5 Q Okay. And, if you will, show the jury who you
6 recognize, if you will point out.

7 A Right here.

8 Q Okay. If you were to speak up for the court
9 reporter. Sorry.

10 A No, you're fine.

11 Right here.

12 Q Okay. And who is that?

13 A Fanotti.

14 Q And what is that on his head?

15 A It's the beanie that's pulled down to a ski mask.

16 Q Is that the same beanie and ski mask he had on the
17 morning of the stop?

18 A Yes.

19 Q Have you ever seen him wear these pants before?

20 A Yes.

21 Q You have? Okay. And is that common?

22 A Yeah.

23 Q Okay. You can return to your seat. Thank you.

24 MR. HARRELSON: Court's indulgence.

25

1 BY MR. HARRELSON:

2 Q Ms. Williams, just a few more questions.

3 A Mm-hmm.

4 Q So are you under the influence of anything today?

5 A No.

6 Q Have you taken any drugs within the past 24, 48
7 hours?

8 A Nope. I don't do drugs.

9 Q Have you consumed any alcohol?

10 A Nope.

11 Q Would you say that your judgment is impaired today?

12 A No.

13 Q Are you confident that the individual you see in
14 that video is the defendant that's sitting at that table?

15 A I am.

16 Q Thank you. No further questions.

17 MR. WILSON: I have no questions.

18 CROSS-EXAMINATION

19 BY MR. RIGNEY:

20 Q Thank you, Ms. Williams.

21 A Hey.

22 Q Now, I believe you said that Fanotti did not tell
23 you -- he told you something about people were following
24 him and that's why he was nervous?

25 A Yeah.

1 Q He was being followed ---

2 A Mm-hmm, yes.

3 Q --- by a vehicle?

4 A Mm-hmm.

5 THE COURT: Is that a yes?

6 THE WITNESS: Yes.

7 BY MR. RIGNEY:

8 Q And did he tell you anything else that might be
9 causing him to be alarmed or nervous?

10 A He didn't.

11 Q You had planned ahead to meet him that day and you
12 met him?

13 A Yes.

14 Q Thank you. No more questions.

15 MR. HARRELSON: No further questions.

16 THE COURT: Thank you.

17 MS. LIVESAY: May she be excused, Your Honor?

18 MR. WILSON: No objection, Your Honor.

19 THE COURT: Have a good day.

20 Call your next witness.

21 MS. LIVESAY: Thank you, Your Honor. At this time,
22 the State calls Nick Contino to the stand.

23 NICHOLAS CONTINO,

24 after having been duly sworn, was examined and
25 testified to as follows:

1 THE CLERK: Please state your full name and spell
2 it.

3 THE WITNESS: Nick Contino. C-o-n-t-i-n-o.

4 DIRECT EXAMINATION

5 BY MS. LIVESAY:

6 Q Mr. Contino, where were you employed back in May of
7 2022?

8 A The Conway Police Department.

9 Q And what were your responsibilities?

10 A I was a detective.

11 Q Okay. And how long had you been with the police
12 department?

13 A Just shy of seven years.

14 Q Okay. And had you had any training?

15 A Yes, ma'am.

16 Q Tell me what kind of training you underwent to join
17 the police department and then what kind of training you
18 had while you were with the police department.

19 A At my hire date, I then went to the police academy
20 where I went through 12 weeks of training to become a
21 police officer. Furthermore, I went through advanced
22 training for more specialized crimes like Street Crimes
23 Unit, where I began investigations in search and seizure,
24 drugs and narcotics training.

25 My next promotion was to a detective. I went

1 through entry-level detective classes on homicide
2 investigations and, further, more investigative classes.

3 Q And what exactly were your responsibilities in May
4 of 2022?

5 A I was a detective at the time, and I assisted with
6 the homicide investigation.

7 Q Okay. And are you with the department now?

8 A I am not.

9 Q And why did you leave the department?

10 A December of last year, I was involved in an
11 officer-involved shooting ambush situation. It was a
12 family decision that I step down for a short time to take
13 a break.

14 Q And was that investigated, that officer-involved
15 shooting?

16 A Yes, ma'am.

17 Q And were you charged or found in any fault at all?

18 A No, ma'am.

19 Q Okay. And so you took some time off to kind of
20 reassess everything?

21 A Yes, ma'am.

22 Q Okay. Do you plan on going back into law
23 enforcement?

24 A I do.

25 Q Okay. And, in May of 2022, you were a detective?

1 A Yes, ma'am.

2 Q And during that time, did you have a reason to talk
3 with Fanotti Neal?

4 A Yes, ma'am.

5 Q Okay. And about how long did you talk with Fanotti
6 Neal?

7 A Approximately 30 to 40 minutes.

8 Q Okay. And where were you when you talked to him?

9 A We were at the local police department in Florence.
10 I believe it was the Florence County Sheriff's Office,
11 their local department out there.

12 Q Okay. And just so we're all on the same page, the
13 guy you talked to, is he in the courtroom today?

14 A Yes, ma'am.

15 Q Point out Fanotti Neal for the jurors.

16 A He would be the gentleman in the white shirt to my
17 left with the black tie and glasses on.

18 Q Okay. Does his appearance today look identical to
19 his appearance when you were with him in May of 2022?

20 A He did not have glasses on. I don't recall his
21 hair. He had a ski mask/cap on his head.

22 Q So he had his hair covered?

23 A Yes.

24 Q And he was not wearing glasses?

25 A No, ma'am.

1 Q And he wasn't in a suit and tie?

2 A No, ma'am.

3 Q And who all was in the room when you spoke with him?

4 A It was myself, Detective Huggins, and Mr. Neal.

5 Q And y'all were where?

6 A At the Florence County Sheriff's Office, I believe,
7 their local police department.

8 Q Okay. And, at that time, was Fanotti Neal in
9 custody?

10 A Yes, ma'am.

11 Q And because he was in custody, did you read him his
12 Miranda rights?

13 A Yes, ma'am.

14 Q I'm going to show you now what's been marked as
15 State's Exhibit 1. Detective Contino, if you don't mind,
16 tell me what you're looking at.

17 A It's the Miranda warning with his constitutional
18 rights, address, and signature.

19 Q And is that the Miranda form that the defendant
20 signed prior to speaking to law enforcement?

21 A Yes, ma'am.

22 MS. LIVESAY: At this time, Your Honor, the State
23 wishes to put in State's Exhibit 1 and publish at the
24 appropriate time.

25 MR. WILSON: I have no objections.

1 MR. RIGNEY: No objection.

2 THE COURT: All right.

3 (State's Exhibit No. 1 was received into evidence.)

4 BY MS. LIVESAY:

5 Q So now that it's in evidence, Detective Contino,
6 tell these jurors what you're looking at.

7 A It is a Miranda form with the constitutional rights
8 on it, case number, location, date and time, the address
9 of our location, each individual right that he's exercised
10 to, with a check mark next to it that he complied or
11 notated yes to, and his signature with the witness
12 signature, and then it's timed and dated as well.

13 Q And does that form include the rights that you read
14 to the defendant prior to speaking to him?

15 A Yes, ma'am.

16 Q And if you don't mind, tell these jurors the rights
17 that you read to him.

18 A "You have the right to remain silent. Anything you
19 say can and will be used against you in a court of law.
20 You have the right to speak to an attorney and have him
21 present with you while you're being questioned. If you
22 cannot afford an attorney, one will be appointed to
23 represent you before any questioning if you wish. You can
24 decide at any time to exercise these rights and not answer
25 any questions or make any statements. Do you understand

1 each of these rights as I have explained them to you?
2 Having these rights in mind, do you still wish to speak
3 with us now?"

4 Q Okay. So there were two questions on the form?

5 A Yes, ma'am.

6 Q What was the first question?

7 A "Do you understand each of those rights as I have
8 explained them to you?"

9 Q And did Fanotti Neal indicate yes or no?

10 A He indicated yes.

11 Q And what was the second question?

12 A "Having these rights in mind, do you still wish to
13 speak with us now?"

14 Q And what did Fanotti Neal indicate?

15 A Mr. Neal indicated yes.

16 Q And did the defendant sign the form saying that he
17 understood his rights and he wanted to talk to law
18 enforcement?

19 A Yes, ma'am.

20 Q Now, during the time you spoke with him, was
21 Mr. Neal in any way denied use of the bathroom, denied
22 something to eat or drink, anything of that sort?

23 A No, ma'am.

24 Q During that time, did he appear to be under the
25 influence of drugs or alcohol?

1 A No, ma'am.

2 Q Did he appear to be in any pain or discomfort?

3 A No, ma'am.

4 Q Did there appear to be any issue as to why he could
5 not understand those rights and speak with law
6 enforcement?

7 A No, ma'am.

8 Q And during that time, did he ever invoke his right
9 to remain silent?

10 A No, ma'am.

11 Q Did he ever invoke his right to speak with a lawyer?

12 A No, ma'am.

13 Q And did he speak with you freely and voluntarily?

14 A Yes, ma'am.

15 Q Okay. About how long was the conversation?

16 A The conversation was approximately 30 or 40 minutes.

17 Q Before we get into what was said, tell these folks a
18 little bit about the tempo of the conversation.

19 A The tempo -- for example, what do you...

20 Q Were you yelling at him? Were you threatening him?

21 A Oh, no, ma'am. It was a very cordial conversation,
22 just why we were in the position we were.

23 Q Did anybody even raise their voice to Mr. Neal?

24 A No, ma'am.

25 Q Did he ever raise his voice?

1 **A** No.

2 **Q** And did he answer your questions?

3 **A** Yes.

4 **Q** At times, did he volunteer information?

5 **A** Yes.

6 **Q** Now, Detective Contino, the important question, did
7 you talk with him about the night that Joshua McPherson
8 was murdered?

9 **A** Yes, ma'am.

10 **Q** And, in the beginning, did you ask him, "Were you in
11 Conway?"

12 **A** Yes, ma'am.

13 **Q** "Were you at the apartment?"

14 **A** Yes, ma'am.

15 **Q** And what did he tell you?

16 **A** He said he was not there.

17 **Q** He said what?

18 **A** He was not in Conway. He was not there.

19 **Q** Did he tell you where he was?

20 **A** He said he was in Florence.

21 **Q** Did you ever ask him if he ever went to Conway
22 during that time frame?

23 **A** Yes.

24 **Q** And what did he say?

25 **A** He denied it.

1 Q Now, did you continue to talk to him?

2 A Yes, ma'am.

3 Q And as part of that conversation, did you confront
4 him with evidence that y'all had discovered?

5 A Yes, ma'am.

6 Q And at that time, had y'all seen the video
7 surveillance?

8 A I believe so, yes, ma'am.

9 Q And did you confront him with the evidence you had?

10 A Yes, ma'am.

11 Q And after that, did you ask him again, "Were you in
12 Conway?"

13 A Yes, ma'am.

14 Q And then what did he say?

15 A He said he was not in Conway.

16 Q He said what?

17 A Oh, the second time?

18 Q Yeah.

19 A Then after -- after speaking to him longer, he
20 admitted he was in Conway.

21 Q So, originally, he said, "I was in Florence all
22 night"?

23 A Yes, ma'am.

24 Q Then you talked to him about the evidence, and then
25 he said, "Well, yeah, I did go to Conway"?

1 **A** Yes, ma'am.

2 **Q** And did he tell you where he left from?

3 **A** He said he left from Florence.

4 **Q** Okay. So he left Florence and came to Conway?

5 **A** Came to Conway.

6 **Q** Did he say he came straight to Conway?

7 **A** Yes, ma'am.

8 **Q** And did he tell you that he went to that apartment
9 complex?

10 **A** Yes, ma'am.

11 **Q** Did he say yes or no that he went?

12 **A** Yes, that he went to Conway -- to the apartment,
13 yes, ma'am.

14 **Q** And did he tell you whether or not he entered the
15 apartment?

16 **A** Yes. He indicated he did go inside.

17 **Q** Okay. So there's no confusion that Fanotti Neal
18 told you himself he came to Conway and he went into the
19 apartment?

20 **A** Yes, ma'am.

21 **Q** Okay. Now, when Fanotti spoke with you throughout
22 the 30- or 40-minute conversation, was his story the same,
23 consistent?

24 **A** It changed.

25 **Q** Did it change throughout the entirety of the

1 interview?

2 A Yes.

3 Q Now, he tells you he went into the apartment;
4 correct?

5 A Yes.

6 Q Did he tell you that he saw the victim, Joshua
7 McPherson, laying on the couch?

8 A Yes, he did.

9 Q And tell this jury what he told you Joshua
10 McPherson, the victim, was doing when he was walking
11 around in the apartment.

12 A He said the victim was sleeping on the couch.

13 Q So when he was in there, he told you that, while he
14 was walking around, the victim was asleep?

15 A Yes, ma'am.

16 Q Did he tell you he saw anybody else in that room?

17 A Yes.

18 Q Who else did he see in the room?

19 A There was someone on the couch beside him.

20 Q So he told you there was one boy on the long couch;
21 correct?

22 A Yes, ma'am.

23 Q That young man was asleep?

24 A Asleep.

25 Q And then he told you he saw another boy in the

1 chair?

2 A Yes, ma'am.

3 Q And tell us what he told you, when he was in the
4 apartment, that young man was doing.

5 A In his words, he said he was woke but not woke, so
6 he was laying there. Not asleep but I don't know, in his
7 words, he said woke but not woke.

8 Q Okay. Okay. So he told you, clearly, nobody was
9 up, moving around in the apartment; right? Did he ever
10 tell you that?

11 A No, ma'am.

12 Q So he told you that the two people that were in the
13 apartment, one was asleep and one was woke but not
14 completely woke, and that was the young man on the chair?

15 A Correct.

16 Q But nobody in the apartment was up and moving
17 around?

18 A Correct.

19 Q Okay. So there's no doubt he was in the apartment?

20 A Correct.

21 Q And there's no doubt there was a young man asleep on
22 the couch?

23 A Correct.

24 Q No doubt there was another little boy dozing in and
25 out in the chair?

1 **A** Correct.

2 **Q** And that's by the defendant's own words to the
3 police; correct?

4 **A** Correct.

5 **Q** Okay. And now was he under the influence? Did he
6 appear to be the under the influence?

7 **A** He did not appear to be under the influence.

8 **Q** Okay. So when Mr. Neal talked with you and gave you
9 this information, did he tell you where he went after he
10 left the apartment?

11 **A** Yes, ma'am.

12 **Q** Where did he go?

13 **A** He said back to Florence to Lamb Road.

14 **Q** Straight back to Florence?

15 **A** Yes, ma'am.

16 **Q** Straight back to where he came from?

17 **A** Yes, ma'am.

18 **Q** And did he tell you -- do you know how long it takes
19 to get from Florence -- from Lamb Road to Conway?

20 **A** Approximately an hour.

21 **Q** Okay. At least an hour ---

22 **A** At least.

23 **Q** --- wouldn't you say?

24 **A** I believe so.

25 **Q** And did he tell you how long he was in the apartment

1 after that hour drive to Conway?

2 A I don't recall. I have his transcript here I can
3 view.

4 Q Did he say it was several hours?

5 A No. No, ma'am.

6 Q Did he say it was even an hour?

7 A No, ma'am.

8 Q So it was less than 30 minutes? So he said, "I'm in
9 there less than 30 minutes"?

10 A Yes, ma'am.

11 Q So he says that I drive from Florence an hour up,
12 I'm in the apartment less than an half an hour, which we
13 know now is less than that from the video.

14 A Correct.

15 Q And then I drive another hour straight back to
16 Florence?

17 A Correct.

18 Q Okay. And did he tell you what time of day he
19 undertook this very deliberate trip? Did he tell you what
20 time it was that he left Florence?

21 A I do not recall him saying what time he left
22 Florence, no.

23 Q Did he say whether it was daylight or nighttime?

24 A Nighttime.

25 Q Okay. So he told you, "When I left, it was dark

1 out"?

2 A Mm-hmm. Yes, ma'am.

3 Q Okay. Now, did you -- in the course of your
4 interactions with this defendant, did you collect the
5 clothing he was wearing that day?

6 A Yes, ma'am.

7 Q Okay. Now, how quick did you talk to him from when
8 the incident happened to when you were in Florence
9 interviewing him? Do you remember about how much time
10 passed?

11 A I know the times of the call and the times of the
12 interview. That time in between -- I'm not good with math
13 but it was from 6:00 in the morning to roughly 5:00 in the
14 afternoon, 4-something, 4:50, ten to 5:00 in the
15 afternoon.

16 Q So by the close of the day, y'all already had
17 apprehended him?

18 A Yes.

19 Q Now, in the course of your interactions, did you
20 collect his clothes?

21 A Yes.

22 Q And would you recognize them if I showed them to
23 you?

24 A Yes.

25 Q Detective, I'm going to show you State's Exhibit 15.

1 Do you recognize these?

2 A Yes.

3 Q And are these the jeans you collected off of Fanotti
4 Neal?

5 A Yes.

6 Q Showing you now State's Exhibit 18. Do you
7 recognize this?

8 A Yes.

9 Q Is this the shirt that you collected off Fanotti
10 Neal?

11 A Yes, ma'am.

12 Q Showing you now State's Exhibit No. 19.

13 A Yes, ma'am.

14 Q Do you recognize it?

15 A Yes, ma'am.

16 Q Did this come off Fanotti Neal?

17 A Yes.

18 MS. LIVESAY: Your Honor, at this time, the State
19 wishes to introduce 15, 18, and 19, and publish them to
20 the jury.

21 THE COURT: Any objection?

22 MR. WILSON: I have no objection, Your Honor.

23 MR. RIGNEY: No objection.

24 THE COURT: 15, 18, and 19 are in evidence.

25 (State's Exhibit Nos. 15, 18, and 19 was received in

1 evidence.)

2 MS. LIVESAY: Thank you. I'm going to publish at
3 this time.

4 [To Court Reporter:] By any chance, do you have a
5 pair of gloves?

6 Can I ask the witness to step down?

7 Can you put up State's Exhibit No. 50, please.

8 BY MS. LIVESAY:

9 Q Mr. Contino, I'm going to show the jurors State's
10 Evidence 15. Are these the jeans you got off of Fanotti
11 Neal on 5/29/2022?

12 A Yes, ma'am.

13 Q And you got these jeans off of him the day of the
14 murder; correct?

15 A Yes, ma'am.

16 Q The murder happened at 6:00, and by 5:00, you had
17 them?

18 A Yes.

19 Q And he was wearing these jeans?

20 A Yes, ma'am.

21 Q Okay. State's 18. Do you recognize it?

22 A Yes, ma'am.

23 Q Is this the shirt he was wearing?

24 A Yes. Yes, ma'am.

25 Q And this is the shirt he was wearing when you

1 apprehended him the day of the murder?

2 A Yes, ma'am.

3 Q Okay. Now, this piece is kind of interesting. Do
4 you recognize State's 19?

5 A Yes, ma'am.

6 Q Okay. And something about this one. This is the
7 hat he was wearing; correct?

8 A Yes, ma'am.

9 Q And the hat, when you unfold it -- let me take this
10 off -- and you roll it down, it turns into a mask?

11 A Yes, ma'am.

12 Q This is what you got off the defendant the day of
13 the murder?

14 A Yes, ma'am. Yes, ma'am.

15 Q And when you first see it on him, you don't know it
16 rolls down into a mask, do you?

17 A Correct.

18 Q But then, once you collected it, you realized it
19 rolls down to a ski mask?

20 A Correct.

21 MS. LIVESAY: Will you hold to -- the arrival at
22 5:40 something. Stay there. Stop.

23 BY MR. LIVESAY:

24 Q Now, a bookbag was collected; correct?

25 A Yes, ma'am.

1 Q And that was put into evidence?

2 A Yes, ma'am.

3 Q And I don't know if we got that or not; I'm going to
4 look into it. But these pants, are these the pants you
5 collected?

6 A No.

7 Q Okay. Okay. And this shirt, is that a shirt you
8 collected?

9 A No.

10 Q Okay. But the beanie, you did -- you were able to
11 get that?

12 A Yes, ma'am.

13 Q Okay. And that beanie is the one we have got here
14 that folds down into a mask?

15 A Correct.

16 MS. LIVESAY: Could you go to the end.

17 BY MS. LIVESAY:

18 Q And this time is correct; correct? The incident
19 happened around 6 a.m. Sunday morning; is that correct?

20 A Correct. I believe the call for service was just at
21 6:00 in the morning.

22 Q Okay. Okay.

23 MS. LIVESAY: And could we just do it right -- see
24 the time? Okay.

25 BY MS. LIVESAY:

1 Q When the car is leaving it's at least -- there you
2 go -- from 5:52; correct?

3 A Correct.

4 Q And about how long does it take to get from
5 Florence -- I'm sorry, from Conway to Florence?

6 A At least an hour.

7 Q Okay. So maybe you get back around 7:30?

8 A That's correct.

9 Q And between that time and when you came across him,
10 Mr. Neal had already changed all his clothes?

11 A Correct.

12 Q And did you ever locate the clothes he was wearing
13 the night of the murder?

14 A I don't believe so.

15 Q And would that have been helpful to your
16 investigation?

17 A Yes, ma'am.

18 Q Have a seat, Mr. Contino, please. Thank you.

19 Did y'all also collect the defendant's phone?

20 A Yes, ma'am.

21 Q Okay. And you did collect the bookbag; correct?

22 A Yes, ma'am.

23 Q And the bookbag -- do you remember it ended up being
24 a different bookbag than he was wearing the night of the
25 murder?

1 **A** I believe so.

2 (Counsel confers with her assistant off the record.)

3 BY MS. LIVESAY:

4 **Q** Did he give you his phone number?

5 **A** Yes, ma'am.

6 **Q** And if you don't mind, for purposes of the record,
7 what phone number did he give you?

8 **A** May I look at the transcript from the body cam?

9 MS. LIVESAY: Can he look at his notes to refresh
10 his memory, Judge?

11 THE COURT: Sure.

12 MS. LIVESAY: Thank you.

13 **A** Mr. Neal gave the phone number (843) 624-4089.

14 BY MS. LIVESAY:

15 **Q** And did he ultimately give you the code to get into
16 the phone?

17 **A** Yes, ma'am.

18 **Q** Okay. And did he tell you what his nickname was?

19 **A** Yes.

20 **Q** And what is his nickname?

21 **A** I think it's something Blixx. Hold on one second;
22 I'll get it word for word. Blixx? It would be his --
23 it's his Facebook name, user name would be Dat Blixky.
24 D-a-t B-l-i-x-k-y. Dat Blixky.

25 **Q** And y'all collected that information as part of the

1 investigation; is that correct?

2 A Yes.

3 Q Okay. And do you know where the police followed him
4 from when they ultimately apprehended him in Florence?

5 A Lamb Road.

6 Q And did you know that that was not his residence?

7 A Yes.

8 Q Okay. And did he tell you whether or not that's
9 where he left from?

10 A Yeah, he said his homeboy's house.

11 Q Did he acknowledge in the course of the interview
12 whether or not he knew that the victim was shot?

13 A At first he said that he didn't know and then he
14 asked us and we gave him the knowledge that he was shot.

15 Q If he had questions for the police, did he ask them?

16 A He asked what was going on, why he was there. I
17 could look at the transcript to see if he asked any
18 additional questions.

19 Q So he was alert?

20 A Yes.

21 Q So definitely not overwhelmed?

22 A No, ma'am.

23 Q Did he tell you whether or not he knew the victim?

24 A I don't recall if he did. I think he referred to
25 him as "bro was sleeping on the couch."

1 Q So he just told you he was sleeping on the couch?

2 A Yes, ma'am.

3 Q No further questions.

4 MR. WILSON: I have no questions.

5 THE COURT: Mr. Rigney?

6 MR. RIGNEY: Thank you.

7 CROSS-EXAMINATION

8 BY MR. RIGNEY:

9 Q Good afternoon.

10 A Good afternoon, sir.

11 Q So you interviewed Mr. Neal in Florence?

12 A Yes, sir.

13 Q And that was at the -- where did you interview him
14 in Florence?

15 A It was at the Florence County Sheriff's Office or
16 their local police department out there. I have the
17 address on the Miranda warning.

18 Q Did you watch him sign the Miranda warning?

19 A Yes, sir.

20 Q Do you remember which hand he used to sign it?

21 A I don't recall.

22 Q Okay. So is it fair to say that after initially
23 denying any involvement -- knowing anything about this, he
24 actually started to talk to you?

25 A Yes. He, at first, denied it and then started to

1 talk about the situation that happened.

2 Q And he cooperated to some extent?

3 A Yes, sir.

4 Q Do you remember him telling you along the way that
5 you're probably to ask him how did you get there, why did
6 you go, and he said, "I'm a backseat rider"?

7 A Yes, sir. I remember him saying "backseat rider".

8 MR. WILSON: Your Honor, I have a matter that --

9 THE COURT: Want to take it up here?

10 BENCH CONFERENCE

11 (The following bench conference occurred at the
12 bench and outside the hearing of the jury and others:)

13 MR. WILSON: This was my concern about Bruton. Now
14 he's getting into who was in the car and that kind of
15 thing, which is -- which violates Bruton. You know, I'm
16 sitting there; I'm the only other person there. You know,
17 I --

18 MS. LIVESAY: What did he ask?

19 MR. HARRELSON: What did you ask?

20 MR. WILSON: He asked about the car and how did he
21 get the car and who was driving the car.

22 MR. RIGNEY: I asked, "Did he refer to him as the
23 backseat rider?"

24 MR. WILSON: No.

25 THE COURT: What did you ask him?

1 MR. RIGNEY: I asked him did Neal say to him, "I was
2 a backseat rider." That's it.

3 MR. WILSON: The inference --

4 THE COURT: And that's it? That's all you asked?

5 MR. RIGNEY: That's all I asked.

6 THE COURT: Why don't we just leave it there.

7 MR. HARRELSON [To Mr. Rigney]: Would you mind just
8 speaking up a little bit? I can't hear.

9 MS. LIVESAY: I can't hear either.

10 THE COURT: You're soft-spoken.

11 MS. LIVESAY: Can we -- I hate to say this but can
12 we put the jury out? Give me just one a minute. I
13 apologize.

14 (Open court resumes:)

15 THE COURT: If you will step into the jury room for
16 just a moment.

17 (The jury exited the courtroom at 4:45 p.m.)

18 MR. WILSON: Your Honor, just so the record is
19 clear, my objection -- so that it's clear in the record,
20 my objection is, is that the question that he's asking,
21 which was, was his client a backseat rider, which the
22 inference then would be somebody else is driving the
23 vehicle. The only two people at this table is the two
24 defendants, which would lead to the inference that the
25 driver had to be my guy.

1 THE COURT: How many people are in the car?

2 MR. WILSON: Well, there are five. But the jury
3 doesn't know that, other than the fact that there's a
4 video. But it doesn't say who the driver was. And the
5 inference is that, because we're here, that my guy is the
6 driver of the vehicle, which, first of all, ain't even
7 true, but even if it was, it's still an inference.

8 The whole idea of Bruton is you can't raise an
9 inference through the testimony of a non-testifying
10 co-defendant against another non-testifying defendant.

11 And he gets asked that question, then, in the jury's
12 mind, my guy must have been the guy that drove him down
13 here.

14 THE COURT: Or the other three people did.

15 MR. WILSON: Well, I know, but the problem is, the
16 other three people ain't here. They're not in trial, and
17 they're not sitting at this table. We are. And that is
18 what puts -- it creates a problem for us because now,
19 somehow, I need to get up and explain why my guy wasn't
20 the driver. Well, if I do that, then I open a whole
21 'nother can of worms.

22 THE COURT: Anything from the State?

23 MS. LIVESAY: Your Honor, I think what we talked
24 about originally was Evans, and I think Evans was when the
25 co-defendant said, "I wasn't driving the vehicle," and

1 there was only two people in the vehicle. The Supreme
2 Court came down and said that's not Bruton. Even though
3 there was only two people in the car, it wasn't, on its
4 face, incriminating the co-defendant.

5 So I have got to disagree with Mr. Wilson in that
6 the rule is it's got to be, on its face, incriminating.
7 The fact that, like in Evans, he says, "I wasn't driving"
8 and there's only two people doesn't rise to the point of
9 Bruton.

10 THE COURT: And here, there were more than two
11 people.

12 MS. LIVESAY: Right. So I would have to say, you
13 know, if Mr. Rigney is asking was my guy was in the
14 backseat, I don't know that that rises, under Evans, to
15 Bruton because it's kind of the equivalent of saying my
16 guy wasn't driving. I'm not saying anything about Micah
17 Pressley. I'm just saying my guy was backseat riding.

18 THE COURT: And you're not going to ask any more
19 questions in that regard?

20 MR. RIGNEY: No more.

21 THE COURT: That's it?

22 MR. RIGNEY: Just the backseat rider.

23 THE COURT: That's all. He's already answered that.

24 MR. WILSON: Yes, sir. Just place my objection into
25 the record. Thank you.

1 MS. LIVESAY: And, Judge, if I can, if Mr. Rigney
2 could speak up just a little bit. Thank you. I
3 appreciate it.

4 (The jury entered the courtroom at 4:51 p.m.)

5 BY MR. RIGNEY:

6 Q Just a couple more questions, please.

7 A Yes, sir.

8 Q So when Mr. Neal arrived, he said that he dapped
9 Marion Robinson, who was asleep on the small chair? Did
10 he tell you that? He greeted him in some way, woke him
11 up?

12 A I don't know if Mr. Neal told me that in the
13 interview. I'd have to recall to the notes here just to
14 check, I guess.

15 Q Would that be -- could you quickly take a look at
16 that, please?

17 A Yep.

18 (Pause in the proceedings while the witness reviews
19 documents.)

20 BY MR. RIGNEY:

21 Q That should have been shortly after the part where
22 he started to talk to you.

23 A It says, "Dude on the little couch" -- it should be
24 right here. It says someone dapped him up, and he said,
25 "I don't think I seen him do that. I don't know."

1 Q If there was some dapping, greeting going on, would
2 you agree that it would not be consistent with him coming
3 there planning to hurt someone?

4 A If -- what are you asking? Sorry.

5 Q If he did go in and greet the person who is on the
6 short couch ---

7 A Yes.

8 Q --- and said hello to him, I don't see why he would
9 do that if he were intending to harm someone and get out
10 of there as quick as he could. Is that consistent with
11 what you would think that would be, someone would do that
12 and have the intent to harm?

13 A Everybody is different. I mean, I couldn't answer
14 to, you know, whether someone is intending to hurt
15 somebody or not, whether they like him or not. I can't
16 answer to that with a yes-or-no question.

17 Q All right. So the clothes that you recovered were
18 not the same ones that he was wearing when you saw the
19 video?

20 A No, sir.

21 Q And I don't have any more questions. Thank you.

22 THE COURT: Any redirect?

23 MS. LIVESAY: One second, Your Honor. Judge, I
24 don't -- I don't have any further questions on redirect
25 from what Mr. Rigney asked.

1 THE COURT: Thank you. You may step down. Thank
2 you.

3 THE WITNESS: Thank you.

4 THE COURT: Members of the jury, let's break for the
5 day. If you would be back at 9:30 tomorrow and we'll
6 resume. Do not research the case. Do not talk about the
7 case.

8 (The jury exited the courtroom at 4:58 p.m.)

9 THE COURT: See you at 9:30 in the morning.

10 (The trial adjourned at 5:00 p.m.)

11 WEDNESDAY, NOVEMBER 8, 2023.

12 (The trial resumed at 9:51 a.m.)

13 (State's Exhibit No. 62, Affidavit from Conway
14 Police Department, was marked for identification.)

15 (State's Exhibit No. 63, PowerPoint 1804 Battleboro,
16 was marked for identification.)

17 (State's Exhibit No. 64 through 89, Photographs, was
18 marked for identification.)

19 (State's Exhibit No. 90, Enlarged Map of Florence,
20 was marked for identification.)

21 (State's Exhibit No. 91, Backpack, was marked for
22 identification.)

23 THE COURT: Before we begin, apparently, your
24 client, Mr. Wilson, did not want to come?

25 MR. WILSON: That's my understanding, Your Honor.

1 THE COURT: Anything you want to put on the record
2 in that regard?

3 MR. WILSON: No, sir. There is an affidavit, as I
4 understand it, from someone in law enforcement who
5 actually went to Columbia to retrieve him, and I don't
6 know what happened. I haven't spoken to him this morning.
7 I did speak to him yesterday evening. He was in good
8 spirits. I don't know what happened.

9 THE COURT: Mr. Rigney, anything you want to put on
10 the record?

11 MR. RIGNEY: No, Your Honor.

12 THE COURT: And how about the solicitor? Anything
13 you want to put on the record?

14 MS. LIVESAY: Your Honor, the only thing the State
15 wants to put on the record -- and we talked with
16 Mr. Wilson in the elevator. I got a phone call this
17 morning from Detective Huggins about 7 a.m. That's when I
18 notified he did not want to come to court.

19 At that time, I asked Mr. Huggins to have the person
20 that went and got him to do the affidavit. We also have
21 the body camera from the officer that shows him saying,
22 "I'm not going to come." I don't mind running that off,
23 putting it in the record. Do you want me to do that and
24 then we can mark it?

25 MR. WILSON: I don't have any objection to marking

1 it as a Court's exhibit for whatever purposes.

2 THE COURT: I think that would be fine. And I think
3 we can proceed forward without him.

4 MS. LIVESAY: Right. He refused to leave his cell.

5 THE COURT: Obviously, he knew we were in trial, and
6 it was his day in court.

7 MS. LIVESAY: Yes, sir.

8 THE COURT: Are we ready to proceed?

9 MS. LIVESAY: Thank you, Your Honor.

10 (Court's Exhibit No. 2, Body Cam DVD from Detention
11 Center Officer.)

12 (Court's Exhibit No. 3, Conway P.D. Affidavit from
13 Detention Center.)

14 (The jury entered the courtroom at 9:54 a.m.)

15 THE COURT: State will call your next witness.

16 MR. HARRELSON: Yes, Your Honor. At this time, the
17 State will call T.J. Carpenter.

18 OFFICER TOMMY JOSEPH "T.J." CARPENTER

19 after having been duly sworn, was examined and
20 testified to as follows:

21 THE CLERK: Please be seated and state your full
22 name for the record and spell it, please.

23 THE WITNESS: My name is Tommy Joseph Carpenter.

24 DIRECT EXAMINATION

25

1 BY MR. HARRELSON:

2 Q Officer Carpenter, where do you currently work?

3 A The Florence County Sheriffs's Office.

4 Q And how long have you worked there?

5 A Almost five years.

6 Q Within those five years, what kind of training have
7 you undergone?

8 A I'm a Class I certified officer. Prior to criminal
9 investigations, I worked in Forensic's Crime Scene as an
10 investigator. I'm certified in fingerprint recognition
11 comparison, crime scene investigator's recovery of human
12 remains. I'm a crisis hostage negotiator for Florence
13 County and a special skills instructor.

14 Q Okay. And what are your responsibilities on a
15 day-to-day basis?

16 A Following up on crimes, be it investigations,
17 interviews, things of that nature. Just following up on
18 caseloads from territories and being on call.

19 Q Okay. And do you recall assisting Conway Police
20 Department with an investigation on May 29th, 2022?

21 A I do.

22 Q Okay. And how did you assist Conway with that
23 investigation?

24 A We were notified by Conway. They needed a search
25 warrant for 1804 Battleboro Court. That's in Florence

1 County. They were seeking several items from that
2 residence. Investigator Ben Price and I assisted with
3 writing the warrant. Judge Mourounas signed that for us.

4 Once that was signed, we met with Conway P.D. and
5 another officer from Florence County to serve the warrant.

6 Q Okay. And if I showed you a map, do you think you
7 could identify where that location was?

8 A Yes, sir.

9 MR. HARRELSON: Court's indulgence.

10 MR. WILSON: I have no objections, Your Honor.

11 MR. HARRELSON: Your Honor, if I may approach the
12 witness with State's Exhibit 90.

13 THE COURT: Yes.

14 BY MR. HARRELSON:

15 Q Is it okay if I call you T.J.?

16 A Absolutely.

17 Q I'm going to show you State's Exhibit 90. Are you
18 familiar with this?

19 A I am.

20 Q Okay. And what is this a photo of?

21 A It's basically the surrounding area. Where we
22 served the warrant was on Battleboro Court, and you've got
23 Lamb Road, Dingle Drive, they're all within maybe half
24 mile to a mile of one another.

25 Q Okay. And is this a fair and accurate

1 representation of this area?

2 A It is.

3 Q Okay. And has anything been altered related with
4 the roads or the buildings?

5 A It has not.

6 MR. HARRELSON: At this time, the State would like
7 to offer State's Exhibit No. 90 into evidence.

8 MR. WILSON: Without objection.

9 MR. RIGNEY: No objection.

10 THE COURT: State's 90 is in evidence without
11 objection.

12 (State's Exhibit No. 90 was received into evidence.)

13 MR. HARRELSON: Your Honor, the State would like to
14 publish State's Evidence 90 to the jury.

15 BY MR. HARRELSON:

16 Q And if you can, show the jury where was the -- where
17 did you report for the execution of the search warrant?

18 A It would be Battleboro Court here.

19 Q So right here?

20 A Yes, sir.

21 Q So tell me a little bit about that. So you reported
22 to that area and then you executed a search warrant. What
23 were your responsibilities at that time?

24 A At that time, it was basically to administrate the
25 search warrant itself; also, help Conway with finding or

1 trying to locate those items within the residence.

2 MR. HARRELSON: Court's indulgence.

3 I'm showing the defense State's Exhibits 64 through
4 89.

5 MR. WILSON: I have seen these, and I have
6 absolutely no objections to any of them.

7 MR. RIGNEY: No objections, Your Honor.

8 THE COURT: Are you offering those into evidence?

9 MR. HARRELSON: Yes, Your Honor, I will be.

10 THE COURT: 64 through 89 are in evidence without
11 objection.

12 (State's Exhibit Nos. 64 through 89 were admitted
13 into evidence.)

14 MR. HARRELSON: Thank you, Your Honor.

15 BY MR. HARRELSON:

16 Q Would you be able to walk me through those photos?
17 I'm going to put them on the screen and we can walk
18 through them. Okay?

19 A Mm-hmm.

20 Q And if you need to step down and come over here to
21 see them, that's fine.

22 A Okay.

23 Q If the judge doesn't object.

24 Okay. So what are we looking at here?

25 A That is the residence at 1804 Battleboro Court where

1 the search warrant was served at.

2 Q Okay. And what's this now showing?

3 A That would be the entrance door.

4 That is the living room area.

5 Same. Living room area.

6 Living room.

7 That's the nightstand to the right of the entrance
8 door where a tan-in-color GLOCK 19X was recovered, as you
9 can see in the photo there.

10 And that's the tan-in-color GLOCK 19X with a
11 25-round magazine.

12 Living room.

13 Same living room.

14 That's the kitchen area straight across from the
15 entrance.

16 That would be just the secondary room there with the
17 laundry room.

18 That is the living room facing into the first
19 bedroom to the right behind the TV.

20 That is the inside of that room, Bedroom 1.

21 That's the backpack that we recovered a GLOCK 19
22 black-in-color and 32 live rounds and a magazine loader.

23 That's the photo of the actual recovered item.

24 Again, same.

25 That's the serial number to the GLOCK 19 that was

1 recovered from the backpack.

2 That is the room right beside the bedroom to the
3 right. So it would be the second bedroom on the right
4 side of the mobile home.

5 Same room. And you can see in the bottom, there's a
6 black-in-color Nike sweatshirt on top of the boxes right
7 behind the door.

8 That's the sweatshirt, yes, sir.

9 These are the blue jeans. One pair was recovered
10 from there. It's in the same room as the sweatshirt. It
11 was just recovered to the left. So right to the right of
12 that entrance door.

13 There's the jeans that were recovered.

14 That's just a picture of just loose ammunition and
15 other items inside that room.

16 That's a picture of Micah Pressley's West Florence
17 High School ID card inside the same room.

18 That's Mr. Pressley's ID card.

19 MR. HARRELSON: Court's indulgence.

20 BY MR. HARRELSON:

21 Q I want to show you what's been marked as State's
22 Exhibit 17. Are you familiar with this?

23 A I am.

24 Q And what is this?

25 A That was the black-in-color Nike hoodie that we

1 recovered from one of the bedrooms inside the residence.

2 Q Has it been manipulated or changed?

3 A No, sir.

4 MR. HARRELSON: At this time, the State would like
5 to offer State's Exhibit 17 into evidence.

6 THE COURT: Any objections?

7 MR. WILSON: I have no objections.

8 MR. RIGNEY: No objections, Your Honor.

9 THE COURT: State's 17 into evidence without
10 objection.

11 (State's Exhibit No. 17 was received into evidence.)

12 MR. HARRELSON: Your Honor, the State would like to
13 publish to the jury, please.

14 BY MR. HARRELSON:

15 Q So is this the same Nike hoodie which we just saw on
16 the screen?

17 MR. WILSON: Your Honor, I object to that question.

18 MR. HARRELSON: I'll strike that.

19 BY MR. HARRELSON:

20 Q Were you present at the time of the search warrant?

21 A I was.

22 Q And were you present at the time in which these
23 photos were collected?

24 A I was.

25 Q And based on that information, are you aware of this

1 being present at the scene?

2 A I am.

3 MR. WILSON: Your Honor -- well, I'll deal with it
4 on cross-examination. That's fine.

5 BY MR. HARRELSON:

6 Q I'm going to show you what's been marked as State's
7 Exhibit 16.

8 MR. WILSON: I have no objection.

9 MR. RIGNEY: No objection.

10 BY MR. HARRELSON:

11 Q Are you familiar with this?

12 A I am.

13 Q And what is this?

14 A That was the denim pants that were recovered from
15 the same room as the black-in-color hoodie.

16 Q Have they been manipulated or changed in any way?

17 A No, sir.

18 MR. HARRELSON: At this time, the State would like
19 to offer State's Exhibit 16 into evidence.

20 THE COURT: Any objection?

21 MR. WILSON: No objection.

22 MR. RIGNEY: No objection.

23 (State's Exhibit No. 16 was received in evidence.)

24 MR. HARRELSON: I'd like to publish this for the
25 jury.

1 BY MR. HARRELSON:

2 Q So are these the same jeans that were recovered from
3 the scene?

4 A Yes, sir.

5 MR. WILSON: I have no objection.

6 MR. RIGNEY: No objection.

7 MR. HARRELSON: Your Honor, if I may approach.

8 BY MR. HARRELSON:

9 Q I show you what's been marked as State's Exhibit 20.
10 Are you familiar with this?

11 A I am.

12 Q Okay. And what is this?

13 A That is a black-in-color GLOCK 19X.

14 Q Was this the same firearm that was recovered from
15 the scene?

16 A That is, yes, sir.

17 MR. HARRELSON: Your Honor, at this time, the State
18 would like to offer State's Exhibit 20 into evidence.

19 THE COURT: State's 20, any objection?

20 MR. RIGNEY: No objection.

21 MR. HARRELSON: Permission to publish.

22 MR. WILSON: I don't have any objection.

23 THE COURT: State's 20 in evidence without any
24 objection.

25 (State's Exhibit No. 20 was received into evidence.)

1 MR. HARRELSON: State's Exhibit 21. Your Honor, if
2 I may approach the witness with State's 21.

3 BY MR. HARRELSON:

4 Q Showing you what's been marked as State's Exhibit
5 21. Are you familiar with this?

6 A I am.

7 Q And what is that?

8 A That is a tan-in-color GLOCK 19X 9mm.

9 Q And where was this firearm recovered from?

10 A It was recovered in the living room right below the
11 TV on the stand.

12 Q And how do we know it's the same firearm that was
13 located in that room?

14 A It bears serial number Bravo-Romeo-Golf-Delta 733.

15 Q Is that firearm on this photograph?

16 A It is.

17 MR. HARRELSON: Your Honor, at this time, the State
18 would like to offer State's Exhibit 21 into evidence.

19 MR. WILSON: No objection.

20 MR. RIGNEY: No objection.

21 THE COURT: State's 21 is in evidence without
22 objection.

23 (State's Exhibit No. 21 was received into evidence.)

24 BY MR. HARRELSON:

25 Q Revisiting State's Evidence 20, how do we know that

1 this is the same firearm that was located in the room?

2 A Also by serial number. It was

3 Alpha-Foxtrot-Sierra-Golf 329.

4 Q And is that same serial number on this firearm?

5 A It is.

6 MR. HARRELSON: Court's indulgence.

7 Your Honor, would you mind if the witness steps
8 down?

9 THE COURT: I don't mind at all.

10 BY MR. HARRELSON:

11 Q I'm going to show you what's been marked as State's
12 Evidence 85. And what is this?

13 A That's a black-in-color Nike hoodie.

14 Q And do we know that this is -- how do we know this
15 is the same hoodie that we recovered?

16 A It was placed into evidence by Forensics Corporal
17 Justin Hardee, and at that time, it was given to Conway
18 P.D.

19 Q Okay. So is this the same hoodie on this photo as
20 we have present here?

21 A It is.

22 Q Okay. And I'm going to show you State's Evidence
23 83. And what is this a photo of?

24 A That was the blue jeans that were recovered from the
25 same room.

1 Q Okay. Do we know that these jeans are the same
2 jeans in which we have here?

3 A We do.

4 Q On State's Evidence 16?

5 A Yes, sir.

6 Q Okay. Let me show you what's been marked as State's
7 81. And what is this a photo of?

8 A That's the black-in-color GLOCK 19, 9mm.

9 Q Okay. And how do we know that this is the same
10 firearm in this photo is the same firearm to which we have
11 right here? You can read it off. Can you read it off
12 this?

13 A It's by the serial number. It is
14 Alpha-Foxtrot-Sierra-Golf 329.

15 Q And showing you what's State's Evidence 71.

16 A That's a tan-in-color GLOCK 19X, 9mm, with a
17 25-round magazine.

18 Q Okay. And is the same serial number on this firearm
19 in this photo the same as this firearm?

20 A It is. Bravo-Romeo-Golf-Delta 733.

21 Q Thank you. You can take a seat.

22 Did you have anymore involvement in the
23 investigation with Micah Pressley and Fanotti Neal?

24 A I did not.

25 Q Let me show you what's marked as State's Exhibit 22.

1 Are you familiar with these?

2 A I am.

3 Q And what are these?

4 A Those are live round -- 9mm rounds.

5 Q Okay. Where were these located?

6 A They were located -- 32 were located in the backpack
7 along with that black-in-color GLOCK 19.

8 Q And were any of them located within the magazine?

9 A Yes, the tan GLOCK 19X actually had a 25-round mag.
10 We removed 26 live rounds, meaning one was in the chamber.

11 MR. HARRELSON: At this time, the State would like
12 to offer State's Exhibit 22 into evidence.

13 THE COURT: Any objections?

14 MR. WILSON: No objection.

15 MR. RIGNEY: No objection.

16 THE COURT: 22 is in evidence without objection.

17 (State's Exhibit No. 22 was received into evidence.)

18 (Exhibit No. 92, Search Warrant Return, was marked
19 for identification.)

20 (Exhibit No. 93, Battleboro Map, was marked for
21 identification.)

22 MR. WILSON: No objection.

23 MR. RIGNEY: No objection.

24 MR. HARRELSON: Your Honor, if I may approach the
25 witness.

1 BY MR. HARRELSON:

2 Q Let me show you State's Exhibit 92 and 93.

3 A Mm-hmm.

4 Q Are you familiar with this document?

5 A I am.

6 Q And what is this document?

7 A That's the return letter for a search warrant.

8 Q And on the return, what was returned?

9 A It was the tan-in-color GLOCK 19X, the
10 black-in-color GLOCK 19, a magazine with 25 rounds of
11 ammunition, one magazine with 8 rounds of ammunition, one
12 magazine loader 483-4, 30 rounds of loose ammunition, two
13 rounds of loose ammunition, one black Nike hooded
14 sweatshirt, and one pair of blue jeans.

15 Q Okay. And what was the address of the residence in
16 which this was located?

17 A 1804 Battleboro Court in Florence County.

18 Q All right. I'm going to show you what's been marked
19 as State's Exhibit 93. What is this?

20 A That is a photo of the actual residence at
21 Battleboro.

22 Q And what is the address on this?

23 A 1804 Battleboro Court.

24 Q Is that the residence in which you reported to?

25 A That is.

1 MR. HARRELSON: Your Honor, at this time, the State
2 would like to offer State's Exhibit 93 and 92 into
3 evidence.

4 THE COURT: Any objection?

5 MR. WILSON: Without objection.

6 MR. RIGNEY: No objection.

7 THE COURT: Exhibits 92 and 93 are into evidence
8 without objection.

9 (State's Exhibit No. 92 and 93 were received into
10 evidence.)

11 MR. HARRELSON: No further questions. Thank you.

12 THE COURT: Cross?

13 CROSS-EXAMINATION

14 BY MR. WILSON:

15 Q Let me ask you, as I understand it, you said that
16 you are or were a crime scene specialist at some point;
17 right? And that's what you did?

18 A Yes, sir.

19 Q All right. And then the solicitor asked you if
20 that's the -- if this jacket is the one that was in the
21 video. And your response was that it is. But you don't
22 know that, do you? You have absolutely no way in the
23 world to know if this is the same jacket, do you?

24 A To my knowledge, it is.

25 Q How? You did some forensic testing on this jacket

1 to determine that that's the jacket that's in that video?

2 A I assume by chain of custody.

3 Q That wasn't what I asked you.

4 What I asked you, did you do any testing on this
5 item to determine that that's the same item that's in the
6 video?

7 A No, sir.

8 Q No. And you don't know that it's the same jacket,
9 do you?

10 A Appears to be.

11 Q Appears to be?

12 A Yes, sir.

13 Q Well, let's talk about that for a second. Have you
14 seen pictures of the person in the video that they say was
15 wearing this jacket? Have you seen those pictures?

16 A No, sir, I have not.

17 Q Let me show you some pictures --

18 MS. LIVESAY: Your Honor, can we get a look at
19 those?

20 MR. WILSON: They're your pictures. I just printed
21 them out.

22 Would you mark these for identification for me,
23 please?

24 COURT REPORTER: Defendant's?

25 MR. WILSON: Defendant's identification.

1 COURT REPORTER: Defendant's 1 through 5 marked.

2 MR. WILSON: Thank you.

3 (Defendant's Exhibit No. 1 through 5, Photographs,
4 were marked for identification.)

5 BY MR. WILSON:

6 Q First let me show you what's marked in this case as
7 State's Exhibit No. 51, 52, 53, 54, 55, and 56. Take a
8 look at those.

9 A Yes, sir.

10 Q Have you ever seen those pictures before?

11 A I have not.

12 Q You have not.

13 Have you ever seen this video before?

14 A The video of him wearing this outfit?

15 Q Mm-hmm.

16 A No, sir, I have not.

17 Q Well, then I'm confused. If you haven't seen those
18 pictures that I just handed you and you hadn't seen the
19 video, how in the world would you possibly know that
20 that's the jacket that he had -- that somebody had on?
21 How could you possibly know that? I'm confused.

22 A I'm testifying to the fact that we collected that
23 item.

24 Q Oh, okay. So what you're saying now is you're
25 saying that --

1 MS. LIVESAY: Your Honor, I'm going to object
2 because he never said that that was the sweatshirt in the
3 video, and now we are questioning on facts that are not in
4 eyidence.

5 MR. WILSON: That is not true.

6 THE COURT: Overruled. You can continue.

7 BY MR. WILSON:

8 Q Let me ask you -- and I apologize for the
9 interruption, but in regards to the pictures, those are
10 pictures that you didn't take; right?

11 A I did not.

12 Q All right. And there is no question that you don't
13 know who took those pictures, when they were taken. You
14 weren't present when the video was taken; right?

15 A Correct.

16 Q And the only thing you're telling us today really is
17 that you executed a search warrant or at least assisted in
18 the execution of a search warrant on a residence?

19 A Correct.

20 Q And in that residence, you're telling us that you
21 found some things that you brought, which you presented to
22 this Court through the solicitor a few minutes ago; right?

23 A Yes, sir.

24 Q You have no idea what happened on the night that
25 this killing happened, do you?

1 A I do not.

2 Q All right. You were not a part of the investigatory
3 team who processed this crime scene; right?

4 A Correct, I was not.

5 Q All right. Now, let me show you what's marked now
6 as Defendant's Exhibit -- for identification purposes only
7 at this point -- 1 through 5. Ask you just to take a look
8 at those pictures.

9 Have you ever seen those pictures before?

10 A I have not.

11 Q All right.

12 A No, sir.

13 Q All right. Now, let's go back to the guns that we
14 found. My understanding is you found two weapons. Have
15 you ever executed a search warrant before now?

16 A Yes, sir, I have.

17 Q How many times would you say you have executed a
18 search warrant on a home?

19 A On a home? Maybe 10, 15. I don't know. I don't
20 keep count.

21 Q And how many of those 10 or 15 times did you find a
22 weapon in those homes?

23 A I would say probably 50 percent of the time, just
24 guessing.

25 Q In fact, you would agree with me, most of the

1 time families, especially if there's a man in the home,
2 there's a weapon in the home for the most part; right?

3 A Yes, sir.

4 Q You have some, right, at home?

5 A Yes, sir.

6 Q And most of your colleagues would probably have
7 weapons at home; right?

8 A Yes, sir.

9 Q All right. What kind of gun you got?

10 A I got a GLOCK 45.

11 Q GLOCK 45.

12 And is there anything illegal about having a GLOCK
13 45 or a GLOCK 19 or a 9mm? Is there anything illegal
14 about having one in your home?

15 A No, sir.

16 Q Nothing in the world illegal about that, is there?

17 In fact, I can have as many guns in my home as I
18 want to; right?

19 A Yes, sir.

20 Q If I'm old enough and don't have no criminal record;
21 right? That's fair?

22 A Yes, sir.

23 Q Now, let's talk about where you found these guns.
24 Well, let me back up even before that. Tell us -- tell
25 this jury who owned the house that you're executing the

1 search warrant on.

2 A That, I do not know. I don't know who owns that
3 residence. I'm assuming it was Mr. Pressley's mother, but
4 it was not in there.

5 Q So you go to somebody's house with a search warrant
6 which is signed by a judge, and you don't know whose house
7 it is? And you're going to take stuff from it based on a
8 search warrant? Is that what you're saying?

9 A It was stated that the defendant lives at that
10 residence.

11 Q That wasn't my question. My question was: Who owns
12 that residence?

13 A I personally do not know.

14 Q So you don't know.

15 A No, sir.

16 Q Then I would assume, if you don't know that, you
17 can't know who owned these guns; right?

18 A I personally do not.

19 Q Personally do not.

20 Tell us -- tell us, if you would, where it was that
21 you say you found the gold or tan-colored gun with the
22 extended clip. Where was that found in the house?

23 A It was in the living area once you go to the
24 entrance door to the right on a TV stand right below the
25 TV.

1 Q So it was in the house on a TV stand in the living
2 room?

3 A Correct.

4 Q It wasn't hidden somewhere under some mattress or in
5 the closet or anything else; right?

6 A Correct.

7 Q All right. And then where did you find the second
8 gun?

9 A The second gun was in the bedroom to the back far
10 right, right behind where the TV is sitting. It was in a
11 blue-in-color bookbag.

12 Q Okay. Blue-in-color bookbag. And it was in a
13 bedroom?

14 A It was in a bedroom on the floor, yes, sir.

15 Q Was anyone in the bedroom when you got there?

16 A No one was in the residence when I got there.

17 Q No one was in the residence.

18 Now, when you got these two weapons and these
19 clothing, you did what with them?

20 A They were collected by Corporal Justin Hardee of
21 Forensics, and then they were handed over to Investigator
22 Allan Huggins with the Conway Police Department.

23 Q So you did no testing on any of these items?

24 A No, sir.

25 Q You didn't do fingerprint swabs or DNA swabs or

1 anything like that yourself?

2 A No, sir.

3 Q You just turned them over to who now?

4 A It was Investigator Allan Huggins with the Conway
5 Police Department.

6 Q Is that Detective Huggins sitting back there?

7 A It is.

8 Q All right. And so you turned them over to him
9 without having done any of those things, and I assume that
10 you took good care of them so that, when you turned them
11 over to him, they were in the same condition they were
12 when you received them?

13 A Yes, sir.

14 Q Would that be fair?

15 A That would be fair.

16 Q All right. So whatever happened to them after that,
17 you don't know?

18 A No, I don't.

19 Q All right. And so it would have been in his hands?

20 A Correct.

21 Q So if anything changed from the time that you picked
22 them out of that house or took them out of that house, it
23 would've had to have happened after you turned them over
24 to Detective Huggins?

25 A If anything changed.

1 Q Fair enough. Thank you, sir.

2 A Thank you.

3 THE COURT: Mr. Rigney?

4 MR. RIGNEY: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. RIGNEY:

7 Q Good morning.

8 A Good morning.

9 Q A couple of questions for you. Did you ever do a
10 search warrant for anything related to Fanotti Neal?

11 A I did not.

12 Q In the course of the things when you went to execute
13 the search warrant that we have been discussing here, did
14 you find anything that, from your personal knowledge,
15 would be related to Fanotti Neal?

16 A I did not, not personally.

17 Q Did you -- are you aware of any search warrant
18 having been issued or executed in relation to Fanotti
19 Neal?

20 A Not that I'm aware of, no, sir.

21 Q Thank you.

22 A Thank you.

23 Q No further questions.

24 THE COURT: Redirect?

25 MR. HARRELSON: Briefly.

REDIRECT EXAMINATION

BY MR. HARRELSON:

Q So where was the sweatshirt located?

A Once you enter the residence, it was to the right in the middle room behind the door on the floor area.

Q Who was living in the home in which this was located?

A It was stated that the defendant, Mr. Pressley, was living in that home.

Q Okay. And did you not locate an ID of Mr. Pressley in that home?

A We did, in the same room as the sweatshirt and the blue jeans.

Q And when was the firearms located?

A When?

Q Yeah. When were the firearms located?

A You want to look for a time?

Q Were they one day, two days after the murder? Three days?

A I'm not sure when the murder took place. I want to say, what, the 29th. So it would have been two days.

Q Okay. And as the defense attorney was saying, so were people present in the room when the search warrant was executed?

A No one was in the residence when I arrived.

1 Q Is it common practice to have people present in a
2 residence when a search warrant is executed?

3 A It is not.

4 Q And the firearms, where were the two firearms
5 located within the home again?

6 A The tan-in-color GLOCK 19X was recovered in the
7 living area below the TV on the stand. The black-in-color
8 GLOCK 19 was recovered inside a zipped bookbag in the
9 bedroom on the floor.

10 Q So could other people have touched those firearms
11 while they were laying in the common area?

12 A Absolutely.

13 Q Were the firearms locked up in a safe?

14 A They were not.

15 Q And do you have an idea of how many people touched
16 the firearms within the two days?

17 A I have no idea.

18 MR. HARRELSON: Court's indulgence.

19 Your Honor, if I may approach with Evidence 92.

20 BY MR. HARRELSON:

21 Q So as we have in evidence now, the murder was on
22 May 29th, 2022. So when was that search warrant executed?

23 A It was executed on the 31st.

24 Q And how many days is that after the murder?

25 A Two.

1 Q Thank you. No further questions.

2 MR. WILSON: Nothing further, Your Honor.

3 MR. RIGNEY: Nothing further.

4 THE COURT: You may step down.

5 MR. HARRELSON: Thank you, sir.

6 THE COURT: Any objection to him being released?

7 MR. WILSON: None, Your Honor.

8 MR. RIGNEY: No.

9 THE COURT: Have a good day.

10 If you'll call your next witness.

11 MS. LIVESAY: Thank you, Your Honor. At this time,
12 the State calls Nikky Beasley to the stand.

13 NIKKY BEASLEY,

14 after having been duly sworn, was examined and
15 testified to as follows:

16 THE CLERK: State your name and spell it for the
17 Court.

18 THE WITNESS: My name is Nikky Beasley.
19 B-e-a-s-l-e-y.

20 DIRECT EXAMINATION

21 BY MS. LIVESAY:

22 Q And, Ms. Beasley, where are you currently employed?

23 A I'm employed at the South Carolina Law Enforcement
24 Division, also known as SLED.

25 Q And what are your current responsibilities?

1 **A** So my unit is required by law to assist the local
2 agencies any time a person under the age of 18 dies in a
3 suspicious, unexpected, undetermined manner.

4 **Q** So did somebody under the age of 18 die in this
5 case?

6 **A** They did.

7 **Q** Okay. And because of that, did you assist Conway
8 Police Department?

9 **A** I did.

10 **Q** Okay. And if you don't mind, as part of your
11 assistance, did you collect evidence from the autopsy of
12 Joshua McPherson, the victim in this case?

13 **A** I did.

14 **Q** And as part of that, did you collect from the
15 autopsy two bullets from inside Mr. McPherson?

16 **A** I did, yes, ma'am.

17 **Q** And who took the bullets out?

18 **A** The pathologist.

19 **Q** Okay. And who did she hand them to?

20 **A** She has a technician that collects the evidence.
21 They package it and sign it over to me when they are
22 completely finished with the autopsy.

23 **Q** So these two bullets came from Mr. McPherson?

24 **A** Yes.

25 **Q** And if you don't mind, take a look and confirm that

1 these are the two bullets that were removed from our
2 victim.

3 A Yes. That is the same lab number, yes. That's
4 correct.

5 Q And where were you when you took custody of these
6 bullets?

7 A They have a viewing room. I was in that viewing
8 room.

9 Q I'm sorry?

10 A They have a viewing room directly beside the autopsy
11 room, and I was in there when they transferred the
12 evidence to me.

13 Q Okay. And when they transferred it to you, do you
14 tamper with it in any form or fashion?

15 A I did not.

16 Q And where did you take the two bullets that were
17 recovered once you got them from the autopsy?

18 A So once I collected them, I placed them -- I have a
19 vault in the back of my vehicle, and it was placed inside
20 that vault and transported directly to Conway Police
21 Department.

22 MS. LIVESAY: Your Honor, at this time, the State
23 wishes to put 25 and 26 into evidence.

24 THE COURT: Any objections?

25 MR. WILSON: I don't have any objections to the

1 bullets, Your Honor. My concern at this point is
2 accounting for them from the time that they left her
3 possession until the time we got them back here and what
4 happened to them during the course of that. So I guess
5 what I am saying is, yeah, I do object at this point,
6 subject to them being connected in the proper fashion.

7 THE COURT: Why don't we just continue with the
8 chain.

9 MS. LIVESAY: Yes, sir, but I do believe Ms. Beasley
10 is qualified to put them into evidence. But as to any
11 testing, I'm going to do the chain.

12 THE COURT: Just continue with the chain.

13 MS. LIVESAY: That's fine.

14 BY MS. LIVESAY:

15 Q Ms. Beasley, who did you give those two bullets to?

16 A I gave them to Detective Huggins.

17 Q Okay. And did you tamper with them in any form or
18 fashion?

19 A I did not.

20 Q And they came out of our victim; correct?

21 A They did.

22 Q And when you look at them, can you tell they're two
23 separate bullets?

24 A They are separate.

25 Q Okay. And can you look at them and tell whether or

1 not those two bullets were fired from one gun or two
2 separate guns?

3 A I cannot answer that.

4 Q Okay. So you don't know if one gun fired both or
5 two guns?

6 A I have no clue.

7 Q But you know it's two bullets?

8 A I do.

9 MS. LIVESAY: No further questions.

10 THE COURT: Cross?

11 CROSS-EXAMINATION

12 BY MR. WILSON:

13 Q Ma'am, as I understand it, you were assisting
14 Conway ---

15 A Yes, sir.

16 Q --- in this investigation?

17 A Yes, sir.

18 Q Did you go to the area where Mr. McPherson was
19 killed?

20 A That morning, yes, sir.

21 Q Were you present when they collected two guns from
22 that house?

23 A No, sir.

24 Q All right. Were you aware that they collected two
25 guns from that house?

1 **A** I did not have any involvement in the activity that
2 happened in Florence. I was not a part of any of that.

3 **Q** No, I'm not asking you about what happened in
4 Florence. I'm asking you about when Mr. McPherson was
5 killed here in Conway. And you said that you were a part
6 of the investigator team. What I'm asking you is, did you
7 go to the home where Mr. McPherson was shot, the
8 apartment?

9 **A** Yes, sir.

10 **Q** Okay. And were you aware that there were two guns
11 collected from that apartment?

12 **A** Not that I'm aware of, no, sir. I wasn't there for
13 that.

14 **Q** You weren't there for that?

15 **A** I was not, no.

16 **Q** So as a team, do y'all not discuss what evidence you
17 have found or collected or where the case is headed so
18 that everybody knows in the team what's going on with the
19 case?

20 **A** So it depends. My specialty would mainly revolve
21 around infants, toddlers, very young children. Conway
22 Police Department is very capable of handling juvenile --
23 juvenile shootings just like they are adult shootings. So
24 when I arrived initially on the scene, they showed me the
25 video at the apartment complex, and then we went back to

1 the police department and sat, and they went through the
2 LPRs and we started to obtain information.

3 Q Okay. Well, but let's be fair. When you are a part
4 of an investigatory team, the whole premise is we don't
5 want to duplicate each other's actions so we have team
6 meetings so we can discuss what is happening, what needs
7 to get done, and who needs to do it; right?

8 A Correct.

9 Q And I'm sure, having been in law enforcement like
10 you are, that that's what y'all did; right?

11 A Yes, sir.

12 Q All right. And I'm also sure that, when you went to
13 the house, you weren't interested -- let me rephrase that
14 and ask it this way: When you went to the house where
15 this 17-year-old victim was there -- and my understanding
16 is, you said earlier that the whole purpose of your being
17 a part of the team was because there was an underage
18 person involved ---

19 A Yes, sir.

20 Q --- in the death.

21 So you're there with that understanding. So would
22 it not be important to you to know if a 17-year-old had a
23 weapon at the time ---

24 A So --

25 Q I'm sorry; I didn't mean to cut you off.

1 --- at the time this that incident occurred.

2 A So my responsibility as a child fatality agent is to
3 assist the local agencies. So when I arrived on-scene,
4 Conway Police Department was executing their search
5 warrants inside the apartment. They did not need me for
6 that assistance, so I was no part of what they collected
7 that day.

8 Q Okay. And having done this as long as you have,
9 when you do collect evidence and that evidence is either
10 ballistic evidence or evidence that's capable of being
11 retrieving DNA from, what do you do with it once you get
12 it?

13 A So the evidence I collect is during the autopsy, and
14 I transfer it directly to the local agencies. I don't
15 collect anything on-scene. The local agencies collect
16 their evidence on-scene. I am them strictly for
17 assistance.

18 Q All right. Now, you do know that SLED can test guns
19 to determine if they match bullets; right?

20 A Yes, sir.

21 Q And I'm sure that you're aware that SLED can also do
22 DNA if there is any present or not; right?

23 A Yes, sir.

24 Q And they can also do fingerprint analysis if there
25 are fingerprints on an item?

1 A Yes, sir.

2 Q And in the normal course of things, would you agree
3 with me that, when you collect evidence, the whole idea is
4 to get as much information from that piece of evidence as
5 you can collect; right?

6 A Yes, sir.

7 Q And that would include perhaps sending it to SLED to
8 have them test it so that we know if there's blood on it
9 or if there's DNA on it or there's fingerprints on there
10 or whatever there might be on it; would you agree with
11 that?

12 A Yes, sir.

13 Q And you don't know whether Conway did that in this
14 case or not?

15 A I'm not sure.

16 Q Okay. Fair enough.

17 Now, let me ask you in regards to -- well, let me
18 back up. These two weapons. Have you ever seen them
19 before, the two that were presented here?

20 A No, sir.

21 Q So you have no idea -- you have not seen them prior
22 to today?

23 A No, sir.

24 Q And you have had no contact with them?

25 A I have not.

1 Q All right. I think that's it. Thank you so very
2 much.

3 THE COURT: Mr. Rigney?

4 MR. RIGNEY: I have no questions, Your Honor.

5 MS. LIVESAY: Just a couple, Your Honor.

6 REDIRECT EXAMINATION

7 BY MS. LIVESAY:

8 Q Mr. Wilson asked you a little bit about what you do
9 with the evidence and how you protect the integrity of it.
10 Do you remember that?

11 A Mm-hmm.

12 Q And -- yes or no?

13 A Yes.

14 Q It's okay. This lady has to get it down.

15 And in this particular case, are you, for the most
16 part, just a chain witness?

17 A I am.

18 Q And if you don't mind, tell this crowd what a chain
19 witness is.

20 A So we are involved in any transportation collection
21 of any evidence and we have to place our signature on that
22 chain to make sure that we are doing what we're supposed
23 to do properly and keeping that chain as it needs to be.

24 Q And, in fact, you have to document where you got it;
25 right?

1 **A** It has to be documented, yes.

2 **Q** That's right. On a piece of paper. On a chain of
3 custody; correct?

4 **A** Yes.

5 **Q** And then you have to document who you hand it off
6 to; correct?

7 **A** I do.

8 **Q** And why is that?

9 **A** To keep the integrity of the evidence for the case.

10 **Q** Okay. And is it to protect the integrity of the
11 evidence?

12 **A** It is.

13 **Q** Make sure nobody tampers with it?

14 **A** Yes.

15 **Q** Make sure we're able to get an accurate result?

16 **A** Yes.

17 **Q** Could you get away with just laying the evidence
18 there for a couple of days for anybody to touch?

19 **A** You cannot.

20 **Q** And why is that?

21 **A** Because it would damage your case.

22 **Q** The result wouldn't be accurate then, would it?

23 **A** It would not.

24 **MS. LIVESAY:** No further questions.

25 **MR. WILSON:** Nothing further, Your Honor.

1 MR. RIGNEY: Nothing, Your Honor.

2 THE COURT: Any objections to her being relieved?

3 MR. WILSON: No objection.

4 MR. RIGNEY: No objection.

5 THE COURT: You have a good day.

6 Call your next witness.

7 MS. LIVESAY: Thank you, Judge. At this time, we'd
8 like to call Amber Lewis to the stand.

9 AMBER LEWIS,

10 after having been duly sworn, was examined and
11 testified to as follows:

12 THE CLERK: Please have a seat and state your name
13 and spell it.

14 THE WITNESS: My name is Amber Lewis.

15 DIRECT EXAMINATION

16 BY MS. LIVESAY:

17 Q Ms. Lewis, tell this crowd where you're currently
18 employed.

19 A I'm currently employed with the Conway City Police
20 Department.

21 Q And how long have you been employed with Conway?

22 A 22 years.

23 Q What do you do for the police department?

24 A I'm currently a detective in Criminal Investigation
25 Division, currently.

1 Q Okay, currently. So what were you doing back in May
2 of 2022?

3 A I was primarily over evidence.

4 Q Okay. And tell these people what your
5 responsibilities were in Property and Evidence.

6 A In Property and Evidence, we maintained the evidence
7 once it comes in. It's stored. We sign it in. We
8 corroborate with the property sheets that this is what I'm
9 signing in, this matches this serial number, so on and so
10 forth. If it's required to go to SLED, we relock it. We
11 send it, transport it, and so on and so forth.

12 Q And tell the folks where the evidence is held at
13 Conway Police Department.

14 A It's initially stored in secured locked lockers
15 until I access it, and then I will sign it in individually
16 one by one, ensuring that it matches up with our property
17 sheets and it's stored on shelves for transport to either
18 SLED or, if it doesn't need to be tested, it's just stored
19 until we have a case disposition.

20 Q Can just anybody and everybody get in that locked
21 room?

22 A Absolutely not.

23 Q And why is that?

24 A To maintain chain of custody and integrity of
25 everything.

1 Q Okay. When you took these guns into evidence, you
2 just didn't lay it out on a desk in the police department?

3 A No, ma'am.

4 Q And why is that?

5 A To protect the evidence.

6 Q To make sure whatever result we get is accurate?

7 A Correct.

8 Q And so these guns, once you got it, were locked up?

9 A Yes, ma'am.

10 Q Okay. Now -- and how about the bullets? Were they
11 locked up?

12 A Everything.

13 Q Shell casings?

14 A Everything.

15 Q Everything is locked up?

16 A Everything.

17 Q Okay. So in this particular case, did you take some
18 items from the locked box or locked room in Conway Police
19 Department to the South Carolina Law Enforcement Division?

20 A I did.

21 Q Okay. And did you take Items 25 and 26, the two
22 bullets from the autopsy, did you take those to SLED?

23 I apologize.

24 A Can I get my property records?

25 Q You sure can. Have you got it with you?

1 A Yes, it's over there. And a cough drop, too.

2 Q Let me show you this. Is this -- hold on --

3 A That's the pre-log receipt, but it goes along with
4 that, so it will say exactly what was tested or what the
5 test request was.

6 Q But this is your record?

7 A Yes, ma'am.

8 This is just a copy of all the property that was
9 involved and this being our Item No. 80 and 83. Bear with
10 me, my voice is...

11 Yes, Item 80 and 83 did go to SLED on July 13th,
12 2022.

13 Q Okay. So both bullets that were recovered from our
14 victim, from the autopsy were taken to SLED?

15 A Yes, ma'am.

16 Q Okay. Now, tell me about this shell casing, which
17 is State's Evidence No. 24, collected from the crime
18 scene.

19 A Okay.

20 Q Will you look and see if that was taken to SLED?

21 A Yes, because that would be our Item No. 1, your
22 State's Evidence 24. But yes, it was also taken to SLED
23 July 13th of 2022.

24 Q So that was taken to SLED?

25 A Yes, ma'am.

1 Q And I'm going to show you now Items 20 and 21. Can
2 you look here, or do you need the serial number?

3 A Yeah. Well, the exhibit items are different from my
4 property items.

5 Q I know. You do whatever you need to.

6 A Okay. 65 through 68, which is the black GLOCK 19.
7 Yes, that went to SLED on July 13th, 2022.

8 Q And do you document the serial number there?

9 A Yes, it's documented. The serial number is
10 AFSG-329. Alpha-Foxtrot-Sierra-Golf 329.

11 Q Okay. And does that serial number match?

12 A AFSG-329, yes, ma'am.

13 Q So the black GLOCK found from Micah Pressley's house
14 was sent to SLED?

15 A Correct.

16 Q Now, how about this tan one that was also found from
17 Mr. Pressley's house?

18 A Yes. That's our Item No. 62. It also went to SLED
19 the same day, July 13th, 2022. That serial number is
20 BRGD-733.

21 Q Read the serial number again.

22 A BRGD-733.

23 Q I'm sorry?

24 A BRGD-733.

25 Q Does that serial number match this gun? Take a

1 look.

2 A BRGD-733. Yes, ma'am.

3 Q So this gun was also sent to SLED?

4 A Yes, ma'am.

5 Q Both guns -- both bullets from the victim and the
6 shell casing; is that correct?

7 A That's correct.

8 Q Okay. Now, who took it to SLED?

9 A I did.

10 Q Okay. And when you took it to SLED, while it was in
11 your custody and control, did you tamper with it in any
12 form or fashion?

13 A No, ma'am.

14 Q Okay. And when it goes to SLED, is it taken by
15 someone? Is it locked up? Tell me about that.

16 A It's placed in a locked locker, and we have to
17 actually -- I don't know if this is a copy or not. We
18 have a receipt. When we log things in for SLED, how we're
19 going to test it, what it needs to be tested for, we take
20 this paperwork with us, sign it over to them, and
21 timestamp it and then place it in their secured lockers.

22 Q Okay. So you don't just leave it in the lobby for
23 anybody to touch?

24 A No, ma'am.

25 Q So when you leave it, it is, without a doubt, locked

1 up?

2 A Correct.

3 Q Not out in the open somewhere?

4 A No. Never unattended and unlocked.

5 Q Do you -- when you take these items to SLED, are
6 they packaged in a way where you're not touching the
7 actual item?

8 A Correct. They are sealed. And if, for some reason,
9 we have to open the seal and break the seal, it is
10 resealed, initialled, and dated. It's always sealed. As
11 you can see all the tape, the different tape on there.

12 Q So everything you send is sealed up?

13 A Yes.

14 Q And would they accept it if the seal had been
15 broken?

16 A No. They would reject it.

17 MS. LIVESAY: No further questions for
18 Ms. Beasley [sic].

19 CROSS-EXAMINATION

20 BY MR. WILSON:

21 Q Were these the other two items that you were given
22 to send to SLED?

23 A No. There was multiple items. I have 89 items of
24 evidence, I guess. There was more than this.

25 Q Well, I'm only interested in two now.

1 **A** Okay.

2 **Q** Tell me about the two other guns that you had.

3 **A** Let's see. That would be the black-in-color GLOCK

4 17.

5 **Q** Yes, ma'am.

6 **A** Serial BWFM-622?

7 **Q** Yes?

8 **A** Is that what you're referring to?

9 **Q** Yes, ma'am.

10 **A** Yes, that did go to SLED as well.

11 **Q** That went to SLED too?

12 **A** Yes, sir.

13 **Q** And there was another gun that was also found at the

14 apartment where Mr. McPherson was killed. Do you have

15 that gun?

16 **A** That is black-in-color GLOCK 23.

17 **Q** That was the GLOCK 40, if I make no mistake. It's a

18 GLOCK 23 --

19 **A** .40 caliber. Serial No. BUCX-873.

20 **Q** All right. And so you had that gun too?

21 **A** Yes, sir.

22 **Q** That's not either of these two guns?

23 **A** No.

24 **Q** Those are two separate guns; right?

25 **A** Yes, sir.

1 Q And when were those two guns sent to SLED for
2 analysis?

3 A July 13th, 2022.

4 Q July 13th of 2022?

5 A Yes, sir.

6 Q All right. Do you -- when the reports come back
7 from SLED, do they come to you or who do they go to?

8 A They come to me.

9 Q They come to you?

10 A Yes, sir.

11 Q And on those two GLOCK guns that we're talking
12 about, the last two that I just asked about, were found in
13 that apartment?

14 A Yes, sir.

15 Q Did you get a report back from SLED on those two
16 guns?

17 A That, I don't recall if we have that paperwork or
18 documentation.

19 Q Well, let me show you this.

20 A Okay.

21 Q Take a look at it.

22 A Okay. Yes.

23 Q Have you ever seen that before?

24 A More than likely, yes. Do I recall it? No, it's
25 been a minute.

1 Q Well, let me ask you this.

2 A Yes, sir.

3 Q You knew you were coming to court to testify in this
4 case; right?

5 A Yes.

6 Q And you knew that you were coming specifically to
7 testify about two guns -- at least two guns; right?
8 Right?

9 A I knew I was coming to testify for the chain of
10 custody, yes, sir.

11 Q Okay. On the chain of custody. But you're the
12 evidence custodian; right?

13 A Yes, sir.

14 Q So whatever evidence is collected, no matter where
15 it's from with these investigators, they bring it to your
16 lockbox, they put it in that lockbox for security
17 purposes, and the only person who can let it in or out
18 after that is you; right?

19 A Yes.

20 Q And so those two guns -- those other two guns that
21 we don't have here, you sent to SLED; right?

22 A Yes.

23 Q And my question to you is, did you ever get a report
24 back from SLED on those other two guns?

25 A This is for one of them.

1 Q Well --

2 A Yeah.

3 Q Is that not for two of them?

4 A Yeah. Of course I'm corroborating the serial
5 numbers, yes.

6 Q So both those guns you received a report back from
7 SLED on; right? But you don't remember the report; is
8 that what you're saying?

9 A Actually, I -- the report is addressed to me, but
10 it's dated for November the 2nd of 2023. I was no longer
11 over Evidence at that time.

12 Q Okay. So you left Evidence when?

13 A In March of 2023.

14 Q All right. So you left March of 2023?

15 A Yes.

16 Q So you didn't get that report?

17 A No. Everything was forwarded over to the new
18 evidence custodian.

19 Q But you were the evidence custodian when those two
20 guns came in?

21 A Yes.

22 Q And you were the evidence custodian that transferred
23 those guns or transported those two guns to SLED for
24 analysis?

25 A Correct, yes.

1 Q Now, those other two guns, who did you get them
2 from?

3 A Per the property sheets, they were collected from
4 Building 640, Highway 544, Apartment 108, Coastal Club
5 Apartments.

6 Q 108. That's the apartment where Mr. McPherson was
7 killed.

8 Which detective -- which officer gave you those two
9 guns?

10 A These were Investigator Mark Bobbitt.

11 Q So Investigator Bobbitt gave you those two guns?

12 A They were placed into evidence, yes.

13 Q Did he give you any instructions as to what to do
14 with those two guns versus the two that you have there?

15 A Not that I recall. I generally will do the same
16 extent for any firearm that's placed into I-lab.

17 Q Okay. And as evidence custodian, when you send
18 these items to SLED and you get back a report, does it go
19 to you and the investigating officer or just to you?

20 A It comes to me, and I send it to the investigating
21 officer.

22 Q And who took your place after you left in March?

23 A Alexandria James.

24 Q Okay. All right. Is that person still at the
25 department now?

1 **A** Yes, sir.

2 **Q** And so -- and I assume -- you know what they say
3 about assumptions, but anyway, let me ask you this way:
4 With the new custodian, when that report came in, does it
5 go to a mailbox that would be for the evidence custodian
6 or does it go to you personally?

7 **A** We created -- because of the transfer, we created
8 kind of a CPD, Conway Police Department, evidence.com
9 thing, so we wouldn't miss anything. So it could go there
10 or it could go to me and get forwarded. It just depends.

11 **Q** And with that evidence.com box, who would have
12 access to that?

13 **A** I think it would just be the ranks of whoever was
14 over the evidence. So the evidence custodian, the
15 sergeant, the lieutenant, and the captain.

16 **Q** Okay. So more than one person would have access to
17 it?

18 **A** Yes.

19 **Q** Okay. All right. Now, do you know of any reason
20 that you don't have those two guns today?

21 **A** No, I don't.

22 **Q** Were you asked by the State to testify about the
23 chain of custody for those other two guns?

24 **A** No, not specifically, no.

25 **Q** Right. You were only asked to come in here and talk

1 about these two guns; right?

2 A I didn't --

3 Q Or at least --

4 MS. LIVESAY: Your Honor, can she answer?

5 THE COURT: She can. Go ahead.

6 BY MR. WILSON:

7 Q Go right ahead, ma'am.

8 A I didn't know specifically what property I was
9 testifying on. I just know that I was here because I am
10 the chain of custody. So I didn't know specifically.

11 Q All right. Do you know who the analyst was for the
12 other two guns; that is, the SLED analyst?

13 A No, I don't.

14 Q All right. And you don't know what the test results
15 were from those other two guns, whether there was maybe
16 DNA found on them or blood found on them or anything? You
17 have no idea?

18 A No.

19 Q All right. Thank you, ma'am.

20 MR. WILSON: I have no other questions, Your Honor.

21 THE COURT: Mr. Rigney?

22 MR. RIGNEY: Thank you, Your Honor.

23 MS. LIVESAY: Ms. Lewis, just one question --

24 MR. RIGNEY: Excuse me --

25 MS. LIVESAY: Oh, sorry. Go ahead.

CROSS-EXAMINATION

BY MR. RIGNEY:

Q Just a couple of quick questions.

A Yes, sir.

Q The guns that we were talking about that are not here ---

A Yes.

Q --- where were they found?

A They were found, according to the property report, Building 640, Highway 544, Apartment 108, Coastal Club Apartments.

Q And that's where the victim was shot?

A Yes.

Q And is there anything that you're aware of that connects Fanotti Neal to either of those guns?

A No, I don't --

Q No further questions.

A I'm not familiar with that.

REDIRECT EXAMINATION

BY MS. LIVESAY:

Q Ms. Lewis, what were your job responsibilities at the time of this murder?

A At the time of this trial was -- murder, I was the primary custodian evidence signing in property, taking property to SLED, transporting, pre-logging.

1 Q So, as part of your job, did you read or analyze any
2 kind of SLED reports?

3 A No.

4 Q So all you do is make sure the evidence is kept
5 locked, and when it's time to take it to Columbia for
6 testing?

7 A Correct.

8 Q You're not in any part of the investigation?

9 A Negative.

10 Q Did you interview anybody?

11 A No.

12 Q Do you do any kind of reports?

13 A Absolutely not.

14 Q Do you do any kind of forensic testing?

15 A No, ma'am.

16 Q So all you do is keep it locked up to make sure
17 nobody touches it; right?

18 A Correct.

19 Q And that job is so important, that was basically
20 your sole responsibility?

21 A That was it.

22 Q And there's one person like that at least at every
23 police department; is that correct?

24 A Yes.

25 Q To ensure the mess just ain't laying around in the

1 lobby somewhere?

2 A Right. Keep it secure. Any reports that we
3 received for the testing for what we transport for go to
4 the investigator. I might receive it because I
5 transported it, took it there, it might come back to me,
6 but I send it to the investigator for the investigation.
7 I'm not investigating it. I'm simply the keeper of the
8 evidence.

9 Q No further questions.

10 MR. WILSON: I have no further questions.

11 MR. RIGNEY: No questions, Your Honor.

12 THE COURT: Any objections to her being excused?

13 MR. RIGNEY: No objection.

14 MR. WILSON: Yes, sir. Yes, sir.

15 THE COURT: All right. You can step down and hang
16 around.

17 Why don't we take a 15-minute break and come back
18 and continue.

19 (The jury exited the courtroom at 11:04 a.m.)

20 THE COURT: Let's take a short recess and we'll be
21 back in 15 minutes.

22 (A recess was taken from 11:04 a.m. to 11:31 a.m.)

23 THE COURT: Everybody ready?

24 MS. LIVESAY: We are, Your Honor.

25 THE COURT: Go ahead and bring them in.

1 (The jury entered the courtroom at 11:32 a.m.)

2 THE COURT: Call your next witness.

3 MS. LIVESAY: Thank you, Judge. At this time, the
4 State calls Bailey Haynes.

5 BAILEY HAYNES,
6 after having been duly sworn, was examined and
7 testified to as follows:

8 THE CLERK: State your name for the Court and spell
9 it, please.

10 THE WITNESS: Bailey Haynes. H-a-y-n-e-s.

11 DIRECT EXAMINATION

12 BY MS. LIVESAY:

13 Q And, Ms. Haynes, if you don't mind, tell these folks
14 where you're currently employed.

15 A I'm currently employed at the South Carolina Law
16 Enforcement Division, otherwise known as SLED.

17 Q And where is SLED?

18 A SLED is located in Columbia, South Carolina.

19 Q And what are your job responsibilities at SLED?

20 A Currently? Currently, I'm a forensic scientist for
21 the Firearms Department. I am a firearms examiner in
22 training, and I'm currently going through a training
23 process to be a firearms examiner.

24 Q And, Ms. Haynes, what were your responsibilities
25 back in 2022?

1 **A** In 2022, I was a forensic technician for the
2 Evidence Control Department at SLED.

3 **Q** And what were your responsibilities in that
4 position?

5 **A** As a forensic technician for the Evidence Control
6 Department, I was responsible for the intake of evidence
7 from agencies across the State of South Carolina and the
8 distribution of that evidence throughout the laboratory.

9 **Q** And if you don't mind, tell these folks a little bit
10 about the process. Like, as far as submitting evidence,
11 what happens?

12 **A** Sure. Evidence can be submitted to SLED either
13 through our secured evidence submission lockers or it can
14 be delivered directly to a forensic technician. Once a
15 technician receives that evidence, they will log it into
16 our system and create a unique SLED label for it, which
17 includes a SLED lab number and item number that is unique
18 to that evidence. It also creates a bar code that follows
19 the evidence as it travels throughout the laboratory.

20 Once they create that bar code label for the
21 evidence, they will then transfer it to our secured
22 evidence room, and they will place it on a designated
23 intake shelf awaiting further instructions.

24 **Q** And, at any time, is the evidence ever just laying
25 out at SLED?

1 A No, ma'am.

2 Q So if it's submitted into a locker, is that locker a
3 locked locker?

4 A Yes, ma'am.

5 Q So nobody can just leave it in the lobby?

6 A That is correct.

7 Q Okay. And when -- did you handle the evidence in
8 this case, which is L22-12925?

9 A I did not handle the physical evidence. I handled
10 the outer packaging containing the evidence.

11 Q So did you handle the outer packaging that contained
12 the evidence?

13 A Yes, ma'am.

14 Q And did you specifically take in two fired bullets
15 from the autopsy, one shell casing, and one firearm with
16 the serial number AFSG-329?

17 A Can I look at my documents?

18 Q You sure can.

19 A Thank you.

20 A Yes, ma'am.

21 Q And how about the two guns?

22 A Yes, ma'am, I did.

23 Q And when you took in these items, if the seal had
24 been broken or anything appeared to be tampered with,
25 would you have accepted the items?

1 **A** We would have -- if the evidence had appeared to
2 have been tampered with, we would have contacted the
3 agency and had them come back and seal the evidence
4 appropriately.

5 **Q** Okay. And, to your knowledge, was that necessary in
6 this case?

7 **A** No, ma'am.

8 **Q** Okay. And so you took in the two fired bullets from
9 the autopsy, the two shell casings, and the two guns that
10 were located in Battleboro?

11 **A** Yes, ma'am.

12 **Q** And when they were -- when you were handling the
13 outer packaging that contained the items, did you at any
14 point tamper with or do anything with the evidence?

15 **A** No, ma'am.

16 **Q** And where was it handed off to when you got it from
17 the locker or from Conway Police Department?

18 **A** I placed the evidence on a designated intake shelf
19 in our secured evidence room.

20 **Q** And is that area where the evidence is kept locked?

21 **A** Yes, ma'am.

22 **Q** Okay. And during the time you handled this
23 evidence, were your responsibilities the evidence
24 custodian technician?

25 **A** Yes, ma'am.

1 Q Okay. So did you write reports?

2 A No, ma'am.

3 Q Did you examine any of the evidence?

4 A No, ma'am.

5 Q So you basically took it in and put it in the
6 appropriate place at SLED?

7 A Yes, ma'am.

8 MS. LIVESAY: No further questions for Ms. Haynes.

9 CROSS-EXAMINATION

10 BY MR. WILSON:

11 Q Ma'am, let me ask you, those weren't the only two
12 items that you received, correct, from Conway Police
13 Department?

14 A That is correct.

15 Q You received a multitude of other items?

16 A That is correct.

17 Q And that would also include two other firearms;
18 right?

19 A Can I look at my documents?

20 Q Sure. Yes, ma'am.

21 A You said two other firearms?

22 Q Yes, ma'am.

23 A That is correct.

24 Q All right. And those two other firearms that you
25 received are not those two that are in those two boxes;

1 correct?

2 A That is correct.

3 Q All right. Are those two firearms still in your
4 possession or in your custody, or have they been sent back
5 to the police department?

6 A Can I refer to the chain of custody?

7 Q Yes, ma'am, please.

8 A One -- according to the chain of custody that I have
9 with me, one is still located in our secured evidence room
10 and another has been returned to the agency.

11 Q So one is still at SLED and the other one has been
12 returned to the City of Conway Police Department?

13 A That is what my chain of custody I have in front of
14 me says, yes.

15 Q Now, let me ask you -- the solicitor asked you a lot
16 of questions about these two weapons. The other two
17 weapons that you had, did you keep them in your care,
18 custody, and control until you turned them over to whoever
19 the analyst was who was going to analyze them or until
20 they received them from your deposit box?

21 A I also received those guns, and I put them on an
22 intake shelf. Later on, I also put them on an intake
23 shelf.

24 Q Okay. And when you say you put them on an intake
25 shelf, that is so that the analyst can pick them up and do

1 whatever analysis is necessary?

2 A The analyst cannot go into our secured evidence room
3 and pick up the evidence. They have to request it through
4 us, and we will take it from our secured evidence room and
5 give it to them.

6 Q Let me ask you about this particular case: Were the
7 two weapons that we're talking about -- that are not here
8 today -- did you give those to an analyst or did an
9 analyst receive those items at any time while they were in
10 your care, custody, and control?

11 A It does look like one of the firearms was given to a
12 forensic scientist, that is correct.

13 Q Okay. And would you have the name of that forensic
14 scientist it was given to?

15 A According to the chain of custody, it says
16 Courtney D. Thompson.

17 Q Do you know whether or not Ms. Thompson received
18 both items or just the one?

19 A I only know what is on the chain of custody, and
20 according to that chain of custody, she only received one.

21 Q And so the second gun, as far as you know, is still
22 with you in your custody at SLED?

23 A It is not in my custody at SLED. According to the
24 chain of custody I have printed out, which was printed in
25 August of this year, it is still on an intake shelf in our

1 secured evidence room.

2 Q And just so we're clear, from the time the City of
3 Conway Police Department delivered these items to you or
4 to your department, they have been in a secured facility
5 from that point on except for the time that they were with
6 an analyst?

7 A They have been always been secured since they have
8 been at SLED, that is correct.

9 Q And they haven't been changed or altered in any
10 fashion whatsoever?

11 A That is correct.

12 Q And other than for testing purposes, they would be
13 exactly as they were when they were delivered to you?

14 A It's hard to say how they would be now because I
15 only was involved in those certain aspects of it, but when
16 I had custody of it, they didn't look to be tampered with
17 in any way.

18 Q Were you asked to bring the other gun that was left
19 at SLED? Were you asked to bring that with you today?

20 A No, I was not.

21 Q And the second gun, the one that was sent back to
22 the City of Conway, have you seen or had contact with that
23 weapon since it was sent back to Conway?

24 A I have not.

25 Q Thank you, ma'am.

1 THE COURT: Mr. Rigney?

2 CROSS-EXAMINATION

3 BY MR. RIGNEY:

4 Q Just one question I wanted to clarify. How many
5 shell casings did you receive in the chain of custody?

6 A So Evidence Control operates on a set-to-contain
7 basis, meaning that we don't open any sealed evidence to
8 inventory the contents inside. I can only tell you what
9 was -- how many shell cases I was told were in the items.

10 Q And that's my question.

11 A Okay. Let me just look at my documents.

12 Q Okay.

13 A Which item in particular are you referring to?

14 Q The shell casing. I thought I heard the solicitor
15 say two. I just want to clarify how many you actually
16 received.

17 A Give me just a second, please. From the submission
18 documents, it looks like I received one shell case.

19 Q Thank you.

20 MR. RIGNEY: No further questions.

21 THE COURT: Any redirect?

22 MS. LIVESAY: No further questions for Ms. Haynes.

23 MR. WILSON: Nothing further.

24 THE COURT: Any objection to her being excused?

25 MR. WILSON: Well, we may need her, depending on how

1 this trial goes.

2 THE COURT: Have a seat in the back of the
3 courtroom.

4 THE WITNESS: If you would, I am -- I'm needed in
5 virtual testimony for another trial right now, so I will
6 have to step out and testify for them, but I can come
7 right back, if that's okay.

8 MR. WILSON: It would be for tomorrow.

9 THE COURT: That's perfectly fine.

10 THE WITNESS: Okay. Thank you.

11 THE COURT: Call your next witness.

12 MS. LIVESAY: Thank you, Your Honor. At this time,
13 the State calls Madison Willis.

14 MADISON WILLIS,

15 after having been duly sworn, was examined and
16 testified to as follows:

17 THE CLERK: State your full name for the record and
18 spell it, please.

19 THE WITNESS: My name is Madison Willis.

20 M-a-d-i-s-o-n W-i-l-l-i-s.

21 DIRECT EXAMINATION

22 BY MS. LIVESAY:

23 Q And, Ms. Willis, where are you currently employed?

24 A I'm currently employed with the South Carolina Law
25 Enforcement Division, which is commonly known as SLED.

1 Q And what are your responsibilities?

2 A I am a forensic technician for the Evidence Control
3 Department, so I handle evidence as it comes in from
4 outside agencies and distribute it throughout the
5 laboratory.

6 Q And is that the extent of your responsibilities, to
7 get the evidence from one place to another place?

8 A Yes, ma'am.

9 Q Okay. And in this particular case, I'm going to
10 show you two items. And will you tell me whether or not
11 you handled these two items?

12 A May I refer to my notes, please?

13 Q I'm sorry?

14 A May I refer to my notes, please?

15 Q Sure, sure.

16 A Yes, I did handle these items.

17 Q And if you don't mind, tell these jurors where you
18 got the item from and where you took it to.

19 A So Item No. 1 or SLED's Item No. 1, I got it off an
20 EP Firearms intake bin, which is in our secured evidence
21 room. I placed it into a container and then placed it
22 back onto the EP Firearms intake bin.

23 Q And what are those items?

24 A This is Item No. 1, which is described as a
25 heat-sealed pouch containing cartridge cases described as

1 spent shell casing on a day (ph) 9mm Luger located on
2 kitchen floor.

3 Q Okay.

4 A And then SLED's Container B.-- or SLED's Item
5 Container B, I did the same thing with this one. I took
6 it from our firearm's evidence intake storage fire bin,
7 and I placed it into a secure evidence transfer container
8 for the move to our new laboratory.

9 Q And while it was in your custody and control, did
10 you ever tamper with it at any point?

11 A No, ma'am.

12 Q Any form or fashion?

13 A No, ma'am.

14 Q And your sole occupation at SLED is to move the
15 evidence in such a manner to make sure that the integrity
16 stays intact?

17 A Yes, ma'am.

18 Q So when you're moving this evidence around, is it
19 behind locked doors?

20 A Yes, the evidence, when it is outside of my custody,
21 it remains under lock and key, also under a secure barcode
22 or an ID badge that only a couple of people have access
23 to. During that time, it is completely secure, shut down.
24 Nobody can have access to it.

25 Q At any point at SLED, is the evidence ever just

1 laying out in a lobby-type area?

2 A No, ma'am, it is not.

3 Q And is that to ensure that the results are correct
4 as to those items?

5 A Yes, ma'am, it is.

6 MS. LIVESAY: No further questions for this witness,
7 Your Honor.

8 THE COURT: Mr. Wilson?

9 CROSS-EXAMINATION

10 BY MR. WILSON:

11 Q Ma'am, let me ask you if -- let me show you this
12 document if I might. Take a look at that for me. And do
13 you see the highlighted areas?

14 A Yes, I do.

15 MS. LIVESAY: I'm sorry; what's he showing her,
16 Judge?

17 MR. WILSON: A copy of her --

18 MS. LIVESAY: If I can get a look at it.

19 MR. WILSON: Copy of the laboratory report.

20 MS. LIVESAY: Okay. Can we mark it?

21 MR. WILSON: For identification purposes.

22 MS. LIVESAY: Sure.

23 COURT REPORTER: No. 6. Defendant's 6.

24 (Defendant's Exhibit No. 6, Laboratory Report, was
25 marked for identification.)

1 BY MR. WILSON:

2 Q Let me show you this, ma'am, what's now marked as
3 Defendant's 6 for identification purposes only at this
4 time, and ask you if you recognize that document.

5 A I do recognize the document type, but I am not -- I
6 don't recognize this certain document, as I was not the
7 one who submitted the evidence to the laboratory or logged
8 in the evidence to the laboratory.

9 Q You're essentially saying you're not the author of
10 that document.

11 A No, I'm not.

12 Q Okay. But I specifically want to ask you about the
13 two highlighted things on that document ---

14 A Okay.

15 Q --- and see if you recognize --

16 MS. LIVESAY: Your Honor, I'm going to object. That
17 document is not into evidence, so to try to get the
18 contents into evidence would be inappropriate.

19 BY MR. WILSON:

20 Q I'll do it another way. Let me ask you if you know
21 what the agency number was for the two guns that were
22 missing from this trial. Do you know?

23 A Not the agency number. When the evidence is
24 submitted into the SLED laboratory, it is given a SLED
25 item number.

1 Q All right. So each item that comes into SLED is
2 given a number. And would you know by that number whether
3 you had contact with that particular item or not?

4 A Based on the unique SLED lab number that it is given
5 when we are given it, yes, I would recognize that.

6 Q So look on your file and look for Lab No. 12-12925
7 and see if you have SLED Item Lab Nos. 3 and 4.

8 A The only thing I would have access to would be the
9 chain of custody for the items. So I am unsure of the
10 question that you're trying to ask.

11 Q That's my question. Are you in the chain of custody
12 for either of those items?

13 A Can you please repeat the item numbers for me,
14 please?

15 Q The SLED item number is 3 and 4.

16 A I am not in the chain of custody of Items 3 or 4.

17 MR. WILSON: I have no other questions.

18 MR. RIGNEY: No questions, Your Honor.

19 THE COURT: Any redirect?

20 MS. LIVESAY: Thank you, Your Honor. I have no
21 further questions for this young lady.

22 THE COURT: Any objection to her --

23 MR. WILSON: No, sir.

24 MR. RIGNEY: No, Your Honor.

25 THE COURT: You may step down.

1 THE WITNESS: Thank you.

2 THE COURT: If you'll call your next witness.

3 MS. LIVESAY: Christine Dadabo.

4 CHRISTINE DADABO,

5 after having been duly sworn, was examined and
6 testified to as follows:

7 THE CLERK: State your name for the record and spell
8 it, please.

9 THE WITNESS: Christine Dadabo. Last name is
10 D-a-d-a-b-o.

11 DIRECT EXAMINATION

12 BY MS. LIVESAY:

13 Q Where are you currently employed?

14 A For SLED, South Carolina Law Enforcement Division.

15 Q And how long have you been employed at SLED?

16 A Since June of 2022.

17 Q Okay. And what were your job responsibilities in
18 2022?

19 A Well, obviously, when I first started, there was a
20 training process, so as I was going through the training
21 process, ultimately our responsibility is to process
22 evidence that is submitted to us from outside agencies and
23 then distribute it throughout the lab.

24 Q And when you say "process," what do you mean?

25 A When an agency brings us a piece of evidence or

1 multiple pieces of evidence, they will bring that evidence
2 with what we call a packing slip or a pre-log, and we make
3 sure that all of the information on that pre-log matches
4 the information that is on that evidence. We make sure
5 that that evidence is sealed properly, taped properly,
6 everything is initialled and dated. As long as all that
7 evidence is correct, then we will take it in and we will
8 process it.

9 Q So you're there to ensure that, when it's moved
10 around, it's kept in a manner where the integrity of the
11 item is protected?

12 A Correct.

13 Q And is it ever just laying out in the lobby at SLED
14 or is it always behind locked doors?

15 A No, it is never laying out.

16 Q Okay.

17 A Any time a piece of evidence is moved, there is a
18 unique bar code label that has a unique lab number that is
19 assigned to that case. That evidence will get scanned.
20 That way, no matter where that piece of evidence moves
21 throughout the lab, it's recorded on that chain of
22 custody, and we always know where that piece of evidence
23 is. And no, it is not laying out.

24 When that evidence is on an intake shelf, for
25 example, what we call an intake shelf, waiting to be

1 examined, it is in a locked-down facility. It's in our
2 evidence room.

3 Q So the integrity of the evidence is so important,
4 every time it's moved, it's scanned?

5 A Correct.

6 Q So, at any moment in time, you can account for the
7 location of the evidence?

8 A Yes, ma'am.

9 Q Okay. I'm going to show you three items. Would you
10 look at these items and tell me if you are in the chain of
11 custody.

12 A May I refer to my notes?

13 Q Yes. Of course.

14 A Yes. For Item 1 -- which is our SLED Item 1. And
15 then for SLED Item 12 and 13, yes, I'm on the chain of
16 custody.

17 Q And tell me what that entailed and whether or not
18 you tampered with any of these items.

19 A So for each piece that you see here, these pieces of
20 evidence were on our intake shelf, so they had been
21 processed by a different forensic technician in Evidence
22 Control and put on an intake shelf.

23 My involvement was -- we were getting ready to move
24 to our new lab, so where I fall into the chain is -- and,
25 again, everything that we did or any time this evidence

1 moves, it gets scanned so it can be tracked and its
2 location is known any minute of the day.

3 So what I had to do was scan barcodes, scan each
4 piece to what we called a secured evidence container and
5 then, ultimately, those secured evidence containers were
6 then scanned to a secured evidence transport and moved
7 over to the new facility.

8 So, again, my involvement here with these three
9 pieces of evidence were taking them from the intake shelf
10 and scanning them to a barcode that we made for that
11 secured evidence container.

12 Q And did you tamper with them?

13 A No, ma'am.

14 Q And do you write any kind of report?

15 A No. We didn't have to write any reports. You know,
16 with that -- with the barcode that was created for those
17 secured evidence containers, it can print an inventory, so
18 yes.

19 Q And do you analyze any of this evidence?

20 A I personally do not analyze evidence, no, ma'am.

21 Q Okay. So your sole responsibility is to ensure the
22 integrity of the evidence while it's at SLED?

23 A While it's in my custody and the evidence control
24 room, yes. And like I said, we distribute it throughout
25 the lab. When the analyst requests that piece of evidence

1 for analyzing, then it is our job to give them that
2 evidence, which, again, will be recorded on that chain of
3 custody.

4 Q Yes, ma'am. But you don't look at any evidence, you
5 don't process it, you don't test it. You are just there
6 to ensure, while you're moving it around, it is kept in
7 its integrity, not tampered with at all?

8 A Correct.

9 Q And at no point is it ever just laying out in the
10 open?

11 A No, ma'am.

12 Q And, in fact, when you scanned these barcodes, the
13 people at SLED, it creates an electronic chain, doesn't
14 it?

15 A Correct.

16 Q And it shows everybody that touches that item?

17 A Correct.

18 Q And that's to ensure that the item, once it's
19 tested, the result is accurate?

20 A Yes. Yes.

21 Q So make sure nobody touched it, nobody ---

22 A Yes.

23 Q --- smeared anything on it?

24 A Yes.

25 MS. LIVESAY: No further questions.

CROSS-EXAMINATION

BY MR. WILSON:

Q I just have a couple of questions. Ma'am, can you check your records to see if, based on Lab No. 122-12925 and see if you had possession of a SLED Item No. 3 or 4?

A I do.

Q Okay. And tell us how you came into possession of those items.

A The same exact way that I came into possession of these three items.

Q And tell us what those items are, SLED Item No. 3 and SLED Item No. 4.

A The description of Item No. 3 says a sealed gun box containing a handgun. And Item 4, a sealed gun box containing a handgun.

Q Does it tell you what kind of guns they are?

A Yes.

Q What kind of guns are they?

A Item 3 appears to be a black-in-color GLOCK 17 Generation 5, 9mm. And SLED Item No. 4 is described as a black-in-color GLOCK 23, Gen 5.

Q And does your records tell you where you got those items from?

A Yes.

Q Tell us about it.

1 **A** Item 3 and Item 4 both came from, just like these
2 three items here, came from an intake shelf and were
3 scanned to a secured evidence transport container.

4 **Q** And, like the solicitor, I'll ask you: Did you
5 change or alter those items in any way prior to sending
6 them to their ultimate destination?

7 **A** No, sir.

8 **Q** And as far as you know, when you delivered them to
9 whatever their final destination or whoever the final
10 analyst was, were they in the same condition as when you
11 received them?

12 **A** Yes, sir.

13 **Q** And did you get those items back from the analyst at
14 any point?

15 **A** I did not take those items back from the analyst.

16 **Q** Do you know who received them back?

17 **A** For Items 3 and 4?

18 **Q** Yes, ma'am.

19 **A** So it looked like, for Item 3, it would be Rachel
20 Johnson that took the evidence back from the analyst. And
21 for Item 4, same; Rachel Johnson was the one that received
22 that back from the analyst.

23 **Q** Now, Rachel Johnson, she has the same position that
24 you have?

25 **A** Yes, sir.

1 Q Do you know who the analyst was?

2 A Looks like we had Courtney Thompson and Paul Greer
3 for Item 4 ---

4 Q All right.

5 A --- and for Item 3. So 3 and 4.

6 Q So Courtney Thompson and Paul Greer had both items?

7 A Yes, sir.

8 Q Do you know what Courtney Thompson's specialty is
9 there at SLED?

10 A I think Courtney -- I believe -- and I apologize;
11 there's so many people that work in the lab, it's hard to
12 get to know everybody's name. But I believe Courtney
13 might be in -- she might be in DNA, and Paul is in
14 Firearms.

15 Q Thank you so very much, ma'am.

16 THE COURT: Mr. Rigney?

17 MR. RIGNEY: No questions, Your Honor.

18 THE COURT: Any objections to this witness being
19 excused?

20 MR. WILSON: No.

21 MR. RIGNEY: No, Your Honor.

22 THE COURT: Have a good day.

23 Do you have one more short witness before lunch?

24 MS. LIVESAY: Your Honor, the next witness is going
25 to be Rachel Johnson.

1 RACHEL JOHNSON,
2 after having been duly sworn, was examined and
3 testified to as follows:

4 THE CLERK: Please be seated and state your full
5 name for the record and spell it, please.

6 THE WITNESS: I'm Rachel Noel Johnson.

7 DIRECT EXAMINATION

8 BY MS. LIVESAY:

9 Q And, Ms. Johnson, where are you employed?

10 A I am currently employed at South Carolina Law
11 Enforcement Division, also known as SLED.

12 Q And what are your job responsibilities there at
13 SLED?

14 A I'm a forensic technician in the Evidence Control
15 Department, and I'm responsible for the intake of evidence
16 from agencies across the State of South Carolina and the
17 distribution of that evidence within the laboratory.

18 Q Okay. So you move items around inside of SLED from
19 one place to the other?

20 A Yes, ma'am.

21 Q Okay. And you ensure, while it's in your custody or
22 control, that it's not tampered with?

23 A Yes, ma'am.

24 Q Okay. And at any point at SLED, is the evidence
25 just laying out in the lobby?

1 **A** No, ma'am.

2 **Q** Okay. And is it always kept behind locked doors?

3 **A** Yes, ma'am.

4 **Q** And do you recognize the text message item I'm
5 showing you now?

6 **A** I recognize the unique SLED barcode label as well as
7 the case number.

8 **Q** At any time did you move that item?

9 **A** Do you mind if I check my checklist?

10 **Q** Not at all. Please go ahead.

11 **A** Yes, ma'am.

12 **Q** And where did you move it from and where did you
13 move it to?

14 **A** I first received this item off of a Firearm Evidence
15 Intake Storage on September 23rd, 2022, and I placed it
16 back onto Firearms Evidence Intake Storage.

17 **Q** And while it was in your custody and control, did
18 you ever tamper with it?

19 **A** No, ma'am.

20 **Q** Okay. And at SLED, do you test any of the items?

21 **A** No, ma'am.

22 **Q** Okay. Do you write any kind of forensic reports?

23 **A** No, ma'am.

24 **Q** Okay. So your sole job is to just ensure that that
25 evidence is kept intact, sealed, and moved around in a way

1 that protects the integrity of the item?

2 A Yes, ma'am.

3 MS. LIVESAY: No further questions.

4 CROSS-EXAMINATION

5 BY MR. WILSON:

6 Q Ma'am, let me ask you if -- in your conversations
7 with the solicitor, are you referring to Lab No. L22 or is
8 it 122?

9 A L22.

10 Q 12925?

11 A L22-12925.

12 Q Yes, ma'am.

13 And what I wanted to ask you was, did you come into
14 contact or possession of SLED Items 3 and 4?

15 A I do not have that in the chain of custody. I only
16 have the items that we discussed.

17 Q So you didn't receive Items 3 and 4 from Amber Todd?

18 A No, sir.

19 Q And so you're telling me that you're not in the
20 chain of custody for Items 3 and 4 from the SLED lab, from
21 the report? You're not?

22 A I don't have that number. I mean, I don't have the
23 full chain with me. But I did not submit it like -- like
24 log it in.

25 Q All right. Let me show you what's marked as

1 Defendant's Exhibit No. 6 for identification purposes and
2 see if that helps you at all.

3 MS. LIVESAY: Your Honor, again, it's not in
4 evidence, so the contents wouldn't be in evidence.

5 THE COURT: He just asked her to review it at this
6 point in time. We'll see what the follow-up questions
7 are.

8 A I cannot confirm if I did come in contact with that,
9 as I don't have the full chain of custody with me.

10 BY MR. WILSON:

11 Q Is it possible for you to check with your office and
12 get a full copy so you can tell us whether you were or
13 were not?

14 A I should be able to.

15 Q I'm sorry?

16 A I should be able to.

17 Q Okay.

18 MR. WILSON: Your Honor, I would just ask that she
19 be allowed to check with whoever she needs to check with.
20 And it's important to make sure that she's in the chain or
21 not in the chain.

22 BY MR. WILSON:

23 Q Thank you, ma'am. I'll take that back.

24 THE COURT: Mr. Rigney?

25 MR. RIGNEY: No questions.

1 THE COURT: Any redirect?

2 MS. LIVESAY: No further questions.

3 THE COURT: And do you have any objections to her
4 being excused?

5 MR. WILSON: I just need her to give me that
6 information, so she's going to have to come back at some
7 point.

8 THE COURT: Do you understand? All right.

9 Do you have another short witness or now a good time
10 to break?

11 MS. LIVESAY: I'm sorry, Judge?

12 THE COURT: Do you have another short witness, or is
13 now a good time to break for lunch?

14 MS. LIVESAY: The next witness we have is a rather
15 lengthy one.

16 THE COURT: All right. Let's take a break for
17 lunch. Do not discuss the case.

18 (The jury exited the courtroom at 12:12 p.m.)

19 THE COURT: We'll be at ease.

20 Ralph, let me speak to you one moment, not about the
21 case.

22 COURT REPORTER: Did you want this on the record?

23 THE COURT: No, that's okay.

24 (A lunch recess was taken at 12:17 p.m. to 1:11
25 p.m.)

1 (State's Exhibit No. 94, Verizon Records/Thumb
2 Drive, was marked for identification.)

3 THE COURT: Do we have a motion -- well, we have got
4 to get your guy.

5 MOTIONS/MATTERS OF LAW

6 MS. LIVESAY: Your Honor, the State's concern is
7 we're going to call Paul Greer next and that Mr. Wilson or
8 Mr. Rigney is going to try to get into the results
9 regarding two guns that have not been placed into
10 evidence, and the State's contention is that's not
11 appropriate because they're not in evidence.

12 MR. WILSON: I don't know what he's going to testify
13 to. I can tell you that, yes, I will ask him about those
14 guns, just like I have every other witness who's gotten up
15 here, and if he knows anything, then he can say I know it,
16 and if he doesn't know it, then he can say he doesn't know
17 it.

18 THE COURT: I think it's appropriate. Maybe those
19 two guns were used to kill the person, or somebody else
20 killed the person. I think it's all relevant.

21 MS. LIVESAY: It is relevant, and the bullets were
22 relevant, but I had to produce the chain of custody. I've
23 had to put them into evidence. And either the rules are
24 the same for Mr. Wilson or they're not. And the truth is,
25 the bullets were non-functional, which doesn't even

1 require a strict chain, and the State was required to put
2 that up.

3 Now, we're allowing Mr. Wilson to get into two items
4 that he has not authenticated, he has not put into
5 evidence, all in an effort so he can get this evidence in
6 and remain, I guess, to have last close.

7 But to allow us to start taking testimony on two
8 items that are not in evidence, not been authenticated, no
9 chain has been produced, then that's fine. If the rules
10 are different for us than Mr. Wilson, we need to know now.

11 THE COURT: I think he can ask questions about those
12 guns and who might have killed him, which gun might have
13 killed him. All that is relevant. He's not going to put
14 them into evidence because he doesn't have them.

15 MR. WILSON: I'm not going to put them in -- and not
16 only that, I have established the chain because I made a
17 point of asking every single witness about these two guns
18 and about whether they had possession of them, how they
19 came into possession of them, and what they did with them
20 once they completed their investigation with them.

21 So I have made a point of doing that because I knew
22 we would get to this point. But beyond that, what really
23 bothers me in this case is that the solicitor knows there
24 was blood on those two guns. She knows that. And they're
25 trying to hide that from this jury. I think that's

1 appalling. I do.

2 MS. LIVESAY: I'm glad you brought that up because
3 let's get into the fact that (A) the statement has been
4 suppressed, which is fine; that's the Court's ruling. So
5 now it's the State that's trying to hide evidence because
6 I'm asking this Court to respect the rules so this lady,
7 who has buried her son, can get a fair trial.

8 And to come up here -- he objected to the chain; I
9 produced the chain and brought all those people from
10 Columbia. And to allow him to have somebody testify about
11 something that is not in evidence, no serial number, not
12 been authenticated, and to say he's produced a chain, you
13 can't produce a chain when the serial number is not even
14 in evidence, and the item is not in evidence.

15 Either the rules are going to be fair and they're
16 going to be the same for everybody, or the State can't get
17 a fair trial.

18 MR. WILSON: And just so you know, I have subpoenaed
19 the agent who actually did the analysis on this weapon,
20 and, in that subpoena, we added a duces tecum asking she
21 bring these weapons to court tomorrow morning at 9 a.m.
22 So I expect that she will be here tomorrow morning at 9:00
23 with these items, per the subpoena.

24 MS. LIVESAY: So are they being put into evidence?

25 MR. WILSON: I don't know. We'll see when she gets

1 here.

2 MS. LIVESAY: So I need to ask the Court, then, are
3 we not going to not only allow testimony on items that are
4 not in evidence, but are we also going to allow him to
5 publish items that are not in evidence? How far are we
6 going to let this go?

7 THE COURT: He can ask questions. He doesn't have
8 anything to put in front of the jury. He has no bullets.
9 He has no guns, nothing like that. He's just asking
10 questions -- relevant questions.

11 And tomorrow, we'll see what happens if the guns
12 come and he tries to put them in. We'll cross that bridge
13 at that time. But for now, he can ask relevant questions
14 for sure.

15 All right. Go ahead and bring in the jury.

16 MR. WILSON: And, Your Honor, before the jury comes
17 in, one other thing in that regard. I want to make the
18 record clear. The solicitor handed me on -- was it
19 yesterday morning?

20 MR. RIGNEY: Monday morning.

21 MR. WILSON: -- Monday morning this report that we
22 were referring to about these two guns with the blood on
23 it. We were handed that Monday morning. Now, the report
24 was dated the 2nd of November. I got it Monday morning.

25 So -- and whether that was intentional or whether

1 that was just the way it worked out, I don't know, but the
2 idea is that the timing to get subpoenas to SLED and get
3 them here for a trial that's already started, to hand me a
4 piece of evidence that important is just not fair.

5 THE COURT: You don't need to stand.

6 (The jury entered the courtroom at 1:33 p.m.)

7 THE COURT: Go ahead and call your next witness.

8 MS. LIVESAY: Thank you, Judge. Paul Greer.

9 PAUL GREER,

10 after having been duly sworn, was examined and
11 testified to as follows:

12 THE CLERK: Please be seated. State your name for
13 the record and spell it, please.

14 THE WITNESS: My name is Paul Greer, G-r-e-e-r.

15 DIRECT EXAMINATION

16 BY MS. LIVESAY:

17 Q And, Mr. Greer, where are you currently employed?

18 A I'm employed at the South Carolina Law Enforcement
19 Division, which is commonly known as SLED.

20 Q And what is your job responsibilities at SLED?

21 A Yes, ma'am. At SLED, I'm a firearms examiner or
22 forensic scientist within our forensic services
23 laboratory.

24 Q If you don't mind, tell these people what that
25 means.

1 **A** Sure. The firearms examiner -- my day-to-day duties
2 include examination of firearms and firearms-related
3 evidence, so fired ammunition components such as a fired
4 cartridge case or fired bullet, and comparing those
5 components to test fires from firearms that are submitted
6 to the laboratory.

7 I also can look at tools and tool marks, conducting
8 general rifling characteristic exams on fire projectiles
9 that are submitted to the lab, conducting serial number
10 restorations on firearms with obliterated serial numbers,
11 and also performing destruction of weapons cases for
12 agencies across the State of South Carolina.

13 **Q** Okay. So that's a mouthful. Let me ask you this:
14 When an agency submits to you a gun and a shell casing,
15 what do you do with it? Tell us what are you are looking
16 at. What is the analysis?

17 **A** Sure. So at the root of what we're doing is called
18 firearms identification, and basically, all that is is a
19 discipline of forensic science where our main objective is
20 to compare those fired cartridge cases that are submitted
21 to the lab or those fired bullets and comparing those to a
22 firearm that may be submitted, so that way, we can say
23 they're fired by a specific firearm, if that's possible.

24 Those items are submitted to the laboratory.
25 They're submitted to our Evidence Control Department where

1 it's given a unique lab number and appropriate item
2 numbers. I receive that evidence at the appropriate time.
3 I will examine it, document all the characteristics of
4 those fired ammunition components. I will test-fire a
5 firearm, if it's submitted. And I'll compare all of those
6 items where applicable and where appropriate to each other
7 on a comparison microscope.

8 So if you think back to a lab you may have had in
9 school or something like that where you're able to look at
10 something under a microscope, what we have is a comparison
11 scope. We're able to look at two items at one time under
12 lighting -- using lighting in different angles and look at
13 tiny microscopic characteristics that are on those
14 cartridge cases and within the rifling of those fired
15 projectiles.

16 So those are tiny marks or impressions that you
17 really can't see well to evaluate with the naked eye, so
18 we're using that high-powered microscope to look at in
19 order to determine if these items were fired by a specific
20 firearm.

21 Q So you're trying to figure out if that particular
22 firearm fired the particular bullet that's submitted?

23 A Yes, ma'am. That is the end goal, yes, ma'am.

24 Q Okay. And when it's a shell casing, you're trying
25 to figure out if the gun that was submitted ejected the

1 shell casing that is submitted to SLED?

2 A If it was fired by that gun -- if it fired that gun.

3 Q And what kind of training have you undergone to
4 perform that analysis and make an opinion on it?

5 A Sure. I received a bachelors of science in
6 biological sciences from the University of South Carolina.
7 And upon my appointment at SLED, I began our SLED firearm
8 and tool mark course of instruction. This is an extensive
9 apprenticeship-style training program that's conducted
10 in-house at SLED under the supervision of other qualified
11 examiners.

12 During that time, approximately three years I was in
13 this training program, I assisted other examiners prep
14 their cases as they were working them. I conducted many
15 microscopic comparisons and also was given many written
16 and practical examinations.

17 At the conclusion of that training period, I was
18 given a multi-part comprehensive final exam that included
19 some mock casework for me to complete. I successfully
20 passed that and was then deemed competent to begin
21 firearms examination on my own.

22 Q And have you been qualified as an expert in South
23 Carolina?

24 A Yes, ma'am, I have.

25 Q And what have you been qualified as an expert in?

1 A Typically, an expert in firearms identification.

2 Q And how many times have you been qualified as an
3 expert in firearms identification?

4 A Approximately 45 times.

5 Q And have all those times been in General Sessions?

6 A That's in state and federal courts in the state of
7 South Carolina.

8 Q Okay. So both.

9 And did I get that correct, that the expertise is
10 firearms identification?

11 A Yes, ma'am, that's correct.

12 MS. LIVESAY: Your Honor, at this time, the State
13 wishes to submit Mr. Greer as an expert in firearms
14 identification.

15 MR. WILSON: I have no objection, Your Honor.

16 MR. RIGNEY: No objection, Your Honor.

17 THE COURT: Motion is granted.

18 BY MS. LIVESAY:

19 Q Now, I want you to take a look at these items,
20 Mr. Greer. Can you step down?

21 A Yes, ma'am.

22 MS. LIVESAY: Is that okay, Judge?

23 THE COURT: Yes, ma'am.

24 THE WITNESS: And may I bring my notes for
25 reference?

1 MS. LIVESAY: Sure.

2 BY MS. LIVESAY:

3 Q And I'm showing you now State's Exhibit 25 and 26.
4 Do you recognize those?

5 A Yes, ma'am, I do.

6 Q And are those the bullets that you looked at -- the
7 fired bullets -- and compared to these guns as part of
8 your analysis?

9 A These are in this container that's marked with our
10 SLED number. This contains SLED Items 18 and 20, which
11 are two projectiles that were submitted to the laboratory
12 that have been marked State's Exhibit 25 and 26. And I
13 did examine and compare these bullets.

14 Q Okay. Are they two separate bullets?

15 A They are.

16 Q Okay. If you don't mind, I'm going to open this bag
17 here so we can take them out.

18 I'm going to put these back in. I'm going to leave
19 it right here.

20 And these items -- these two fired bullets, what is
21 the description of these two bullets on your report --
22 these two fired bullets?

23 A SLED Item 18, which is -- right here, you can see
24 the bullet. It's one fired bullet, is what I have
25 determined that to be right here at the bottom. I

1 determined it to be one fired bullet. And based on its
2 submission to the SLED laboratory on those submission
3 documents, it was listed as from victim Joshua McPherson's
4 chest.

5 Q And that's a separate bullet. And how was that
6 described in your report?

7 A Yes. Based on my examination, I determined this to
8 be also one fired bullet. You can see that right there.
9 This listed on our submission paperwork to the laboratory
10 is listed as from victim Joshua McPherson's spine.

11 Q Okay. Now, my question to you is: Were these two
12 bullets fired by the same barrel or two separate barrels
13 of a gun?

14 A Yes, ma'am. Based on my examinations, it was
15 determined that those two bullets were fired by two -- or
16 fired through two separate firearm barrels.

17 Q Okay. So two guns -- two barrels contributed to
18 these two bullets?

19 A Yes, ma'am, that's correct.

20 Q The same barrel could not possibly have fired both?

21 A That's correct. Those bullets exhibit different
22 characteristics, different type of rifling so it would be
23 impossible for one of those projectiles to go through that
24 barrel and exhibit those characteristics.

25 So those bullets had to travel through two separate

1 firearm barrels.

2 Q Now, when I looked at them, just to the naked eye --

3 JUROR: Can I...

4 MS. LIVESAY: Sure, I'll give you a second to look
5 through them.

6 (Jurors examining bullets.)

7 BY MS. LIVESAY:

8 Q Now, Mr. Greer, when I look at them -- I know just
9 enough about firearms to be dangerous, but when I look at
10 them, they look very distinct. This one has a
11 mushroom-type look to it. Right? Like a little bomb.
12 And this one does not. Does that mean anything? Is that
13 significant?

14 A Those are just the characteristics of that
15 projectile. Different bullets have different shapes and
16 different types. For example, the one that looks like it
17 has mushroomed a little bit there and where you see those
18 petals bend back over, that's just simply a bullet type of
19 design. We refer to that as jacketed hollow point design
20 is what it's most consistent with.

21 The other is just kind of your typical round nose,
22 full metal jacket-style bullet that you hear some people
23 say. That's a common phrase you may hear. That's the
24 same thing but just that round nose style. Those are just
25 designs of the bullets.

1 Q Okay. So one is a hollow point?

2 A Yes, ma'am. Item 18 was consistent with being that
3 jacketed hollow point.

4 Q Okay. And the other one is just a regular style
5 bullet?

6 A Yes, ma'am, just a full metal jacket, round nose
7 style bullet.

8 Q Okay. And if you don't mind, tell these folks what
9 is the purpose of this hollow point that turns to this
10 kind of mushroom type of appearance?

11 A Sure. They're just different marketing techniques
12 employed by those different manufacturers of this
13 ammunition. Some have claimed that, you know, it has
14 better stopping power, something along those lines, as the
15 bullet expands, as it hits the target to maybe create more
16 damage as it strikes the target. These are all different
17 research and marketing techniques by those ammunition
18 manufacturers.

19 On our end of the examination, we document just the
20 design, so I don't have expertise on what that hollow
21 point does, but that's just kind of some of the marketing
22 behind those different ones.

23 Q Thank you, Mr. Greer.

24 And let me ask you something: In the course of your
25 analysis, did you look at the gun listed serial number

1 AFSG-329?

2 A Yes, ma'am, I did.

3 Q You examined that gun. Did you examine the gun with
4 the serial number BRGD-733?

5 A Yes, ma'am, I did.

6 Q So you examined both of these guns?

7 A Yes, ma'am. I did examine two firearms with those
8 serial numbers.

9 Q Okay. And this hollow point that is listed, what
10 number is this for you on your report?

11 A This hollow point-style bullet was SLED Item No. 18.

12 Q Okay. So when you looked at SLED No. 18, this
13 hollow point, could have either one of these guns fired
14 this bullet?

15 A Based on my comparisons of that bullet with my
16 test-fires for those two guns, it's possible. The results
17 were inconclusive, but it's possible that Item 12, which
18 was the firearm, I determined one GLOCK model 19X, with
19 serial number BRGD-733, could have fired SLED Item 18.

20 Q Okay. So this gun -- sorry about that. This gun
21 could have fired this hollow point bullet?

22 A Yes, ma'am, it's possible.

23 Q Okay. Now, is this Item 20 on your report?

24 A That is SLED Item 20.

25 Q Okay. And SLED Item 20 is going to be, again, the

1 fired bullet from the autopsy, the other one; correct?

2 A Yes, it was listed as from victim Joshua McPherson's
3 spine.

4 Q Okay. Could either one of these guns have fired
5 this bullet?

6 A Based on my comparisons of that bullet with test
7 fires from the firearms, it's possible. The results were
8 inconclusive that SLED Item 13, which was a GLOCK model
9 19, with the serial number AFSH-329, could have fired SLED
10 Item 20.

11 Q So this bullet could have been fired from this gun?

12 A Yes, ma'am, from the serial number AFSG-329.

13 Q Okay. Now, did you look at this shell casing?

14 A What I'm looking for -- when we receive evidence in
15 the lab, we'll mark it with our unique SLED lab number,
16 the item number, and our initials. So I'm just looking
17 for some of that information here on the item on the
18 packaging. I can see some of that information here
19 without removing it, but I did examine --

20 Q Do you want me to open it, get the scissors? Here.

21 A I can see this is my SLED Item 1, and it is still in
22 the position which I returned it in my heat-sealed Ziploc
23 pouch with my initials and seal date. So this is SLED
24 Item 1. And the State's exhibit number was on the
25 packaging there.

1 Q Sorry. It's State's Exhibit 24.

2 A State's Exhibit 24. And I determined this to be one
3 fired 9mm Luger caliber cartridge case. And you can see
4 the cartridge case right here.

5 Q Now, let me ask you something: Could either one of
6 these guns fired this shell casing?

7 A Based on, again, my microscopic comparisons, the
8 results were inconclusive, but it was possible that SLED
9 Item 12, which, again, was the GLOCK model 19X pistol with
10 serial number BRGD-733, could have fired SLED Item 1, the
11 fired cartridge case.

12 Q Now, only one shell casing was submitted; correct?

13 A That is all I received for examination.

14 Q Okay. And there's already been evidence there was
15 only one found.

16 So let me ask you this: Did you test-fire this gun,
17 which the serial number is AFSG-329? Did you test-fire
18 this gun?

19 A Yes, ma'am, I did.

20 Q And tell these folks what you found when you
21 test-fired this gun.

22 A Whenever we receive these firearms, we examine them
23 to see if they're safe to test-fire before we actually
24 take them into our test-firing recovery area to do that
25 procedure. When I was examining this gun and during that

1 test-firing process, it was discovered that that pistol
2 did have some missing components.

3 I will just read off here and just say that the
4 pistol, as I received it, did not have a firing pin
5 safety, the firing pin safety spring, the extractor, the
6 extractor depressor plunger, the extractor depressor
7 plunger spring, and the spring-loaded bearing. Those were
8 all missing. However, that did not prevent me from
9 test-firing, but it did cause the firearm to malfunction
10 during that test-firing process.

11 So when I was test-firing the gun, since it did not
12 have that extractor -- and what the extractor is in the
13 gun is that component that pulls the cartridge case out of
14 the chamber of the gun so, that way, it can be ejected or
15 kicked out.

16 It didn't have that component, so it was unable to
17 pull that cartridge case out of the gun, so I had to
18 manually remove that cartridge case each time and then
19 load another cartridge in to fire.

20 Q Okay. So the bullet fired?

21 A Yes, ma'am.

22 Q It came out of the barrel?

23 A Yes, ma'am.

24 Q But then the shell casing got caught in the gun?

25 A That's correct.

1 Q Okay. And tell these folks, how did you remove it?
2 Did you have to stop and put your finger in there? Did
3 you have to get a device in there? How did you have to
4 remove the casing?

5 A So the cartridge case in the chamber of that gun had
6 to be manually removed. So I had to stop, pull that slide
7 back, and using a finger or another -- like a wooden dowel
8 rod to pull that cartridge case out or push that cartridge
9 case out of the chamber so, that way, I could clear it so,
10 that way, it could be -- another cartridge could be loaded
11 in for firing.

12 Q Let me ask you this: So, ultimately, what that
13 means is this gun is missing some piece, and therefore,
14 when you fired it, the shell casing never ejected?

15 A Not when I was -- not during my test-firing.

16 Q Not without your digging your hand in there --
17 digging something in there and pulling it out; correct?

18 A That's correct. It had to be manually removed.

19 Q Okay. So when you fired it, the shell casing stayed
20 in the barrel of the gun. It did not kick out?

21 A That's correct. It stayed right there in that
22 chamber.

23 Q Okay. Now, let me ask you this -- and I don't know
24 if you tested this or not. But because the casing would
25 get stuck, could you fire another round without digging

1 the shell casing out of the barrel?

2 A No. That cartridge case had to be physically
3 removed because it was taking up all that space in the
4 chamber. When that cartridge is fired, it kind of swells
5 in the chamber so, that way, the pressures for firing can
6 be generated to fire properly.

7 In a typical working semiautomatic pistol such as
8 this, it should automatically extract and eject it, but
9 since that cartridge case remained in that chamber, there
10 was no room for another cartridge until you manually
11 removed that cartridge case out.

12 Q Okay. So this isn't a gun you could pow, pow, pow,
13 pow, pow?

14 A That should have been designed as a semiautomatic
15 pistol where, one pull of the trigger, you have one
16 cartridge and bullet that's fired. So as long as there's
17 ammunition or no malfunctions, when one pulled the
18 trigger, you have one cartridge that's fired and then
19 would have automatically loaded the next available from
20 the magazine. But, again, during my test-firing, I had
21 malfunctions.

22 Q Okay. So you could only get one shot out before you
23 had to get in there and dig the casing out?

24 A That's correct.

25 Q Now, did you test-fire the gun with the serial

1 number BRGD-733? Did you test-fire this gun?

2 A Yes, ma'am. And the gun with that serial number was
3 SLED Item 12.

4 Q Okay. And when you test-fired it, were there any
5 problems?

6 A No, ma'am. That firearm was in working order as I
7 received it. It worked and functioned as I expected it
8 to.

9 Q Okay. So when you fired the bullet, that gun kicked
10 out a shell casing?

11 A That's correct.

12 Q Okay. Now, you said earlier, when you were giving
13 your results, that this gun could have fired this bullet;
14 correct?

15 A That is SLED Item 20. SLED Item 20, it's possible
16 it could have been fired by SLED Item 13, which was the
17 GLOCK with serial number AFSG-329.

18 Q And this gun -- and this one is the one that
19 malfunctions, so it doesn't kick out a shell casing.

20 A That's correct.

21 Q Okay. This gun is fine; it kicks out a shell
22 casing?

23 A Yes. SLED Item 12, with the serial number BRGD-733,
24 worked and was in working order as I expected it to be.

25 Q Okay. And this gun could have fired Item 18?

1 **A** Yes, ma'am. Those results were inconclusive so it's
2 possible that it could have fired Item 18.

3 **Q** And it could have kicked out shell casing which is
4 Item No. 1?

5 **A** Yes, ma'am. It's possible that SLED Item 1 was
6 fired by SLED Item 12.

7 **Q** Okay. Now, you said that this could happen, but at
8 some point, you said it was kind of inconclusive?

9 **A** Yes, ma'am.

10 **Q** So what does that mean?

11 **A** So, as firearms examiners, we have four conclusions
12 that we can issue based on our comparisons and
13 examinations. Ultimately, the end goal is to say --
14 determine what was fired by a specific firearm.

15 So we have four conclusions: One being a positive,
16 meaning this was fired by this firearm. On the other side
17 of that, we have negative, meaning this was not fired by
18 that firearm or these were fired by a different firearm.

19 We have unsuitable, which also means that, due to a
20 lack of marks of value on those fired ammunition
21 components or due to damage, something has caused that so
22 it's unsuitable for identification. We cannot find any
23 markings on it that we'd be able to use for any further
24 comparisons.

25 And lastly is inconclusive. An inconclusive means

1 that there's not enough agreement or disagreement of those
2 individual microscopic characteristics that we're able to
3 tell that that was fired by that firearm or not fired by
4 that firearm.

5 So it's kind of a result of conclusion that we're
6 going to use for "we don't know based on what we're seeing
7 under the microscope." There's not enough agreement of
8 those tiny microscopic markings that we're looking at or
9 not enough disagreement for us to make that conclusion.

10 Q Okay. So what you're saying is, this bullet
11 couldn't have been fired by this gun; right?

12 A Yes, ma'am, those results were inconclusive so it's
13 possible that it was fired by that gun.

14 Q And it's inconclusive because it could have also
15 been fired from a similar gun of the same make and model?

16 A Yes, something with those same or similar class
17 characteristics, it's very possible.

18 Q Okay. And this gun could have fired this bullet;
19 correct?

20 A Yes, ma'am.

21 Q But was this also inconclusive in that other guns of
22 the same make and model could have fired this bullet?

23 A So SLED Item 20, which was one fired bullet, the
24 results of it were inconclusive with just Item 13, so it
25 could have been fired by Item 13 or by another firearm

1 with those similar rifling characteristics that were
2 exhibited on that bullet.

3 Q Okay. So possibly another GLOCK 19? 9 or 19,
4 whatever this gun is?

5 A That is a GLOCK model 19, yes, ma'am. So anything
6 with those similar rifling characteristics that we see on
7 that projectile. So it would be something with the same
8 rifling type with the same direction of that twist of the
9 rifling. All those characteristics would have to be there
10 for it to be fired, but it's possible it could have been
11 fired by another gun with those similar rifling
12 characteristics.

13 Q Okay. And let me ask you something, Mr. Wilson has
14 been asking about two other guns that were found in the
15 victim's apartment area. Were those submitted to SLED?
16 Did you have two other guns?

17 A I did have two other firearms, yes, ma'am.

18 Q Okay. And could those other two firearms, one of
19 them fired Item 20?

20 A Based on the -- all the firearms that I received,
21 the only firearm that was submitted to the SLED laboratory
22 that I test-fired that could have fired SLED Item 20,
23 which was the fired bullet, listed as from victim Joshua
24 McPherson's spine, was Item 13. It could not have been
25 fired from any of the other firearms submitted based on

1 sufficient differences in those class characteristics.

2 Q Okay. So the bullet that came from his spine ---

3 A Yes, ma'am.

4 Q --- four guns total were submitted? .

5 A Yes, ma'am.

6 Q Two that were located from the defendant's house and
7 two from the victim's house; right? Am I right?

8 A I don't have descriptions of where all the firearms
9 were recovered.

10 Q I'm sorry. This gun -- where does it list this gun
11 as being located on your --

12 A SLED Item 13 did not have any indication of where it
13 was recovered from on our submission paperwork.

14 Q Okay.

15 A I'll double-check our submission paperwork.

16 Q Sure.

17 A No, ma'am, I did not have an indication.

18 Q It's okay. It's already been put into evidence. It
19 was located from the defendant's house.

20 A Okay.

21 Q And is this the gun -- the only gun out of all the
22 guns that were submitted that could have fired this bullet
23 that came from the young man's spine at the autopsy?

24 A That's correct. Based on what I received of all
25 four firearms, that is the only firearm that could have

1 potentially or possibly fired SLED Item 20.

2 Q So the two other guns that Mr. Wilson has asked
3 about from the victim's closet could have no way fired the
4 bullet that was found in Joshua McPherson that is labeled
5 20?

6 A No, ma'am. All the other firearms have different
7 class characteristics, so it was impossible for those
8 firearms, as they were submitted in their current state,
9 to have fired this -- fired those bullets.

10 Q And your testimony is the only one that could have
11 fired this bullet -- is this the only one that didn't
12 eject a projectile -- a shell casing?

13 A The other firearms that were submitted to the lab
14 were in proper working order as I expected them to be. I
15 did have problems with SLED Item 13 with that malfunction
16 that we discussed.

17 Q So every other gun that was submitted from the
18 defendant and the victim's house, except for this one --
19 this one from the defendant's house -- this is the only
20 one that did not spit out a shell casing; is that correct?

21 A Yes, ma'am, that is the only one that had the
22 malfunction.

23 Q Okay. And this is the only one that could have
24 fired the bullet from the man's spine?

25 A That's correct. Based on their configuration

1 submitted to the SLED laboratory, that is the only firearm
2 that could have fired that.

3 Q Now, this other gun could have fired this hollow
4 point; correct?

5 A That is SLED Item 12. It is possible, yes, ma'am,
6 that it fired SLED Item 18, which is that hollow point.

7 Q Okay. And could have one of the other guns fired
8 this bullet -- I'm sorry, this bullet that is listed 18?

9 A Based on those comparisons, it's possible that it
10 could have come from SLED Item 3, which was another GLOCK
11 firearm.

12 Q Okay. And the result was inconclusive because there
13 was nothing identifying on the bullet. It could have been
14 fired by this gun or one of similar make and model; is
15 that correct?

16 A That's correct.

17 Q And is the same true for the shell casing?

18 A Yes, ma'am.

19 Q Okay. And this fired bullet came from where?

20 A That is SLED Item 18. And listed on our submission
21 paperwork to the laboratory, it was listed as from victim
22 Joshua McPherson's chest.

23 Q Okay. But the one thing we can say for sure is that
24 this gun was the only one that was submitted that could
25 fire this bullet?

1 **A** That's correct.

2 **Q** Have a seat, Mr. Greer, please.

3 MS. LIVESAY: Got a housekeeping matter for this
4 young lady. Were items -- I'm sorry -- we have got them
5 marked as 25 and 26. Are they in evidence?

6 COURT REPORTER: I don't think so.

7 MS. LIVESAY: I'm sorry, just for a housekeeping
8 matter.

9 COURT REPORTER: 24 and 25?

10 MS. LIVESAY: 25 and 26. I put them back in the
11 bag.

12 COURT REPORTER: No.

13 MS. LIVESAY: Your Honor, at this time, Mr. Greer
14 has testified -- I apologize.

15 BY MS. LIVESAY;

16 **Q** Let me ask a couple of questions of you, Mr. Greer.

17 **A** Yes, ma'am.

18 **Q** A couple of chain questions ---

19 **A** Okay.

20 **Q** --- because I have to get these items into evidence,
21 got to produce the chain.

22 Did -- when you received the two bullets from the
23 autopsy, had they appeared to have been tampered with in
24 any form or fashion?

25 **A** Based on my documentation of those two bullets, they

1 were submitted to me in Container B. I have that they
2 were both in labeled closed envelopes inside a heat-seal
3 pouch. I have no notation of them being tampered with,
4 no, ma'am.

5 Q And would you have tested them if they appeared to
6 have been tampered with?

7 A If they had been tampered with, I would have made
8 some phone calls and followed up with the examiner analyst
9 who had processed it before me, and there would be
10 notation of that. But I have nothing documenting that
11 there was anything tampered or any appearance of tampering
12 with the evidence.

13 Q Okay. And were you the last person to touch the
14 evidence, you know, and test it; is that correct?

15 A Typically, in firearms, we are one of the last
16 departments in the building to receive the evidence for
17 testing. In this case, with SLED Items 18 and 20,
18 according to the chain of custody, it does appear I was
19 the last examiner to examine the evidence before it was
20 returned to the Evidence Control Department.

21 MS. LIVESAY: Your Honor, at this time, the State
22 wishes to put in items State's Exhibit 25 and 26 into
23 evidence.

24 THE COURT: Any objection?

25 MR. WILSON: I have no objections, Your Honor.

1 MR. RIGNEY: No objection, Your Honor.

2 THE COURT: 25 and 26 are into evidence without
3 objection.

4 (State's Exhibit No. 25 and 26 was received into
5 evidence.)

6 MS. LIVESAY: Thank you. One second, Judge.

7 BY MS. LIVESAY:

8 Q One more question. I'm showing you now State's
9 Exhibit No. 20, which is serial number AFSG-329. Okay?

10 A Okay.

11 Q And just so I'm clear, were either of the bullets
12 fired out of this gun? Could either one of the fired
13 bullets from the autopsy have been fired from this gun?

14 A Based on my examination and comparisons, the only
15 firearm that could have fired Item 20 that was submitted,
16 the results were inconclusive, but the only gun that could
17 have -- or firearm that could have fired Item 20 was SLED
18 Item 13, and that was the GLOCK Model 19 with serial
19 number ASFG-329.

20 Q So the only gun that could have fired the bullet
21 from the spine of the victim that was submitted to you was
22 this gun?

23 A Yes, ma'am.

24 Q Okay. And this is the one that doesn't eject the
25 shell casing?

1 A That's correct. That is the one that had the
2 malfunction.

3 MS. LIVESAY: No further questions at this time,
4 Your Honor.

5 CROSS-EXAMINATION

6 BY MR. WILSON:

7 Q Now, just so we're clear, you're not saying to this
8 Court that any of these bullets were fired by any of these
9 guns, are you?

10 A The results of those comparisons were inconclusive,
11 so, again, that means there was not enough agreement or
12 disagreement. So I couldn't tell that, yes, it was fired
13 by or, no, it was not fired by.

14 Q I'll repeat my question. My question is simple.
15 Can you tell us definitively that any of these two bullets
16 were fired by any of those two guns?

17 A No, sir. The results were inconclusive.

18 Q Inconclusive.

19 In fact, how many different types of Luger 9mm
20 weapons are out there that could have fired this shot?

21 A I don't know the exact number. There are --

22 Q Thousands?

23 A There are thousands of firearms that could. But,
24 again, the firearm that would have fired SLED Items 18 or
25 20 would have to have those similar rifling

1 characteristics.

2 Q Right. And you say "inconclusive" for a purpose;
3 right? It means that "I don't know." Isn't that what
4 "inconclusive" means? When you say the test results are
5 inconclusive, it means that "I don't know"?

6 A Yes, sir. Based on what I was looking at under the
7 microscope, I don't know. There was not enough agreement
8 or disagreement of those characteristics.

9 Q Not only that, the solicitor asked you about these
10 two guns. But you have got Items -- SLED Items 3 and 4 as
11 well; did you not?

12 A Yes, I did.

13 Q And those are the two guns from the apartment
14 complex; right?

15 A Those were submitted to SLED and listed on our
16 submission paperwork just each located in closet of
17 Suite C.

18 Q And you examined both of those weapons; did you not?

19 A Yes, sir, I did.

20 Q And that's in your report. The report that you
21 submitted to the solicitor, it's in there; is it not?

22 A Yes, sir, it is.

23 Q Yeah, it's in there.

24 And did you test-fire both of those guns?

25 A Yes, sir, I did.

1 Q And did you attempt to see if either of those guns
2 could have fired either of those projectiles which were
3 removed from the body of Mr. McPherson?

4 A Yes, sir, I did.

5 Q And tell us what your findings were.

6 A The results of the comparisons were inconclusive.
7 Based on those microscopic examinations and comparisons,
8 Item 3 and Item 12 was inconclusive with SLED Item 18. So
9 it's possible that one of those firearms or another
10 firearm with rifling characteristics that are similar
11 could have fired.

12 And results with Item 20, only Item 13 could have
13 fired that. It was impossible based on differences in
14 class characteristics that SLED Item 3, 4, 12 would have
15 fired from that gun.

16 Q 3 and 4 could have fired those shots. Could have.
17 Not saying they did because we don't know, do we? That's
18 a question.

19 A Oh, it's possible that SLED Item 3 could have fired
20 Item 18. SLED Item 4 could not have fired SLED Item 18 or
21 Item 20.

22 Q And Item 18 is the bullet that was found from the
23 body of Mr. McPherson; right?

24 A SLED Item 18 was listed from victim Joshua
25 McPherson's chest.

1 Q And that could have been fired by those guns that
2 were in the house at the time.

3 Now -- but we don't know that either, do we?

4 A SLED Item 18 could have only have been fired by SLED
5 Items 3 or 12. It could not have been fired by SLED Item
6 4 or 13.

7 Q Okay. All right.

8 Now, let me ask you: When you were asked to come
9 here today to talk about these guns, were you asked to
10 bring those two guns from Apartment C or Suite C or
11 whatever the name of it is that they're using? Did they
12 ask you to bring them?

13 A No, sir. I typically only handle evidence as it's
14 circulating throughout the laboratory. I do not handle
15 evidence or carry evidence outside the laboratory.

16 Q Okay. So when you came to testify today, you
17 thought you were going to testify about all these guns?

18 A I did not know which guns would be presented in
19 court.

20 Q Okay. Now, let's talk for a minute about the one
21 that you say would not eject. And that was the gold gun?
22 Which one was that, that would not eject?

23 A That was SLED Item 13. I believe it was --

24 Q Is that this one?

25 A Yes, sir. I see my SLED Item 13 on the box. I'll

1 just confirm everything here.

2 This firearm is unloaded and safe to handle. I'm
3 just going to confirm a few of those lab numbers there.

4 Yes, sir. This was SLED Item 13.

5 Q Okay. And this is the one that would not eject when
6 you had it; is that correct?

7 A That's correct. It was missing several components
8 and would not extract and eject properly.

9 Q All right. And do you know -- do you know when or
10 how that occurred that it started to malfunction?

11 A I just know that, as I received it, it was missing
12 those components.

13 Q And you don't know how long it had been in that
14 condition prior to your receiving it?

15 A No, sir, I do not.

16 Q Do you know whether it was in that condition when
17 the police received it?

18 A I have no idea of how it was received by the police.
19 I just know how I received it in the laboratory.

20 Q Now, let me ask you about the two other guns that
21 won't show up here in court. Let me ask you about them.
22 You have those two guns. You examined those two guns. Do
23 you do fingerprint analysis?

24 A No, sir, I don't.

25 Q Do you do blood analysis?

1 A No, sir, I do not.

2 Q Do you do DNA analysis?

3 A No, sir, I do not.

4 Q Is there anybody at SLED that does do all of those
5 things?

6 A We do have latent print departments and DNA
7 departments that handle those type of requests.

8 Q And who makes the decision to send it to that -- to
9 those various departments so that it can be examined for
10 DNA, for blood, or for saliva or whatever it is that
11 they're going to be looking for? Who makes that decision?

12 A Sure. So when evidence is submitted to the SLED
13 laboratory, it goes through a submission paperwork process
14 where the submitting agency is able to make those requests
15 for the different departments and put those DNA requests
16 or latent print or toxicology requests on the items that
17 they're submitting. Typically, that is done by the
18 submitting agency.

19 Q Okay. And do you know what the submitting agency
20 asked in this particular case?

21 A I just have what is on my submission document
22 paperwork.

23 Q And what is that?

24 A For which items?

25 Q I'm specifically interested in the two guns that we

1 have been talking about, Item 3 and 4 under your agency's
2 list.

3 A Yes, sir. Based on submission to the laboratory, it
4 appears that there was a DNA ownership and touch and
5 firearms request on Items 3 and 4, and that was how it was
6 submitted to the laboratory.

7 Q Okay. So the two guns that came from the home or
8 from the apartment, it was requested that DNA be done on
9 those items; right?

10 A Yes, sir. Upon the initial submission.

11 Q All right. But you wouldn't perform that, would
12 you?

13 A No, sir. Those requests are handled by those
14 respective departments. So there's any update to that,
15 that is also handled by those departments. We're very
16 discipline-specific within the laboratory, and since those
17 disciplines do not apply to firearms, I do not handle
18 those requests.

19 Q All right. Now, let's talk about the other item,
20 this particular gun, which the solicitor showed you. Take
21 a look at that.

22 A Again, this firearm is unloaded. I'm going to look
23 for those identifying marks with our lab number, item
24 number, and initials. And this is SLED Item 12.

25 Q Okay. Now, with SLED Item 12, did you make a

1 determination as to whether or not SLED Item 12 fired a
2 shot or at least -- I apologize. Let me rephrase that.

3 A Yes, sir.

4 Q Whether it fired one of the two bullets that were
5 removed from the body of the victim in this case?

6 A Yes, sir.

7 Q And what was your finding?

8 A The result of my comparison with SLED 12, which is
9 this pistol here, was inconclusive with SLED Item 18, and
10 that was the bullet as listed from victim Joshua
11 McPherson's chest. So it's possible it was fired by SLED
12 Item 12 or by another firearm.

13 Q All right. So it could have been fired by that one
14 or some other firearm?

15 A Yes, sir.

16 Q But you're saying you don't know.

17 A Yes, sir. The results were inconclusive.

18 Q Inconclusive.

19 And you said that there were four categories, I
20 think you said: Positive, negative -- what was the third
21 one?

22 A Unsuitable.

23 Q Unsuitable.

24 And then "I don't know," right?

25 A Those are the four categories.

1 Q And every single gun that has been presented to you
2 is inconclusive. Any question about that? Either it
3 didn't fire or it's inconclusive, of the four guns?

4 A My results were inconclusive, yes, sir.

5 Q Yeah. All right.

6 Now, when you finished with these items, what did
7 you do with them?

8 A When I finished with these items, they were sealed
9 to be returned to our Evidence Control Department.

10 Q And does that include Items 3 and 4 or your Items 3
11 and 4, which were the two guns from the apartment of Suite
12 C?

13 A Yes, sir, it would have.

14 Q Did you tamper with them other than for purposes of
15 testing? Did you do anything to those guns to alter or
16 change them in any way whatsoever other than for your
17 testing purposes?

18 A No, sir, I would not have.

19 Q Did you turn them back over to your custodian or to
20 another agent within your department without altering
21 them?

22 A I would have just examined them and test-fired them
23 during my examination purposes and packaged them for
24 return. I did not alter or change them.

25 Q All right. And that includes Items 3 and 4 on your

1 list?

2 A Yes, sir, that's correct.

3 Q All right. And I apologize if I asked you this
4 already; I apologize. It's getting late.

5 Did the gun -- after you tested Items 3 and 4, which
6 are the two guns from the apartment -- and you found that
7 at least one of them was capable of having fired one of
8 these shots; right?

9 A SLED Item 13 was the only one that could have fired
10 Item 20. It's possible that SLED Items 3 and 12 could
11 have fired Item 18.

12 Q Okay. And Item 3 is one of the guns that was in the
13 apartment?

14 A Yes, sir, from closet Suite C.

15 Q Yeah, yeah, yeah. Okay.

16 And my point or I guess my question is, once you
17 made your determination -- you said you turned it over to
18 somebody. Who did you turn it over to? Who did you turn
19 the guns over to, 3 and 4 specifically? That's what I'm
20 asking.

21 A Yes, sir. According to the chain of custody, I
22 returned SLED Item 3 and SLED Item 4 to forensic
23 technician Rachel Johnson.

24 Q You turned them over to Rachel Johnson?

25 A Yes, sir.

1 Q Okay. When you received -- I think it was 13. Is
2 that what it is?

3 A The GLOCK that had the malfunction?

4 Q Yeah.

5 A Yes, sir. SLED Item 13.

6 Q When you received Item 13, was there a shell or a
7 casing inside the chamber?

8 A I did not have any documentation of a cartridge case
9 being inside the chamber. That firearm was submitted with
10 a magazine as well as eight unfired 9mm Luger caliber
11 cartridges, and those, I believe, were packaged inside of
12 another Ziploc bag. And then I had another unfired
13 cartridge that was submitted inside a Ziploc bag
14 separately within that container.

15 Q Okay. If there had been an unejected shell casing
16 in that weapon when you received it, would you have noted
17 that?

18 A Yes, sir.

19 Q All right. And you didn't make any notes of that?

20 A No, sir. I did not have any -- and you're
21 referencing a fired cartridge case?

22 Q I am.

23 A Yes, sir. I did not have any notes about a fired
24 cartridge case being submitted with that firearm.

25 MR. WILSON: One second, Your Honor, please.

1 BY MR. WILSON:

2 Q Let me ask you -- and I understand there were only
3 four guns submitted to you, as best I understand; is that
4 fair?

5 A Yes, sir.

6 Q All right. So if you had received additional
7 weapons, could you have tested those weapons to make a
8 determination if those weapons fired either of these two
9 bullets?

10 A Yes, sir. That would be possible. But, again, for
11 those comparisons to be fully carried out and conducted,
12 those firearms and those barrels would have to have the
13 same rifling characteristics like that's exhibited on SLED
14 Items 18 and 20. So they would have to have the same
15 rifling type, the same number of lands and grooves and the
16 same direction of twist rifling.

17 Q Okay. And now riflings and grooves are made over a
18 period of time. And even when they come from the factory,
19 there are riflings and grooves already being made -- would
20 that be fair? -- in the barrel of the gun?

21 A Yes. That manufacturing process of that firearm,
22 that manufacturer inserts rifling into that barrel through
23 different manufacturing techniques. So that firearm
24 arrives to stores to be sold or to you as the customer
25 with rifling in it. The rifling inside that barrel is

1 what gives that bullet the twist and gives it the velocity
2 to travel towards its target.

3 Q But part of the problem is, when a bullet -- when
4 the actual projectile is damaged, then it's more difficult
5 to determine the lands and grooves on the projectile?

6 A Damage to a bullet after it's traveled through a
7 target can cause some issues in the microscopic comparison
8 process. Sometimes we're able to still count and
9 determine what that rifling is, to count the number of
10 lands and grooves to tell its twist and to tell what type
11 of rifling it is, but sometimes that microscopic -- those
12 tiny microscopic markings are damaged as it's traveling
13 through its target.

14 Q And that's what you're saying in this particular
15 case is, is that these projectiles are damaged to the
16 point that it makes it difficult, if not impossible, to
17 make that determination?

18 A Yes, sir. These were removed from a victim, so they
19 have traveled through some media or some substance. So
20 that, along with the rifling type and just how that
21 firearm may have been marking those bullets at that time,
22 I was unable to arrive at a conclusion that these bullets
23 were fired by a specific firearm, and that's where it led
24 to our inconclusive result.

25 Q Okay. And Item 3 and 4, which were the two items

1 from the apartment, or Suite C, one of those items is
2 inconclusive; is that correct?

3 A Yes, sir. SLED Item 18, which was the fired bullet
4 listed as from the chest, could have been fired by Item 3.

5 Q So let me see if I understand you. Item -- repeat
6 that for me, because I'm not getting that.

7 A Sure. SLED 18, which was the bullet listed as from
8 the chest, it was inconclusive. So it could have been
9 fired by SLED Item 3 or by SLED Item 12 or by another
10 firearm or firearms, such as you were suggesting. It
11 could not have been fired by SLED Item 4 or by SLED Item
12 13.

13 Q All right. I think I got you now. Thank you so
14 much. Appreciate it.

15 A Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. RIGNEY:

18 Q Good afternoon.

19 A Good afternoon.

20 Q I believe he covered things rather well.

21 A Yes, sir.

22 Q So I'm going to have some sort of summarizing
23 questions for you.

24 A Okay.

25 Q So you spoke often about "of the weapons submitted."

1 And this is the four items that were submitted to you,
2 four weapons; is that right?

3 A Yes, sir. There were four items submitted to the
4 laboratory.

5 Q Okay. And there are many other weapons out there
6 that, according to your analysis, could possibly have been
7 the weapon that fired the shots that we're talking about?

8 A Well, based on those results that were inconclusive,
9 it's possible that some of the firearms that we received
10 could have fired the evidence, but it's also possible that
11 another firearm with those similar rifling characteristics
12 or similar characteristics could have fired it.

13 Q So just to -- I think in two of the three it says
14 inconclusive, it could have been -- or by another firearm
15 with similar rifling characteristics, which you just said.
16 And I think one of them says "or by another firearm with
17 similar characteristics," which is not a great deal of
18 difference but a single word, I think, is out of the one
19 there.

20 At any rate, it's my understanding that you're
21 agreeing there could have been other weapons that fired
22 everything that we're talking about today?

23 A Those results are inconclusive, so that just means
24 -- I did not say that those bullets were fired by a
25 specific firearm. We were able to negate some of them,

1 but the possibility that some of the firearms submitted,
2 such as SLED Items 3 and 12 could have fired Item 18
3 exists. It could be another firearm, since we did not
4 identify that.

5 But, again, it would have to share those same
6 characteristics -- the caliber, lands and grooves,
7 direction of twist, and type of rifling -- for us to
8 compare that, because those are major class
9 characteristics.

10 And with Item 20, it could have only been fired by
11 Item 13 based on the firearms that were submitted. Or it
12 could be another firearm that has the similar
13 characteristics that Item 20 exhibited.

14 Q But the weapons that you examined are the only ones
15 that you found to be inconclusive or excluded? You didn't
16 examine any other weapons. These are the only ones you're
17 talking about; right?

18 A Those are the only four that were submitted to the
19 laboratory for this case.

20 Q Now, you -- I believe you said that you do not do
21 DNA analysis.

22 A No, sir.

23 Q Fingerprints?

24 A No, sir.

25 Q GSR?

1 A No, sir.

2 Q So you would not be able to identify or connect a
3 particular person with any of these weapons with your work
4 that you do?

5 A I do not do any of that testing from those
6 disciplines, only firearms identification.

7 Q Okay. Someone else at SLED would do that if it were
8 done?

9 A Yes, sir. Those requests for DNA latents would be
10 carried out by those respective departments.

11 Q Okay. And I do not have any further questions for
12 you. Thank you.

13 A Yes, sir. Thank you.

14 THE COURT: Any redirect?

15 REDIRECT EXAMINATION

16 BY MS. LIVESAY:

17 Q Mr. Greer, I just want to make sure I'm clear and
18 these 12 people are clear. The results you say are
19 inconclusive; correct?

20 A Yes, sir -- yes, ma'am.

21 Q Did you say "sir"? I'm going to let it go. I'm
22 going to let it go. [Laughter]

23 Step down, please.

24 A Yes, ma'am.

25 Q So you say these results are inconclusive; right?

1 A That's right.

2 Q So we need to shed through some of this and figure
3 out what's what because I don't want any kind of
4 cloudiness.

5 You say that the bullet that's labeled Item 20 that
6 came from the young man's spine, out of all the guns that
7 could have been or that were submitted, only this gun
8 could have fired this bullet?

9 A Yes. Out of all the firearms submitted to me, those
10 four, that is the only firearm that had those same
11 characteristics that this bullet had. So they had the
12 same type, the same caliber, the same rifling type, the
13 same number of lands and grooves, and the same direction
14 of twist, which is why I compared them.

15 The other firearms had different rifling
16 specifications. So based on those gross differences in
17 characteristics, that was the only firearm that I was
18 submitted that could have fired the bullet.

19 Q So Mr. Wilson asked you about the two guns from the
20 victim's house that are described from, like, Suite C. Do
21 you remember that?

22 A Yes, ma'am.

23 Q Okay. Tell these folks and tell me -- because I
24 want it clear -- is it inconclusive as to whether or not
25 the bullet from the victim's spine could have been fired

1 from one of those guns?

2 A No, that's not inconclusive. Those were negated.
3 Items 3 and 4 and also Item 12 could not have fired Item
4 20. That's not -- that is negative. Those results were
5 negative.

6 Q So the one thing that is not inconclusive is that
7 only this gun, out of the guns that were submitted, could
8 have fired the bullet in the victim's spine? Only this
9 one?

10 A That's correct.

11 Q And that is not inconclusive?

12 A The results of the comparison were inconclusive, but
13 that's the only gun out of those four that could have.
14 The others were negative.

15 Q Okay. So the one thing that's for sure is the other
16 guns from the victim's apartment could not have fired this
17 bullet?

18 A That's correct.

19 Q And that result is 1 in 10; correct?

20 A That's correct. It could not have been fired out of
21 this.

22 Q Okay. And that is not inconclusive?

23 A That's correct.

24 Q Okay. And this gun -- the shell casing does not
25 eject; is that true?

1 **A** Since it's missing those components, it did not have
2 that extractor to pull it out of the chamber so it did not
3 extract or eject that cartridge case.

4 **Q** Okay. And is there anything inconclusive about
5 that?

6 **A** No. That happened during all of my intensive
7 test-firing.

8 **Q** So the one thing that's certain is, out of all of
9 the guns, the only one that could have fired this one from
10 the victim's spine is the gun that was found from the
11 defendant's house that was submitted?

12 **A** Yes, that was submitted. The only one that could
13 have fired that one was the Item 13.

14 **Q** And there's nothing inconclusive about that?

15 **A** No.

16 **Q** Okay. Have a seat, Mr. Greer, please.

17 **A** Yes, ma'am.

18 **Q** Now, Mr. Wilson talked to you a little bit about --
19 let me ask you one more question.

20 There was some questions asked about that when you
21 got that black gun, the one that -- the only one that
22 could have fired out of the ones submitted to the victim's
23 spine, whether or not there was a shell casing in the
24 barrel. Do you remember that?

25 **A** Yes, ma'am.

1 Q And he asked you about that; correct?

2 A Correct.

3 Q Okay. How long did it take you to clear the shell
4 casing from the barrel in that gun?

5 A During my test-firing?

6 Q Yes.

7 A I don't have a documentation of how long it took,
8 but it would not take terribly long just to remove that or
9 if I had the supplies or a dowel rod to remove that
10 cartridge or cartridge case from the barrel, but it would
11 cause you to stop and work with the firearm to remove
12 that, but it doesn't have to take very long.

13 Q So if a young man was murdered with the gun on May
14 29th and the gun was recovered on May 31st, clearly,
15 within two days, somebody could have removed the casing?

16 A I suppose that's possible.

17 Q Okay. Did it take you two days to remove it?

18 A No, ma'am, it did not.

19 Q Okay. He also talked to you about did the solicitor
20 tell you to bring the evidence. Did she tell you to bring
21 these other two guns. Do you remember that?

22 A Yes, ma'am.

23 Q Does the solicitor's office ever tell you to bring
24 evidence like this to court?

25 A No. Typically, I have never transported evidence

1 like this to court.

2 Q Okay. So the fact that I didn't do it is how it's
3 done every time; correct? There's nothing unusual about
4 that?

5 A No, ma'am. Typically, all the evidence that leaves
6 the SLED laboratory is sent home through the submitting
7 agency so it can be returned to the proper agency, not
8 through analysts or technicians.

9 Q Okay. So you never bring it to court.

10 A No, ma'am. Typically, no.

11 Q Am I your boss, Mr. Greer?

12 A No, ma'am, you're aren't.

13 Q I didn't think so.

14 MS. LIVESAY: No further questions, Your Honor.

15 RE CROSS-EXAMINATION

16 BY MR. WILSON:

17 Q Just briefly. Because you send it to them -- back
18 to law enforcement so that they can bring it to court.
19 You don't keep it and bring it; right?

20 A When I return the evidence to our Evidence Control
21 Department, I typically am not associated with the
22 evidence again or dictating where it goes.

23 Q No, you send it back to the agency, which is Horry
24 County or the solicitor's office or to law enforcement so
25 that they will have it, and then they can bring it to

1 court if they want to bring it to court?

2 A Typically, the evidence is returned to the agency
3 that submitted it, so that would be your local city or
4 sheriff's office or whoever is given permission from the
5 agency to handle it.

6 Q And one last thing and then I'm done. She keeps
7 asking you about this gun, and whether this is the only
8 gun that could have fired that shot. And that's just not
9 true, is it?

10 A Is that SLED Item 13?

11 Q It is.

12 A Based on the firearms that I received, that's the
13 only one that could have possibly fired Item 20.

14 Q Of the ones that was submitted to you.

15 A That's correct.

16 Q There are how many hundreds of thousands of other
17 guns that could have fired this bullet other than this
18 gun? How many hundreds of thousands?

19 A Yes, sir. There are hundreds of thousands, but
20 again ---

21 Q Right?

22 A --- it would have to be another firearm with those
23 similar rifling characteristics.

24 Q Right, with similar rifling.

25 But we don't know that because they never sent you

1 anything but these two that they had you talk about today;
2 right? That's all they asked you to talk about today was
3 these two.

4 A Yes, sir. I only received four firearms.

5 Q Right.

6 So when you say it's inconclusive, "inconclusive"
7 means "I don't know."

8 A Yes, sir.

9 Q No other questions.

10 THE COURT: Mr. Rigney?

11 MR. RIGNEY: No questions, Your Honor.

12 THE COURT: Any objection to him being released?

13 MR. WILSON: None, Your Honor.

14 MR. RIGNEY: No.

15 THE COURT: Have a good day.

16 Call your next witness.

17 MR. HARRELSON: At this time, the State calls
18 Anthony Knecht.

19 THE CLERK: Please raise your right hand and put
20 your left hand on the Bible.

21 ANTHONY KNECHT,

22 after having been duly sworn, was examined and
23 testified to as follows:

24 THE CLERK: State your name for the record and spell
25 it, please.

1 THE WITNESS: Anthony Knecht. A-n-t-h-o-n-y,
2 K-n-e-c-h-t.

3 DIRECT EXAMINATION

4 BY MR. HARRELSON:

5 Q Good afternoon, Mr. Knecht. How are you doing?

6 A Great.

7 Q Where do you currently work?

8 A Verizon Wireless.

9 Q And how long have you worked for Verizon?

10 A January 7th, 2007.

11 Q So what's your job title at Verizon?

12 A Executive relations. In this capacity, I'm as a
13 custodian of records.

14 Q And what are your responsibilities as a custodian of
15 records?

16 A To validate that the records that an agency received
17 search warrant or subpoena are complete and accurate of
18 the original copy of the records.

19 Q And so does Verizon keep phone records?

20 A That is correct.

21 Q And why would Verizon keep phone records?

22 A Validation for billing purposes.

23 Q Are you saying it's for billing purposes?

24 A That is correct.

25 Q Is it for law enforcement purposes?

1 **A** It is not.

2 **Q** And what does that record include?

3 **A** Records can include subscriber information,
4 activation/deactivation date, call detail with cell tower
5 information, cell face information, text message details,
6 picture message details, data sessions that include IP
7 addresses, time frame in which the record was captured.
8 Anything related to way [verbatim], Verizon Services can
9 be recorded for validation for billing purposes.

10 **Q** And do you recall -- did Verizon keep records for
11 the phone number, which is in evidence, (843) 624-4089?

12 **A** That is correct.

13 **Q** And for that number, what time zone were the records
14 kept in?

15 **A** Eastern standard.

16 **Q** And do you have the records or have you reviewed the
17 records from May to June 2022?

18 **A** That is correct.

19 **Q** Okay. And is it kept in the -- or it is the
20 ordinary course of business for Verizon to keep such
21 records?

22 **A** That is correct.

23 **Q** I want to show you what's been marked as State's
24 Exhibit 94.

25 **MR. HARRELSON:** Your Honor, if I may approach the

1 witness.

2 THE COURT: Yes, sir.

3 BY MR. HARRELSON:

4 Q I'm going to show you State's Exhibit 94. Are you
5 familiar with this?

6 A I am.

7 Q What is this?

8 A That is a flash drive that I viewed prior to coming
9 in today, with my initials and date on it.

10 Q And is it a fair and accurate representation of
11 what's in the flash drive?

12 A That is correct.

13 Q And what is on the flash drive?

14 A Subscriber information for Neal's Verizon records.

15 Q And has the information on this been manipulated or
16 altered in any way?

17 A They have not.

18 MR. HARRELSON: Your Honor, at this time, the State
19 would like to offer State's Exhibit 94 into evidence.

20 THE COURT: Any objection?

21 MR. WILSON: I don't.

22 MR. RIGNEY: No objection.

23 THE COURT: 94 is in evidence without objection.

24 (State's Exhibit No. 94 was received into evidence.)

25 BY MR. HARRELSON:

1 Q And, Mr. Knecht, did you have any more involvement
2 in this case besides what we just spoke about?

3 A I have not.

4 Q Okay. Thank you.

5 THE COURT: Cross?

6 MR. WILSON: No, sir. I have no questions.

7 MR. RIGNEY: I don't have any questions, Your Honor.

8 THE COURT: You may step down.

9 Call your next witness.

10 MS. LIVESAY: Thank you, Your Honor.

11 At this time, the State calls Allan Huggins to the
12 stand.

13 THE CLERK: Please raise your right hand and place
14 your left hand on the Bible.

15 ALLAN HUGGINS,

16 after having been duly sworn, was examined and
17 testified to as follows:

18 THE CLERK: State your name for the record and spell
19 it, please.

20 THE WITNESS: Good afternoon. My name is Allan
21 Huggins. Last name, Huggins, H-u-g-g-i-n-s.

22 DIRECT EXAMINATION

23 BY MS. LIVESAY:

24 Q And where are you currently employed?

25 A I'm currently employed with the City of Conway

1 Police Department.

2 Q And how long have you been employed there?

3 A Since 2014.

4 Q And what kind of training have you undergone to be
5 with the police department?

6 A So every officer goes through the same basic
7 training through academy through the State. After that,
8 I've completed numerous advanced trainings. They range
9 from patrol operation, searches and seizures, digital
10 forensics. You name it, it's probably been in my
11 repertoire over the last ten years.

12 Q Okay. And what are your current responsibilities
13 with Conway Police Department?

14 A So, currently, I'm assigned to the investigative
15 division. Within the investigative division, I'm assigned
16 several facets. My primary role is the task force officer
17 with the Secret Service. I'm assigned to the Electronic
18 Crimes Task Force.

19 Furthermore, I'm assigned to Major Crimes, Child
20 Death, a fatality task force, and ICAC, which is Internet
21 Crimes Against Children. That's going to be, like,
22 neglect of children over the internet.

23 Q And what were your responsibilities in May of 2022?

24 A May of 2022 was those roles.

25 Q Okay. And, specifically, have you had training

1 regarding the analysis of cell phones and phone records?

2 A I have. So through the Secret Service, I'm afforded
3 several federal training opportunities. The federal
4 government has a place called NCFI. It's the National
5 Computer Forensic Institute, at which time I have
6 undergone several months of training to specialize in
7 digital forensics to include cellular devices, computers,
8 DVRs, extractions from vehicles, their infotainment
9 center.

10 Besides my training with the Secret Service, I have
11 undergone privatized training that's sponsored through the
12 Department to include cell phone record analysis, which
13 includes those call detail records and things of that
14 nature.

15 Q Okay. And how about the extraction of information
16 off cell phones?

17 A So the specific extractions, I did receive two
18 certificates from an outside source; that would be
19 Cellebrite. I received a CCO and CCPA, which is Cisco --
20 I'm sorry; not Cisco -- by Cellebrite Certified Operator
21 and Cellebrite Certified Physical Analyst. It allows me
22 to perform extractions from cellular devices and then
23 analyze that data.

24 Q And the cell phone record analysis is basically the
25 mapping out of cell phone records; correct?

1 **A** In its basic of forms. I have undergone several
2 trainings to dive deeper into those analysis. Those could
3 include what you're referring to as call detail records
4 where we can physically map a handset and give a
5 guesstimation of area, but we can also do things like
6 pattern-of-life analysis usage reports to include data
7 records, connections through text messages, or actual
8 phone calls.

9 **Q** Okay. And cell phone extractions through Cellebrite
10 is looking at the information in report form off of
11 someone's cell phone?

12 **A** Correct. So Cellebrite is a third-party tool. We
13 use several forensic tools to perform the extractions for
14 double verification, but it performs an extraction and
15 makes a duplicate of the device, so we're not changing the
16 device.

17 And then, at that point, instead of physically
18 manipulating the device to look at it, I can look at it in
19 an electronic form on the computer to view all the
20 contents of the device all the way down to what we refer
21 to as hexadecimal where the binary 0s and 1s that are
22 stored on the device.

23 **Q** Okay. And the reports that come from a cell phone
24 extraction, does it include the information who I'm
25 calling, who I'm texting, my selfies? Does it include all

1 that information you see when you're scrolling through my
2 phone?

3 A It is a direct representation of the data that's
4 stored on the device, yes.

5 Q And since you have been in law enforcement, have you
6 been qualified as an expert in the analysis of cell phone
7 records?

8 A I have.

9 Q And have you also been qualified as an expert in
10 cell phone extractions?

11 A I have.

12 Q And what court were you qualified as an expert in?

13 A South Carolina.

14 Q And what kind of case was it?

15 A I have testified as an expert in murder trials and
16 life-without-parole cases.

17 MS. LIVESAY: Your Honor, at this time, the State
18 asks to put Detective Huggins in as an expert in the
19 analysis of phone records as well as cellular extractions.

20 THE COURT: Any objections?

21 MR. RIGNEY: I have no objection, Your Honor.

22 THE COURT: Mr. Wilson?

23 MR. WILSON: Yes, sir. Subject to
24 cross-examination. That's fine. Subject to
25 cross-examination.

1 THE COURT: Motion granted.

2 MS. LIVESAY: Thank you, Judge.

3 BY MS. LIVESAY:

4 Q Now, you do all those things. You extract
5 information off people's cell phones. You look at cell
6 phone records showing tower data. But you're also an
7 investigator; correct?

8 A That's correct.

9 Q And, in fact, you testified in a very specific
10 reason earlier in the trial?

11 A That's correct.

12 Q And so you do the cell phone stuff as well as, at
13 times, go out, talk to witnesses, talk to folks, and do
14 the actual investigation; part?

15 A That's correct.

16 Q Okay. And you have seen the video that we have
17 watched?

18 A I have.

19 Q Okay. And are you the one that collected that
20 video?

21 A I am.

22 Q Okay. And for this jury, have you tampered with it
23 in any form or fashion?

24 A No, ma'am.

25 Q And did you download it right there from Coastal

1 Carolina, right there at the apartment complex?

2 A Yes. I specifically went into each breezeway where
3 they stored their DVR systems and performed a manual
4 extraction from each DVR and gathered the video evidence.

5 Q Okay. And as part of your investigation, did you
6 review the phone records that are already in evidence for
7 Fanotti Neal, State's Evidence 94?

8 A Yes.

9 Q And, earlier, Detective Contino testified that he
10 spoke with Mr. Neal.

11 A Yes.

12 Q Okay. Do you remember that?

13 A Yes, ma'am.

14 Q Were you in the room?

15 A I was.

16 Q And did you jot his phone number down?

17 A I did.

18 Q And then did you go get the phone records?

19 A I did.

20 Q Okay. And when you were in the room with him, did
21 you collect his cell phone?

22 A I did.

23 Q And, in fact, Mr. Neal gave you the pass code to get
24 in, didn't he?

25 A Yes, ma'am, he did.

1 Q Okay. Now, I'm showing you State's Exhibit No. 23.
2 Do you recognize this document?

3 A Yes, ma'am.

4 Q And what is it?

5 A This is our Item -- Digital Item No. 1 and it's our
6 property Item 56. It is an iPhone that was collected from
7 Fanotti Neal at the time of interview in Florence.

8 Q Okay. And does it belong to the phone number that
9 you got the phone records for?

10 A Yes, it does.

11 Q And is that the phone number he gave you as his
12 phone number?

13 A Yes, ma'am.

14 Q Now, Mr. Neal gave you his pass code to get the
15 phone; correct?

16 A That's correct.

17 Q And that's written on the evidence bag?

18 A It is.

19 Q And did you use that code?

20 A I did.

21 Q And did it get in the phone?

22 A It did.

23 MS. LIVESAY: Your Honor, at this time, the State
24 asks to put State's Exhibit 23 into evidence.

25 THE COURT: Any objections?

1 MR. RIGNEY: None.

2 MR. WILSON: No objection.

3 THE COURT: 23 is in evidence.

4 (State's Exhibit No. 23 was received into evidence.)

5 BY MS. LIVESAY:

6 Q Now, did you look at the contents in the phone?

7 A I did.

8 Q Did you look at the phone records?

9 A I did.

10 Q That's not all you did; correct?

11 A No, ma'am.

12 Q You also downloaded the footage; is that right?

13 A That's correct.

14 Q Okay. And did you also -- showing you State's 59
15 and 60.

16 A Yes, ma'am.

17 Q And this is the red Impala going in and out of the
18 apartment?

19 A Correct.

20 Q This carried the people there and this took them
21 away?

22 A Yes, ma'am.

23 Q And it's got a license plate on it; correct?

24 A It does.

25 Q Now, tell these folks, can you do anything with the

1 license plate number here in South Carolina?

2 A We can.

3 Q What can you do?

4 A Statewide, we have access to the South Carolina DMV,
5 which stores the records for the plates. But furthermore,
6 in our area, our departments have invested in technology,
7 and those technologies to include automated license plate
8 readers that, when a passing vehicle enters within its
9 frame of view, it automatically captures the data of the
10 plate.

11 And, furthermore, when it captures the data, it
12 geotags that specific event and gives it a date and time
13 and location. And it also stores a picture of the plate.

14 COURT REPORTER: State's 95 and 96 marked.

15 (State's Exhibit No. 95, Screen Capture from LPR,
16 was marked for identification.)

17 (State's Exhibit No. 96, City of Conway Police
18 Department's Cameras at Racepath and 501, was marked for
19 identification.)

20 BY MS. LIVESAY:

21 Q Now, Mr. Huggins, I'm going to show you what's been
22 marked as Exhibits -- State's 95.

23 What am I looking at or what are you looking at for
24 State's Exhibit 95?

25 A This is a screen capture of a computer terminal that

1 has access to the automated licence plate readers. So
2 this would have been a license plate reader hit.

3 Q Hold on. Is that information correct and held by
4 the City of Conway Police Department or held in some way
5 that it cannot be altered?

6 A So this specific system isn't even -- we are not the
7 sole source of this. This is actually a SLED system.
8 It's controlled by the State. So they are the keeper of
9 these records.

10 Q Okay. And do you know -- do you have access to the
11 record?

12 A So, yes. It has to go through an approval process
13 where you get access to the system. It's down through our
14 TAC officer. But a very finite amount of people have
15 access to this system.

16 Q And having access to it, can you alter the
17 information?

18 A No.

19 Q So all you can do is pull where that tag was caught?

20 A You can run it, and it will generate a report and
21 provide you with the information you request.

22 Q Okay. And does the information actually include a
23 picture of the tag?

24 A It does.

25 MS. LIVESAY: Your Honor, at this time, the State

1 wishes to put State's 95 into evidence and publish at the
2 appropriate time.

3 THE COURT: Any objections?

4 MR. WILSON: I have no objection, Your Honor.

5 MR. RIGNEY: No objection.

6 THE COURT: 95 is in evidence.

7 (State's Exhibit No. 95 was received into evidence.)

8 BY MS. LIVESAY:

9 Q And Conway now has cameras pretty much everywhere;
10 right? Or a lot of places?

11 A We're trying to create better coverage. We're in
12 the process, but yes, we have lots of cameras.

13 Q Okay. And I'm showing you what's been marked as
14 State's 96. What is that?

15 A This would have been the City of Conway Police
16 Department's pole cameras that were located at the corner
17 of Racepath and 501.

18 Q Okay. And does that capture the vehicles coming and
19 going on that particular location?

20 A It shows the leaving, not the coming.

21 Q And is it kept in a way that it can't be tampered
22 with?

23 A Yes. It's stored on a hard drive.

24 Q So nobody can go in there and add a car or take a
25 car away from the camera view?

1 A No, ma'am.

2 MS. LIVESAY: At this time, the State wishes to
3 place 96 into evidence and publish at the appropriate
4 time.

5 THE COURT: Any objection?

6 MR. WILSON: No objection.

7 MR. RIGNEY: No objection.

8 THE COURT: 96 is into evidence.

9 (State's Exhibit No. 96 was received into evidence.)

10 BY MS. LIVESAY:

11 Q Now, I guess, before I even go further, I probably
12 need to flesh this out. Could you step down, Mr. Huggins?

13 So the Impala that the lady has already said was
14 hers was coming in and out of the apartment. The tag is
15 SFR-830; correct?

16 A Yes, ma'am.

17 Q Okay. And do you remember -- you're the lead guy on
18 this. Do you remember about what time the crime occurred?

19 A So my best recollection, I believe the initial
20 arriving event was roughly 5:30. I believe they made
21 contact with the apartment around 5:40 and the egress time
22 was roughly 5:52.

23 Q And my question is, so around 5:50 in Conway, the
24 murder happens?

25 A Yes.

1 Q Okay. So to be sure, a tag would have picked up
2 this car; correct?

3 A If they traveled by means that was covered by the
4 license plate readers, it would have been picked up.

5 Q Okay. And did these folks travel by one of the tag
6 readers?

7 A They did.

8 Q And tell these jurors what they're looking at on
9 State's Evidence No. 95.

10 A So we have a license plate reader that's situated at
11 the base of Busbee Bridge. That is the bridge that covers
12 from 501, not business but the regular 501 that goes over
13 and into Conway. It's at the base of that bridge and
14 covers the egress into the city as you're traveling into
15 Florence, and in retrospect, we also have an additional
16 one that covers the opposite direction.

17 Q And so at this time, on this tag reader, is the car
18 leaving or coming?

19 A It's leaving.

20 Q Okay. And is the time up there so those folks can
21 look at it, what time it's leaving?

22 A Yes, ma'am.

23 Q And what time is it?

24 A I'd have to refer to the document.

25 So the time reads -- the LPR says that it left on

1 5/29/22 at exactly 5:54:38. So it gives the milliseconds
2 also -- or the seconds also, on the westbound Lane No. 2,
3 Highway 540- -- or 501 Busbee Lake camera.

4 Q So is this lane leaving town or coming into town?

5 A No, ma'am, it's leaving town, going towards
6 Florence.

7 Q Okay. And what time was that?

8 A That was at 5:54 in the morning on the 29th.

9 Q Okay. And about what time does it show them leaving
10 on the video?

11 A 5:52.

12 COURT REPORTER: State's 97 and 98 marked.

13 (State's Exhibit No. 97, Fanotti Neal's Cellular
14 Report, was marked for identification.)

15 (State's Exhibit No. 98, Phone Analysis Report, was
16 marked for identification.)

17 BY MS. LIVESAY:

18 Q And did it show the car coming into town or just
19 going out?

20 A The automated system only captured the plate leaving
21 town.

22 Q And it's leaving town just a few minutes after the
23 murder?

24 A Correct.

25 Q Now, did you -- I'm sorry, Mr. Huggins. Have a

1 seat.

2 Did you download Fanotti Neal's phone?

3 A Yes, ma'am, I did.

4 Q And did it produce a report?

5 A A report was generated.

6 Q And I'm showing you now State's No. 97. What are
7 you looking at?

8 A This is Neal's cellular exam.

9 Q I'm sorry?

10 A Neal's cellular exam.

11 Q Is that the download from his cell phone?

12 A Yes.

13 MS. LIVESAY: At this time, Your Honor, the State
14 wishes to put 97 into evidence and publish at the
15 appropriate time.

16 THE COURT: Any objections?

17 MR. WILSON: I have no objection.

18 MR. RIGNEY: No objection.

19 THE COURT: 97 is in evidence.

20 MS. LIVESAY: Thank you, Your Honor.

21 (State's Exhibit No. 97 was received into evidence.)

22 BY MS. LIVESAY:

23 Q Now, you looked at all this evidence and did you at
24 some point take these phone records and analyze them to
25 try to figure out locations of Fanotti Neal's phone?

1 **A** Yes, ma'am.

2 **Q** Okay. And as part of that analysis, did you take
3 this other evidence -- the pole camera, the license plate
4 reader, the video -- to kind of do a checks and balances
5 to show does this corroborate with the phone records
6 they're saying or are the phone records off?

7 **A** Yes. Through my analysis, I created a report so I
8 could try to encompass all of the facets of evidence that
9 we collected so I could overlay that on top of each other
10 and make sense, and what I prefer to do is double verify
11 that the same information is coming from multiple sources
12 so I can make a determination or qualify that it was
13 accurate.

14 **Q** Okay. So when you looked to see whether or not
15 Fanotti Neal's phone was in Conway during the time of the
16 murder, did you look and see that?

17 **A** I did.

18 **Q** And after you looked, did you check to see if,
19 indeed, he was on the video at that same time?

20 **A** I did.

21 **Q** And did you check and see, if, when the tag reader
22 caught him leaving, was his phone also leaving?

23 **A** Yes.

24 **Q** And was the information from the tag reader, the
25 pole camera, and the phone records and the surveillance

1 footage were they all consistent?

2 A They were all consistent and showed the same thing.

3 Q Okay. And I'm going to show you now State's Exhibit
4 No. 98, and tell me what we're looking at.

5 A This is the report I created to try to make sense
6 and put all those pieces together.

7 Q And is that your expert report as to the cellular
8 phone analysis report?

9 A It is.

10 MS. LIVESAY: Okay. Your Honor, at this time, the
11 State wishes to put 98 into evidence and publish at the
12 appropriate time.

13 THE COURT: Any objection?

14 MR. WILSON: No objection but subject to
15 cross-examination.

16 MR. RIGNEY: No objection.

17 THE COURT: 98 is in evidence without objection.

18 (State's Exhibit No. 98 was received into evidence.)

19 BY MS. LIVESAY:

20 Q Now, Mr. Huggins, before we start looking at your
21 report, give us kind of a preview -- a trailer preview.
22 What do the phone records show?

23 A So when analyzing the call detail records, the data
24 connections, and all the connected towers, it showed to me
25 that, at approximately 4 a.m. around that time, the

1 handset that belonged to that Verizon number was seen
2 about Lamb Road in Florence, South Carolina. That handset
3 that belongs to the Verizon number then travels from
4 Florence down 378 into the Conway area. It then travels
5 down 378 to 501, 501 to University, University to 544, and
6 then enters The Cove apartments at roughly 5:30, 5:40
7 time. It's more precise on the report because I'm looking
8 at the physical records.

9 It then stays for approximately 10 to 12 minutes, at
10 which time the records show the handset leaves the 544
11 areas, travel back up 501.

12 The egress was not the same as the arriving. It
13 differs from 378 back towards Florence. The handset
14 actual travels up 501 straight through Conway, through the
15 Four Mile area, and then travels to 76 to Florence that
16 way, and then returns to the same portion at roughly I
17 think it was 7 a.m. back to the Florence area.

18 Q And now let me ask you this: Is it a straight shot,
19 so when we look at it, we know what we're looking at? Did
20 the phone travel straight from Lamb Road to the apartment?

21 A Yes.

22 Q Stays 10, 15 minutes, you said?

23 A Correct.

24 Q And is the travel back straight back?

25 A It is.

1 Q Is that correct?

2 A Yes.

3 Q And now you were in there for Mr. Neal's interview
4 along with Mr. Contino; correct?

5 A Correct.

6 Q Okay. And did he tell you whether or not he left
7 from Lamb Road?

8 A I believe he did, yes.

9 Q Okay. And did he tell you whether or not it was
10 straight there and then straight back to Florence?

11 A Yeah, I believe his testimony was that they left
12 between sun-up, like dark and light, and then they
13 traveled to Conway and then returned back to Florence.

14 Q And you were in there during that interview and what
15 he told you, were the phone records consistent with that
16 information?

17 A They were.

18 Q Now, at this time, I'm going to publish the records.
19 And in this analysis, are we going to see these other
20 pieces and how they fit into the phone records?

21 A Yes, ma'am.

22 Q So we'll be able to see whether or not the phone is
23 at the crime scene at the same time as they're at the
24 crime scene in the video?

25 A Correct.

1 Q Okay. And did you include information from
2 Fanotti's cell phone?

3 A I did.

4 Q And tell these folks what information you included.

5 A So besides collecting the device from him, that's
6 generally the practice when I do an analysis, so I have to
7 kind of switch roles. I like to prove ownership of a
8 device -- or attempt to -- to show who actually operates
9 and uses the device on a daily basis. So some of the
10 things I collect from there would be user duty subject to
11 account usage, Gmail or what we call email addresses or
12 Facebook accounts, selfie-style photographs where someone
13 is potentially using the camera to take pictures of
14 themselves or other identifying information in the
15 photograph, so, like, driver's license, social security
16 cards, something that the owner would only have access to
17 to kind of show that that's the phone they use on a daily
18 basis and they're the one operating it.

19 Q Mr. Huggins, do you mind stepping down?

20 A Yes, ma'am.

21 So if you wouldn't mind, this report is kind of
22 lengthy, and it's beneficial for me to kind of control the
23 flow.

24 Q That's fine.

25 A I have a wireless mouse, if you don't mind --

1 Q That's fine.

2 A -- just so I can make sure that I hit points that I
3 noted in the report.

4 Q Sure.

5 A I have a mouse.

6 Okay. So this is the export report that I created
7 for Joshua Kendall McPherson's homicide case. It has a
8 case number and my department and who I am. It's
9 difficult to explain all the education that I had to kind
10 of get me to this point, but to get everybody on the same
11 page, I often include some examples of cell phone towers
12 just so we can all kind of get on the same playing field
13 so when I talk about things, you'll understand what I'm
14 talking about and how they work.

15 So these are examples of what we call cell phone
16 towers. They are arranged in a 360-degree manner.
17 There's three sectors generally on cell phone towers that
18 encompass 120 degrees, so it does the entire 360. Does
19 that make sense?

20 When we talk about these sectors, the azimuths,
21 we're talking about, again, the three sectors that
22 encompass that entire 360-degree coverage of those cell
23 phone towers. And, again, plus or minus 120 degrees is
24 what they're projecting from those specific towers.

25 I also include what we call RTT data, or Round-Trip

1 Time measurement. This is an engineer's tool that
2 guesstimates the range from the tower. This is something
3 that the engineers used to justify coverage and maybe
4 changing the way a tower operates. It's not used to
5 really measure distance. It's used to make sure that
6 you're provided adequate coverage for the device or the
7 coverage that you're buying.

8 But with a little bit of math, we're able to
9 determine, by sending a signal out to the device and wait
10 and measuring the time of the response to get to the mid
11 range.

12 So my report encompasses a lot of information, and
13 in this report, we'll see cell phone data, text, calls,
14 locational data from the device that was found in the
15 possession of Mr. Neal. It will also show location data
16 from the cellular device, the Verizon network.

17 And then it also encompasses what we talked about,
18 those LPRs, the license plate readers, the pole cameras --
19 I'm sorry -- the pole cameras that we're in charge of at
20 the Conway Police Department, and also the Coastal Club
21 Apartments security cameras that I collected on the day of
22 the incident.

23 So part of my mapping is I have a software that
24 helps me ingest those records and get an overview of the
25 entire event, but I also do a double verification to help

1 me that the automated tool is providing the correct
2 information to me. So I do a manual mapping on every case
3 to make sure that what I'm seeing in the program is what
4 it should be showing me.

5 So this is a basic overview. And if you look at the
6 overview, we'll see that the actual tower that I'm mapping
7 is the one that's providing coverage to the Coastal Club
8 Apartments, which is situated right here at the edge of
9 Todd Boulevard and Highway 544.

10 A lot of times, people have questions about
11 locations of towers and arrays. The federal government
12 does a great job in storing of those towers, their
13 locations, and how those sectors were arranged at a
14 specific time. They call it MCAD (ph).

15 And so, because your Verizon or AT&T phone might get
16 better coverage now in 2024, we really have to look at
17 what the coverage was during that specific time frame. So
18 I always go back to Google Street Views and look at those
19 tower arrays and get an accurate depiction of what they
20 were specifically at that time frame and not now.

21 And this is just a double verification of the GPS
22 coordinates that's provided by Verizon to double verify
23 that what GPS coordinates they're giving for their tower
24 location is where it's physically located and there isn't
25 any change.

1 So when we look at this specific tower that I did
2 the manual mapping example, we have a GPS coordinate that
3 matched the ones that the Verizon record provided on the
4 cell site database, and we also have our direction in
5 distance -- or, I'm sorry, not distance but azimuth that
6 those sectors are aligned in. So I would say this
7 specific area is covered by this specific sector on that
8 specific tower.

9 So this is a manual sector verification of that
10 Verizon Tower 159547, which I used or collected from the
11 raw records to verify which sector and which tower was
12 saying -- being provided in those records.

13 Now, we have talked about the manual mapping. This
14 is what I see when I load the records into my automated
15 tool, and you can see that I have overlaid a protractor on
16 it to verify the automated tool is giving me the same
17 thing that I'm manually mapping. So, again, double
18 verification to ensure its accuracy.

19 The first thing I do when I'm looking at any
20 records -- let me pause this real quick; we'll go back to
21 this one slide -- is I look at the totality of the events
22 for that day. So I want to see what a specific handset is
23 doing during the time frame of the crime.

24 Some people turn devices off so then we're looking
25 at pattern-of-life analysis where we're saying, you know,

1 for an entire month, you never turned your cell phone off
2 once, but specifically in this event at this time, your
3 cell phone is off for some reason. That would be unusual.

4 That wasn't the case here. The cell phone was on
5 and registered on a network, so I got a pretty good,
6 accurate representation of where the device was during
7 these specific time frames and what it was doing, where it
8 was traveling, how long it stayed, and when it left.

9 So this is screen reporting of that timeline lapse
10 view that shows me where the device is and where it's
11 traveling.

12 If we see -- we started this event because I went
13 all the way back to midnight. At 12:07, the device is
14 showing in the Florence area roughly between Lamb Road and
15 the other areas we talked about, Battleboro Court, in the
16 previous testimony you heard.

17 So that device -- and these rings indicate that RTT
18 data. It's saying that, on this ring within this tower,
19 it's saying that the device is located roughly somewhere
20 on that line. It's not saying it's up here on the line or
21 down here on the line. It's just saying it's within that
22 arc somewhere.

23 Q And what time is that?

24 A That's still roughly 12:40 a.m. on the 29th.

25 Q So the morning early hours/middle of the night of

1 the murder?

2 A Correct.

3 Q And the phone is around Lamb Road?

4 A Correct.

5 Q And that's in Florence?

6 A Yes, ma'am.

7 Q And is that where he told you he left from?

8 A Yes, ma'am.

9 What we'll see is consistent data. We see these
10 towers going back and forth. And towers can change
11 between each other based on obstructions -- large
12 buildings, metals, large obstructions like that. What we
13 see was consistent is those RTT data that they're becoming
14 centralized and crossing the generalized area of Lamb
15 Road.

16 We also notice -- I don't know if you can see it
17 because it's kind of small. We're ticking down the time
18 frame, and it's playing roughly -- one minute is one
19 second right now. So we're sitting right at about
20 1:52 a.m. And this is going to continue to go all the way
21 to 7 a.m. or 7:11 a.m.

22 Q So the phone now is still hitting around Lamb Road;
23 is that correct?

24 A Yes, ma'am. The McDonald's house that's indicated
25 on the map, that is Lamb Road where Neal was seen leaving

1 by the captain of Florence, at which time he was watched
2 going through the path and was picked up on a traffic stop
3 afterwards. This is the house at this location where he
4 was seen leaving.

5 Q And about what time is it now?

6 A It's roughly 2:45 a.m. on the 29th.

7 (Video plays.)

8 And we can see that those intersecting RTT bands are
9 roughly Lamb Road and McDonald's house.

10 Q What time is it now?

11 A It's roughly 3:30 a.m. Things are going to start to
12 kind of move quickly, and the screen might jump a little
13 bit and I apologize. But roughly 4:30 a.m., things are
14 going to start moving quickly, so I'm going to try to get
15 it to you as fast as I can.

16 (Video plays.)

17 We're at roughly 4 a.m. now. We're beginning to see
18 some deviations in sectoring alignment. It could be based
19 on position of the phone. They could have moved down here
20 in this area or it could be obstructions in the tower.

21 4:20 a.m. 4:25. 4:27. Now, we're seeing movement
22 of the device.

23 At 4:27 and 4:30, we're seeing those bands start to
24 generate outward away from the house consistent with
25 movement. And it looks like those bands are projecting

1 down Highway 51 and traveling down Highway 51 towards
2 Highway 378.

3 Q And what time is it?

4 A It's currently 4:46.

5 We're sitting at 4:55.

6 At 4:58, we're just shy on 51 of Highway 378.

7 And it looks, at 5:12, we have now entered Highway
8 378, and you can see the bands getting further apart. You
9 can see the device moving towards Conway on Highway 378.
10 And we're correlating data that verifies that's what's
11 going on.

12 Again, we're on Highway 378 passing Tyler's Produce.

13 Roughly 5:20 a.m., coming towards the Conway Horry
14 County Airport on Highway 378.

15 And at 5:30, we have made it all the way down 378 to
16 Wright Boulevard, and we're just shy of the Busbee Bridge
17 LPR readers.

18 At 5:35, coming down 501, hitting University
19 Boulevard, and traveling back up 544.

20 And at 5:37 is the first indication that the device
21 is within the same coverage and the same sector that
22 provides coverage for the incident location where Joshua
23 McPherson was murdered.

24 Q So about what time did they get to the apartment?

25 A By the tower records, roughly 5:37.

1 Q Okay. And is that consistent with what we saw in
2 the video where the red Impala drove in?

3 A Correct.

4 At 5:53, we see again movement. We're getting
5 further away and we're traveling somewhere on this arc on
6 Highway 501, either business or bypass. But we can see by
7 the next correlated data that we're actually on 501
8 Bypass, traveling up 501, exiting -- not exiting but
9 traveling past the tower, traveling past all of Walmart,
10 Tractor Supply, heading up towards Highway 22 on Highway
11 501. Traveling up 501 into the Aynor area.

12 Passing Aynor roughly 6:09.

13 6:10, we're coming into the Gallivants Ferry bridge
14 area.

15 Now we're coming into the Rains Community on Highway
16 501 on roughly 6:16.

17 6:22, we're coming in.

18 6:25, we're making that left onto 76 away from the
19 Dillon area towards Florence.

20 6:28, we're hitting the Hot Spot on 301, 333. We're
21 back towards 301 traveling towards Florence back towards
22 the Lamb Road area. Now we're back on -- still on 301
23 traveling towards Freedom Boulevard, which is the Florence
24 area.

25 At 6:48, we're right back where we started at

1 roughly 4:30 in the morning.

2 6:54 still there. 6:55.

3 It looks like, at 7:09, we're back out of that area
4 moving around somewhere else over off of Alligator Road,
5 and that's when transmission or that automated view stops.

6 Q Okay. Let me ask you something before we go to
7 where we're at now. I'm showing you State's Evidence
8 No. 90.

9 A Give me one second. Yes, ma'am.

10 Q So the phone, when it was in Florence, was hitting
11 somewhere around Lamb Road?

12 A Correct.

13 Q Is that correct?

14 A Correct.

15 Q Okay. And you're familiar with this area?

16 A In the limited time that I was there, I got a pretty
17 good overview of that specific area.

18 Q Okay. And you got a pretty good idea of it because
19 do you remember where the car was stolen from, what area?

20 A It was stolen from this area exactly, Dingle Drive.

21 Q Okay. And do you remember where the guns were
22 recovered?

23 A Yeah. The guns were recovered during the search
24 warrant in Florence at Battleboro Court.

25 Q Okay. And do you remember that this is where Micah

1 Pressley lives?

2 A That's correct.

3 Q Okay. And Lamb Road is where Neal was caught
4 leaving?

5 A Correct.

6 Q And this is where they left from; correct?

7 A Yes, ma'am.

8 Q And he told you he left from there?

9 A Yes, ma'am.

10 Q And the car was stolen from Dingle Road area?

11 A Yes, ma'am.

12 Q So all this whole area was the car, the location,
13 the leaving and coming location, and Micah Pressley's
14 residence?

15 A Correct.

16 Q Okay. So Micah Pressley lived here, and Fanotti's
17 phone was hitting around here?

18 A Yes, ma'am.

19 Q Okay. I'm sorry. Go ahead. I just wanted to give
20 us a point of reference.

21 A You're perfectly fine.

22 So what we're looking at now, when we get a provider
23 record, we ask for a lot of things. Some providers store
24 more information than others.

25 This is a screen shot of authorized users that

1 Verizon stated had access to the account and then it
2 dictated how much access they had to the account. So if I
3 hit 611 or called customer service from my cell phone and
4 they ask, "Who is this?" they would have said Fanotti Neal
5 has full access to this account, and they dictate that in
6 the record.

7 This is where I start getting some double
8 verification. This is an automated -- not automated but a
9 screen printout from the extraction from the device, and I
10 overlaid the numbers to verify the number that I extracted
11 from the device saying that it was using to contact this
12 other network is the same from the records, and they
13 matched also.

14 Q So this is coming off the report from Fanotti Neal's
15 cell phone number?

16 A No, this is --

17 Q Cell phone. Sorry.

18 A Cell phone itself, correct.

19 Q Okay. That's what I wanted to make sure I'm clear.

20 So this came off the actual cell phone.

21 A Off the phone -- the physical phone, yes.

22 Q And that cell phone report told you the phone number
23 that belonged to that phone.

24 A Correct.

25 Q And that matched the phone number that Fanotti gave

1 you?

2 A That's correct.

3 Q Okay.

4 A And it also matched the records that we had mapped
5 and requested from Verizon.

6 Q Okay. So that number belongs to the phone records
7 we just looked at.

8 A Correct.

9 Q Okay. Just want to make sure we're clear.

10 A This is another just view of that, at Verizon No.
11 (843) 624-4089. One was generated from the report, and
12 this is the analysis view.

13 And you can see from the analysis view how much
14 information that it cards from that raw data. I get
15 everything from ticketed sensor (ph) data to emails, to
16 notes they had made on the phone, log entries, transfer
17 such as CashApp, that kind of stuff, Venmo, voicemails
18 that are stored on the phone, and searched items. Every
19 time we go to Google and we say, "How far am I from Chik
20 Fil A?" it logs that information. It stores it in the
21 searched items. And then all the archived stored data,
22 images, videos, audio recordings, you know, audio tracks
23 of any songs they might have liked. All that stuff is
24 stored.

25 So, again, when I talked about earlier quantifying

1 whose phone it is, verifying that it was Mr. Neal's phone,
2 found in the camera roll of the phone was Mr. Neal's
3 social security card that someone had taken a picture of
4 that was contained in the device.

5 I looked through the user accounts, and we can see
6 that Mr. Neal had a Gmail account matching his name in the
7 device along with the phone number that matched the cell
8 phone records.

9 We talked about the selfie-style photographs. Those
10 were projected in the device, so I took a couple of screen
11 captures of those.

12 Q And you interviewed Fanotti Neal?

13 A Correct.

14 Q So you know this is indeed pictures of Fanotti Neal.

15 A I do.

16 Even down to the recent picture where he had a scar
17 or scab above his eye.

18 This particular picture, it matched the items that
19 we collected from him, the mask, but also, in the video
20 camera system, we saw the male exiting in the security
21 camera view, which was initially a beanie, but on the
22 exit, running out, they were pulling down the beanie,
23 creating a mask.

24 Q So one second, Detective. So you took -- you
25 included that to show that that matched or was consistent

1 with the mask that you got off of Mr. Neal, State's
2 Evidence No. 19?

3 A Yes, ma'am.

4 This was an interesting one, I thought. Prior to
5 arrival into Conway but after leaving Florence, someone on
6 the device asked or searched for the GPS coordinates for
7 Coastal Carolina University. So somebody basically went
8 into the device and said, you know, "Coastal Carolina," a
9 Google search, "How do I get there?" And the system
10 provided GPS coordinates and directions to get to the
11 Conway, Coastal Carolina, University Boulevard, which
12 matched the arrival of the cell phone records.

13 Q And about how close is this location to where the
14 boy was killed?

15 A I would say less than a half-mile.

16 Q And he was looking at that the morning of the murder
17 on his phone?

18 A That was pulled up at approximately 5:20 a.m., which
19 is 17 minutes prior to the arrival on Highway 544.

20 Q Okay.

21 A All the red and yellow checks are just things that I
22 specifically manually tagged in the cellular records --
23 or, I'm sorry -- phone analysis. It was a log-type
24 location address that it was searched. So it was just
25 another view of that GPS coordinate that was manually

1 searched on the device trying to find directions.

2 There was also a discrepancy that I noted in the
3 property report. I noted that the property report that
4 was handled internally by my evidence tech, Detective or
5 Investigator Bobbitt that did all the crime scene and put
6 the initial evidence in, that the IMEI didn't match the
7 device that I was evaluating, so I dug deeper into it.

8 And located on the SIM card tray of every iPhone, if
9 you flip it upside-down, you'll see a bunch of numbers on
10 it. That IMEI is supposed to match the internal IMEI of
11 the device; however, those device IMEI trays are
12 interchangeable. I can take it out of my iPhone 7 and put
13 it in my iPhone 8 and take it out of my 8 and put it in my
14 5. Because all the SIM cards generally are the same size
15 and they operate the same way.

16 So what I did was, I noted in my review and analysis
17 of the device that the IMEI tray that was physically --
18 that someone can physically see and report on a property
19 record was different from the IMEI located within the
20 device.

21 So if we look at my analysis of the device, the IMEI
22 matches the internal IMEI but not the physical IMEI that
23 was located on the tray.

24 I dug a little deeper into the phone. He had talked
25 to some people about getting a new phone number, so I

1 attributed it to him intentionally got a new SIM card and
2 used a different SIM tray to install it; that that is not
3 the factory SIM tray that's provided with the phone. That
4 is just one that was used to provide -- or to insert a new
5 SIM card.

6 I think I document here, again, SIM card, SIM tray,
7 him talking about getting a new phone number. So that
8 would mean that, at some point, he had to remove the SIM
9 tray, remove the SIM card, put a new SIM card in, and
10 replace the tray. And potentially that could be an
11 explaining event of why the IMEI was physically different
12 than the internal IMEI.

13 Q And when did the message -- who wrote that message?

14 A That message was directed from the 44-- or the 4089,
15 which is the Verizon number that came back to Mr. Neal.
16 He wrote that message to someone.

17 Q And what did the message say?

18 A It says, "Gangsta tho I got a new phone. I got to
19 save yo number."

20 Q So "I got a new phone."

21 And what time and date was that on?

22 A That was on 5/28/2022 at 12:07 p.m.

23 Q And on what date?

24 A The 28th. 5/28.

25 Q So the date was 5/28?

1 **A** Mm-hmm.

2 **Q** So right before the murder.

3 **A** This was the compilation that I put together for the
4 entire incident. This is how I was able to review all the
5 occupants coming in, the residents there, the guests
6 leaving, the arrival of the defendants, the leaving -- and
7 then the leaving of the defendants, along with the vehicle
8 traffic coming and going from the incident location.

9 I will say, as an investigator, this was an
10 elephant. There was a lot of information. And they say
11 the best way to eat an elephant is a bite at a time. I
12 may have watched this video -- I know you guys have
13 probably watched this video twice, but I watched this
14 video probably four times specifically watching each
15 person, because every time I watched it, I found a new
16 piece of information, a new piece of body behavior, a new
17 retrieval of something, something else that someone else
18 was doing. It's hard to watch this video and watch one
19 particular person and what they're doing, because you're
20 missing what the other four people are doing.

21 So a lot of times what I did was I stopped the
22 video, I played frame by frame by frame, and analyzing
23 body behavior and body language for each individual
24 present.

25 **Q** And is this time stamp accurate?

1 **A** It is. I do believe we've already addressed this,
2 but what I do on collection is I'll take a picture of the
3 camera in its live state to show what it's showing me at
4 that time, and then I screen-shot that picture I took to
5 show the actual time versus DVR time. That's part of the
6 collection process, to verify the time on the machine is
7 accurate.

8 So as we watched this initial video, it's important
9 that we play it in its entirety, so you guys can see it as
10 I viewed it the first time. After this, I'm going to
11 start overlaying a lot of things on top of it so I can
12 verify from multiple sources, after which I'm going to
13 break it down as slowly as I can again and show you guys
14 the things that I found were investigatively important.

15 **Q** Now, this particular camera is the timeline?

16 **A** It is not.

17 **Q** And this is the one that's off by an hour?

18 **A** Roughly an hour. An hour and two minutes.

19 **Q** So it's really around 5:35?

20 **A** Yeah, 5:35, 5:37, somewhere in there.

21 **Q** This time is correct?

22 **A** Yes, ma'am.

23 **Q** Okay.

24 **A** So now we have watched in realtime the events that
25 occurred. I believe this next view mirrors it. We can

1 begin to break down some of these events.

2 We're going to fast forward past the actual
3 occupants' arrival, and we're going to get to the arrival
4 of the defendants.

5 So the big thing to notice here is we're arriving at
6 the Coastal Club Apartments, which is at Building 640 at
7 roughly 5:30 a.m. And if we remember from the cell phone
8 records, that's what the records show, roughly 5:37 a.m.

9 We see the red Impala entering the parking lot. And
10 the arrival, we notice by watching the video where it's
11 real time, there's a huge difference. When they parked
12 this initially or looking for a spot or moseying around or
13 talking, there's no urgency. I think the only thing
14 that's urgent to them at this point is getting a parking
15 spot that's close to where they're trying to go.

16 If we get out to the point where they finally decide
17 on a parking spot, after they get done sitting in the car
18 for awhile -- I want to fast forward past it -- we can
19 finally see two female occupants emerge and three male
20 occupants. The two females are together walking forward
21 and three males are gathering in the rear of the vehicle.

22 Interesting thing to note right here at this moment
23 is the skinny male subject is fiddling in his right shoe
24 by his sock. So he stopped and he's adjusting something
25 in his shoe or sock area. And that will become

1 particularly important later.

2 Also, body behavior to me is unusual at 5:40 in the
3 morning. There's a lot of movement, a lot of talking, a
4 lot of animation.

5 MR. WILSON: Your Honor, I understand that -- this
6 is an objection. I understand playing the video and I
7 understand he's been qualified as an expert with cell
8 phone records, not with narrating what's on that video.
9 The video speaks for itself. Whatever is there is there,
10 and I don't have a problem with him playing that. I do
11 have a problem with him saying what it says.

12 THE COURT: I agree. I'll sustain your objection.

13 MS. LIVESAY: Your Honor, he's just telling these
14 folks what he found as the investigator to be of
15 evidentiary value.

16 THE COURT: It would probably run a little bit
17 smoother and a little bit faster if you'd ask him
18 questions and kind of get him going.

19 A One of the items of interest that was of evidentiary
20 value to me was what we call --

21 MR. WILSON: I object again.

22 THE COURT: Go ahead and ask him a question and let
23 him answer you.

24 MS. LIVESAY: I'm sorry, Judge?

25 THE COURT: Just ask him a question and let him

1 answer you.

2 BY MS. LIVESAY:

3 Q What in this video in this aspect did you see, if
4 anything, that assisted you of any sort of evidentiary
5 value in the video that furthers your investigation?

6 MR. WILSON: Your Honor --

7 THE COURT: I think that's fine. This a question.
8 Let's see what his answer is, and we'll keep on moving.

9 A So, as an officer, we're trained by the academy to
10 interpret body behavior. We call this behavior indexing,
11 padding. It's when someone is concealing a weapon --

12 MR. WILSON: And I apologize for cutting him off. I
13 apologize. But now he's going into behavior and he is not
14 some expert in behavior. He's not. And he hasn't been
15 qualified as an expert in behavior. I object to it.

16 THE COURT: I tend to agree.

17 MS. LIVESAY: Your Honor, an expertise is just
18 somebody that knows and has knowledge that would assist
19 the 12 jurors here that would not have the same amount of
20 knowledge.

21 THE COURT: I still think he's an expert in cell
22 phones and things of that nature. We're getting into all
23 kind of other stuff.

24 I think if you'll just kind of lead him on down the
25 road for what he's here for, I think that will help.

1 MS. LIVESAY: It's okay. We'll move on.

2 A We can actually just move past these events.

3 All right. So this is where we start analyzing the
4 records to correlate with other events. Neal's device --
5 I was trying to gather what time it left Florence in that
6 first initial movement activation event, and we roughly
7 see the device stationary at 4:25. It's moving at 4:29,
8 so we know they left the house -- or the device left the
9 house between 4:25 and 4:29.

10 Evaluating the route, we can see them coming into
11 the Conway area at roughly 5:22, and we noticed on the
12 previous couple of slides the GPS event when I'm looking
13 where the device wants to go. The device was searched at
14 5:20 at Coastal Carolina University. What time it arrived
15 to the Coastal Club Apartments and area. We can see it
16 was traveling 501 at 5:33, traveled to 501 area/University
17 Boulevard at 5:34, and then arrived at 5:38. And this is
18 another piece of evidence, the 5:38 arrival, that
19 correlated with the cell phone data or the cell phone
20 record data. So it was two different independent sources.

21 This is just an overlay of those events, the records
22 showing between 5:36 and 5:47 those arrival events
23 matching the video system.

24 We then look at the RTT data to see where Verizon
25 estimates the phone's coverage area and where the phone is

1 currently located at roughly 5:41 a.m., and they're saying
2 they're somewhere along this arc, which, again, would
3 coincide with the incident location.

4 And then another piece of corroborating evidence
5 that show the same thing. The video evidence showed their
6 arrival to the apartment complex at 5:42, which, again,
7 was the same thing the records were showing.

8 Next piece was the RTT data of the events saying
9 where is the device between 5:47 and 5:50. You can see,
10 at 5:47, still indicated on this side, but at 5:50 roughly
11 it's on the 544 area of Conway. And, again, the data
12 supports that with the video.

13 Seeing them leave the apartment at 5:51. The video
14 evidence again matches up with the cellular record
15 location data saying, at 5:52, they're leaving the
16 complex.

17 At 5:53, we get that hit on the arc just outside 544
18 and 501 area. This is another view of that arc with the
19 Busbee LPR camera placed on the map for reference. At
20 5:33, showing somewhere on this arc, the 501 business and
21 501 bypass area but with the secondary correlating data,
22 it shows by- -- or business is on bypass [verbatim].

23 That's the location of the LPR camera. It's right
24 there in the 3rd Avenue extension as it crests the bridge
25 -- I'm sorry -- at the entrance of the bridge.

1 And this is that paper that we passed around, just a
2 screen shot of it, showing that 5:45 a.m. hit that's
3 showing just prior of that 5:33 mark.

4 This is the automated -- not the automated but the
5 camera systems that Conway Police Department has installed
6 in several key locations in our area. And we'll see, if I
7 start playing this, the red Impala coming from the Busbee
8 Bridge, coming through Conway, passing Racepath,
9 continuing 501 bypass towards Walmart towards the Florence
10 area. And there's the vehicle that, just after that 5:53
11 hit on the records, and the 5:54 hit on the LPRs. We now
12 see it at 5:55 on the same route of egress.

13 So all of that data I used to correlate to verify
14 each independent source saying there's no anomaly. All
15 four sources are saying the same exact.

16 And this is our RTT data location just after that
17 LPR hit and that pole camera hit at 5:55.

18 At 5:56, we're rounding the bend up there at 501,
19 past Chik-fil-A, Applebee's.

20 And this is all those events on a singular page:
21 the LPR hit, the pole camera with the RTT data, to see
22 that that route was all consistent.

23 Same thing without the visuals.

24 And this is -- I'll just let it play. I won't
25 annotate it. These were points that were specific to the

1 investigation that helped me figure out what occurred.

2 (Video plays.)

3 And I'm noting, just digging in his sock. A gesture
4 that was noted earlier. Adjusting the waist and covering.
5 Retrieval of something.

6 Also note that the door is shutting very slow, which
7 I thought was peculiar.

8 They're exiting, looking both ways, and then
9 entering back into the apartment.

10 Three individuals leaving and not running.

11 And then two males merging and running past. When
12 it's broken down frame-by-frame, the same event, and we
13 notice in the right hand -- I don't know what just
14 happened. [Technical difficulty.]

15 I think the still frame explains itself. For some
16 reason, my mouse won't stay on the screen. There we go.

17 And then the beanie-style hat being placed into a
18 mask. And we can see that because the black is over top
19 with the face exposed.

20 I notice the manner in which they arrived was not
21 the same as when they left. Once the occupants arrive at
22 the vehicle, it leaves abruptly.

23 We'll notice it looks like all occupants are in the
24 vehicle roughly 41, 42, and in less than four seconds,
25 were leaving.

1 They'll come through this camera rather than quickly
2 and not stop at the stop sign, making a left on 544, which
3 correlates the same data that the cell phone records show
4 as the egress route.

5 Q You showed a still shot clearly of one of the guys
6 running out. And is that right off the video?

7 A That's directly from the video.

8 Q Has it been tampered with in any form or fashion?

9 A Not at all.

10 Q And is that just a blow-up of the still shot?

11 A It's just zooming in.

12 MS. LIVESAY: No further questions.

13 THE COURT: Let's take a 15-minute break and then
14 we'll come back with cross-examination.

15 MS. LIVESAY: I just meant no further questions on
16 that. I've got a few more for him. I'm sorry; I was not
17 clear. That was my fault.

18 (The jury exited the courtroom at 4:12 p.m.)

19 (A recess was taken from 4:12 p.m. to 4:34 p.m.)

20 THE COURT: All right. Go ahead and bring out the
21 jury.

22 (The jury entered the courtroom at 4:34 p.m.)

23 THE COURT: All right.

24 MS. LIVESAY: Thank you, Judge. Just a couple more
25 questions.

1 BY MS. LIVESAY:

2 Q Detective Huggins, have you been in here for the
3 entirety of the trial?

4 A Yes, ma'am, I have.

5 Q Okay. And is that the normal course of business for
6 the lead investigator?

7 A It is, ma'am.

8 Q Okay. So you have seen all the testimony, heard all
9 the questions, everything up to this point; correct?

10 A Yes, ma'am, I have.

11 Q And were you the investigator that made the sole
12 decision, after looking at everything, whether or not to
13 get warrants for Micah Pressley and Fanotti Neal?

14 A I was.

15 Q And did you sit in here and listen to Mr. Wilson
16 question Marion Robinson?

17 A I was.

18 Q And did you hear him say, "Hey, you just pinned it
19 on this guy"? Do you remember that?

20 A Yes, ma'am.

21 Q Okay. And did you -- how long did you investigate
22 this?

23 A So the initial investigation, the apprehension of
24 the five subjects, was a couple of days, but this
25 investigation lasted months.

1 Q And, ultimately, did you get warrants for Micah
2 Pressley and Fanotti Neal for burglary first and murder?

3 A Yes, ma'am.

4 Q Okay. And in doing that, did you have more
5 information than Marion Robinson?

6 A A lot more.

7 Q And he asked Marion, "Did you pick out Micah
8 Pressley?" Do you remember that?

9 A I do.

10 Q Did y'all ever show Marion Robinson a lineup of
11 Micah Pressley?

12 A No.

13 Q How many times did you talk to Mr. Robinson?

14 A One time. Interview style. Two times when I
15 returned his device to him.

16 Q Okay. And did he ever say anything different than
17 what he told these folks?

18 A No.

19 Q And you say the investigation was months long.

20 A Correct.

21 Q Okay. And after that months-long investigation, did
22 you deem it appropriate to get warrants for Micah Pressley
23 and Fanotti Neal?

24 A I did, ma'am.

25 Q And has anything happened in the course of this time

1 frame to change your mind?

2 A No, ma'am.

3 Q The murder happened on 5/29; correct?

4 A Correct. 2022.

5 Q No doubt about it, the young man was found on 5/29
6 around 6 a.m.?

7 A Yes, ma'am.

8 Q Okay. And when these guns were collected, were you
9 down in Florence?

10 A I was.

11 Q Okay. And do you remember what date that was?

12 A 31st.

13 Q Okay. So a couple of days after the murder?

14 A Correct.

15 Q Okay. And there's been all this talk about DNA and
16 fingerprints and all that kind of stuff. Were you at
17 Micah Pressley's house the day that the guns were
18 collected?

19 A I was.

20 Q Okay. And were there multiple people in the
21 residence?

22 A There was. There was three individuals in the
23 residence on a knock-and-announce.

24 Q Okay. There were three individuals in the
25 residence?

1 **A** Correct.

2 **Q** Okay. And were any of them Micah Pressley or
3 Fanotti Neal?

4 **A** No.

5 **Q** And were the guns out in the open?

6 **A** One was out in the open. The other one was
7 concealed in a backpack in a bedroom.

8 **Q** Okay. Concealed in a backpack. But was it locked
9 up?

10 **A** No.

11 **Q** Were either guns locked up?

12 **A** No.

13 **Q** And there were three people running -- not running,
14 three people in the house that exited the house; is that
15 correct? At least three the day that you did the search
16 warrant or that Florence assisted in the search warrant?

17 **A** Correct.

18 **Q** Okay. And any three of them had access to the guns?

19 **A** Correct.

20 **Q** And you don't know how many people were in the house
21 touching the guns between the time of the murder and the
22 time you recovered the guns; correct?

23 **A** That's correct.

24 **Q** Okay. And if the guns were sent to SLED at that
25 point, two days later, after having multiple people

1 around -- one of them is laying clearly in the living
2 room; right?

3 A Right.

4 Q Right there by the TV, by the little game station;
5 correct?

6 A Yes, ma'am.

7 Q Okay. So you don't know how many people touched the
8 guns between the time the murder happened and two days
9 later when all these people are in the house?

10 A Correct.

11 Q But they were available to be touched by anybody;
12 correct?

13 A Yes, ma'am.

14 Q Okay. And if you had collected DNA or fingerprints,
15 wouldn't it just show the last person that touched it?

16 A Potentially.

17 Q Okay. And so there was no way to know by DNA
18 anything other than the last person that touched it?

19 A Correct.

20 Q Certainly that wouldn't be deemable after two days
21 in a house full of people, we couldn't just pin it on
22 whoever the DNA came back to, could we?

23 A It wouldn't be of investigative value, no.

24 Q Because it wouldn't be who actually fired the gun,
25 would it? It would be whoever touched it last?

1 **A** Correct.

2 **Q** And it could have been any of those three young men
3 that were in the house? Their DNA could have been on the
4 gun; correct?

5 **A** Could have been.

6 **Q** Okay. And would that have made them the murderer?

7 **A** I don't believe so.

8 **Q** Okay. And have you been in here to listen to all
9 the chain-of-custody witnesses?

10 **A** I have.

11 **Q** And all that -- and Conway has an evidence room;
12 correct?

13 **A** Correct.

14 **Q** And is it kept locked up?

15 **A** It is.

16 **Q** And that's to ensure the integrity of the evidence;
17 correct?

18 **A** Yes, ma'am.

19 **Q** Would you feel comfortable finding a gun two days
20 later in a house full of people, swabbing it and getting
21 the DNA and saying, "Well, you're the killer"?

22 **A** No.

23 **Q** It could be a White guy, it could be a woman, it
24 could be anybody?

25 **A** Correct.

1 Q So this idea that some guns that were found in the
2 house that, if we looked at DNA or we looked at
3 fingerprints, would tell us who the murderer is, that's
4 not just true in real investigation, is it?

5 A No, ma'am.

6 Q And is it standard -- he had them read out, didn't
7 DNA -- all this was taken. Isn't that standard in every
8 case?

9 A So when they send their submission forms, they have
10 a standard practice. It doesn't necessarily mean, like,
11 at the wishes of the investigator. It just means property
12 and evidence is submitted for processing, and that's what
13 they elected to have processed.

14 Q And so it's not unusual whether the murder weapon is
15 found the day of, two days later, a week later, a month
16 later, that it's just normal course of business to swab it
17 and put it into evidence?

18 A I believe it's their standard practice to do so.

19 Q But it's not always tested until after everything is
20 looked at and it's figured out whether or not this is
21 going to give us an accurate answer?

22 A Correct. There's a -- I won't say a disconnect, but
23 there's a difference between after the totality of facts
24 is looked at by the investigators and what's standard
25 practice. We always try to go for more and then later,

1 once we determine if it's not pertinent, then we had it
2 but we don't need it. It's better to have it than not
3 have it. Does that make sense?

4 Q Right. And if the DNA was sent off and it came back
5 to one of those young men that were running around in the
6 house that day, would that make the young man the killer?

7 A No, it wouldn't.

8 Q And the pictures, you know, they're wearing -- the
9 officers are wearing gloves?

10 A Correct.

11 Q But they didn't have on the full suit, did they?

12 A No.

13 Q Okay. If, for some reason, their DNA got on the
14 gun, would they then be the killer?

15 A No.

16 Q Now, Mr. Wilson has talked quite a bit about two
17 guns that were located in the victim's house.

18 A Correct.

19 Q Okay. And you located those guns; correct?

20 A Yes.

21 Q Okay. And, in fact, the truth is, somebody from in
22 the house told you the guns were there; right?

23 A Honestly, I don't recall.

24 Q Okay. And did you have any reason to believe those
25 two guns were used in this murder?

1 A No, ma'am.

2 Q Mr. Wilson has asked these questions, alluded to the
3 fact that there was a gun in the room with Marion and the
4 young man that was killed. Do you remember that?

5 A I do.

6 Q Okay. And you're an investigator; right? You get
7 warrants for people's arrests?

8 A Yes, ma'am.

9 Q Okay. Depending upon who has done something right
10 and who has done something wrong; right?

11 A Correct.

12 Q Okay. So let me ask you this something: Say there
13 is a gun in the house, okay?

14 A Okay.

15 Q And it's on the video they broke in; correct?

16 A Correct.

17 Q Okay. Let me ask you something: Did the people in
18 the apartment that were in there asleep doing nothing
19 wrong, would they have the right to defend themselves?

20 A Castle Doctrine says so, yes.

21 Q I have got several guns in my house. Several guns.
22 If somebody broke into my house and got to walking around
23 while I'm in there asleep and I grab hold to a gun, have I
24 done anything wrong?

25 MR. WILSON: Your Honor, this is direct. This is

1 her witness, and she's leading him all over the place.

2 THE COURT: Sustained.

3 MS. LIVESAY: I understand.

4 BY MS. LIVESAY:

5 Q Have I done anything wrong?

6 A No, ma'am.

7 Q Okay. If -- well, there were two guns recovered --
8 right? -- in the victim's apartment?

9 A Yes, they were.

10 Q And what suite were they in?

11 A In Suite C.

12 Q And do you know who was staying in Suite C?

13 A His brother.

14 Q His brother.

15 And did you hear the 911 call?

16 A I did.

17 Q And is that the young man hollering and crying on
18 the call?

19 A It is.

20 Q And he was the one that had guns in his room;
21 correct?

22 A They were in the closet in the room in a box on a
23 shelf.

24 Q Okay. And was it okay for him to have a gun in the
25 house to protect himself?

1 **A** Yes, ma'am.

2 **Q** Does the fact that there were guns in the house have
3 any bearing on whether or not Micah Pressley and Fanotti
4 Neal were wrong for breaking into the apartment?

5 **A** No, ma'am.

6 **Q** Is that some sort of justification for killing the
7 victim?

8 **A** No, ma'am.

9 **Q** So they were still charged; correct?

10 **A** Correct.

11 **Q** And was there any finding that anybody in the room
12 had fired a gun?

13 **A** No, ma'am.

14 **Q** You watched the entirety of the video footage;
15 correct?

16 **A** Yes, ma'am.

17 **Q** Far more than we have shown here.

18 **A** A lot more.

19 **Q** And tell these folks -- because we clipped it just
20 to show what was relevant.

21 **A** Okay.

22 **Q** Did you see anybody else run out of the apartment
23 after Micah Pressley did and Fanotti Neal?

24 **A** No, ma'am. The door was shut until officers
25 arrived.

1 Q So you didn't see Jalen running out with a gun, did
2 you?

3 A No, ma'am.

4 Q Did everybody in that apartment come to the police
5 department?

6 A Everybody except Marion Robinson, which he later
7 did, but initially, Robinson's interview was conducted
8 first because he was the eyewitness.

9 Q But he talked to you, didn't he?

10 A He did.

11 Q Did he talk to you as long you wanted to talk to
12 him?

13 A He did.

14 Q And he stayed right there until you let him leave?

15 A Yes, ma'am.

16 Q And how about the rest of the folks?

17 A Everybody came to the P.D.

18 Q And everybody cooperated with you from the inside
19 the apartment?

20 A 100 percent.

21 Q Did you have to go hunt any of them down to talk to
22 you?

23 A No, ma'am.

24 Q And did Fanotti Neal and Micah Pressley call the
25 police?

1 **A** No, ma'am.

2 **Q** Did they voluntarily come into the police department
3 to tell you what they knew?

4 **A** No, ma'am.

5 **MS. LIVESAY:** No further questions for this witness,
6 Your Honor.

7 **THE COURT:** All right.

8 **CROSS-EXAMINATION**

9 **BY MR. WILSON:**

10 **Q** I'm a little confused, and I hope that you can help
11 me. Did I understand you to say to the solicitor that the
12 fact that there are two guns in that apartment which --
13 and you say you have been in here the entire time so you
14 have heard SLED testify that one of those guns could have
15 been used to eject one of those bullets into that victim,
16 but that you didn't think -- you don't think, as the
17 investigator -- the chief investigating officer, that that
18 is material, that that is important, that that is
19 something that you ought to be concerned about? Is that
20 what you're telling us?

21 **A** Based on the facts that the case provided, I did
22 not.

23 **Q** Let me ask you this: You made the decision, as the
24 chief investigating officer, to have those two guns
25 examined; did you not?

1 A Yes.

2 Q And did you get back the report from that
3 examination?

4 A I did, sir.

5 Q And you have read it; right?

6 A Yes, Mr. Wilson.

7 Q And you know what the content of it is, don't you?

8 A I do, Mr. Wilson.

9 Q And you know that there was presumptive blood on
10 both of those guns?

11 MS. LIVESAY: Your Honor, again, these are facts
12 that are not in evidence, and this witness isn't qualified
13 to testify to a SLED report. We cannot let but so much of
14 this go on.

15 THE COURT: Overruled. Continue.

16 BY MR. WILSON:

17 Q You knew -- you knew that there was presumptive
18 blood on both those guns, and you still did not
19 investigate it?

20 A Sir, I believe the report you're talking about
21 wasn't produced until a couple of days prior to this trial
22 for SLED, by SLED. So when this report or when these
23 reports are generated and investigated back in 2002 [sic],
24 what you're referring to didn't come to light until the
25 beginning of November 2024 [sic].

1 Q No, sir. You collected these guns, or at least your
2 department did, that day, the 29th. You collected those
3 two guns; did you not?

4 A We did, sir.

5 Q And you, being the chief investigating officer,
6 asked SLED to specifically look for DNA on that -- on
7 those two guns, didn't you?

8 A I do not fill out those requests, no.

9 Q Well, you were the chief investigating officer. So
10 who in God's world would do that if you don't do it?

11 A So, as the chief investigator, my primary role isn't
12 to complete individual tasks. It's to manage personnel
13 that are associated with the case, to make sure that
14 everything that's supposed to be done or wanting to be
15 done is done.

16 I don't fill out every individual request. I don't
17 conduct every individual interview. I don't do every
18 single search warrant. I just make sure that what we want
19 to get done is done and is later been put in for
20 discovery.

21 Q I didn't ask you if you did every task. I asked you
22 simply whether or not you ordered those two guns to be
23 tested by SLED for DNA.

24 A Again, those orders are completed by our evidence
25 custodians.

1 Q So who runs the ship: the evidence custodian or the
2 chief investigating officer? Who runs the case?

3 A Well, the manager of the people is the chief
4 investigator. The individual tasks fall on the
5 responsibility of the people that are assigned in those
6 positions.

7 Q So you're telling me there's no chain of command in
8 the police department, so that the evidence custodian
9 decides whether she's going to send something to SLED or
10 not send something to SLED or she's going to decide
11 whether or not it's worthwhile or not worthwhile? And
12 you're the chief investigating officer. What is your
13 purpose?

14 A My purpose is to follow the standard operating
15 procedures described by policy, by our chief of police, in
16 each individual position, as those standard operating
17 procedures and what their responsibilities and roles are.

18 Q And let me ask you this: You said you got this
19 report. When you got it and you saw that there are blood
20 on both those guns, didn't you want to know whose blood it
21 is?

22 A The first thing that I did once we received it was
23 forward it on so that everybody was aware the report had
24 been created. It was just important to me that the facts
25 were known the day it was received for all parties

1 involved.

2 Q But that's not my question. My question is -- my
3 question is simple. Once you had the two guns and you
4 sent them off to SLED to be tested and then you get the
5 test results back and it says presumptive for blood,
6 wouldn't you want to know whose blood is on there? Is it
7 the people who shot him? Is it somebody else in the room?
8 Is it even his blood?

9 A Correct.

10 Q You would want to know that. You owe that to the
11 people; right?

12 A Absolutely, sir.

13 Q Right. To the family. To the defendants. To this
14 Court, for God's sake.

15 But we don't know. We don't know because you
16 decided -- or your department anyway -- decided that they
17 weren't going to do it. We have got some guinea pigs.
18 We're good enough. We don't need to know anymore.

19 A I believe that's inaccurate.

20 Q You believe that's incorrect?

21 A Yeah, because you're insinuating that what hasn't
22 been done isn't going to be done. You're saying that a
23 report that was brought to light days before this, that
24 we're doing nothing with, but that's -- to the contrary,
25 it was provided, it was known, and I'm sure, at some

1 point, it will be addressed.

2 Q Well, we're kind of in the middle of a trial now. I
3 don't know when it's going to get addressed. When is it
4 going to be addressed? After the jury comes back with a
5 verdict? Then we'll address it?

6 We're talking about people's lives here. The
7 victim's family, they need to know the truth. And these
8 defendants are entitled to justice. You agree with that,
9 don't you?

10 A Absolutely, sir.

11 Q Let me ask you this: You got another report on all
12 four of these guns back in January of this year; did you
13 not?

14 A I don't know the date, but we did get reports on all
15 four guns.

16 Q Well, if you need to know the date, I can help you
17 with that.

18 A Thank you.

19 MS. LIVESAY: Your Honor, again, the report is not
20 in evidence. He's not an expert to testify regarding a
21 SLED report. We cannot -- he wants truth, then ask the
22 witness that is appropriate for the evidence that he's
23 showing. Don't show a witness that's not qualified to
24 testify to the report in an effort to confuse the issue.

25 MR. WILSON: First of all, I'm not asking him that.

1 I simply asked him if he knew the date, and that's what
2 he -- I was trying to refresh his memory on the date, not
3 on the content of the document.

4 THE COURT: Go ahead and ask him.

5 MS. LIVESAY: Well, is -- is the date contents of
6 the document, or are we going to put it into evidence and
7 allow contents of the document?

8 THE COURT: Just ask him if he remembers the date.

9 BY MR. WILSON:

10 Q Do you remember the date that you got the first
11 report back?

12 A No, sir, I do not.

13 Q You don't remember.

14 But if I said it was January of 2023, would you be
15 in disagreement with that?

16 A I couldn't accurately answer your question.

17 Q Well, let me put it this way: You got a report
18 back. Whenever it was, whether it was January or February
19 or April, you got it back; did you not?

20 A We did get a report, sir.

21 Q Right. And you knew, when you got that report back,
22 about those other two guns; right? And you also knew that
23 one of those guns that were found in that apartment could
24 have been one of the guns that shot this victim. You knew
25 that, didn't you? Since January.

1 A I believe the report read that it was inconsistent
2 or something to that matter, that they couldn't prove or
3 disprove.

4 Q But that's what he said about all of them; right?

5 A Correct.

6 Q But he said it was inconclusive. Couldn't say for
7 certain. But that's the same thing that he said about the
8 other guns that were being used, according to SLED; right?
9 They were inconclusive too.

10 So he's saying this gun is inconclusive and this
11 gun's inconclusive and the two guns that was in the
12 apartment, one of which is inconclusive, the other one was
13 not -- a possibility; right?

14 A Was there a question?

15 Q Yes, sir.

16 A What was your question, sir?

17 Q It's fine. Don't worry about it. Let me move on to
18 something else.

19 So let's talk about what you do as an investigator.
20 All right? Because you would agree with me that, as the
21 investigator, you want to preserve as much evidence as you
22 possibly can; right?

23 A Yes, sir.

24 Q So when you went to whatever the house was you said
25 in Florence and you got two guns out of that house in

1 Florence; right?

2 A Battleboro Court, yes, sir.

3 Q Okay. And do you know when it was that you got the
4 two guns out of the house in Florence?

5 A Yes, because I was physically there.

6 Q All right. When was that?

7 A That was the 31st.

8 Q The 31st. Two days later; right?

9 A Correct.

10 Q Now, I'm confused because you ordered blood tests,
11 DNA tests on the two guns that you found in the apartment,
12 but then you don't ask for any DNA test on the two guns
13 that are found in Florence. Why?

14 A Because of the time frame between which they were
15 collected and the crime occurred. It didn't have any
16 evidentiary value to the investigation because there was
17 no chain of custody. It wasn't in close relationship. I
18 couldn't verify what had happened with those weapons that
19 were collected two days prior -- or two days after and
20 determine what had happened in between those periods of
21 time.

22 So, to me, it didn't matter if the defendant's stuff
23 was on it or somebody else. It didn't have any weight to
24 the development of the investigation.

25 Q Well, but you didn't know how long those two guns

1 had been in the attic either -- or in the closet either in
2 that box and who had touched those guns and how long they
3 touched those guns or how long they had been there. You
4 had absolutely no idea when you retrieved them, did you?

5 A No, but I know that they were there and collected at
6 the same time the incident was processed during the
7 incident time. So the time frames are completely
8 different, sir.

9 Q Well, the time frames are different but the
10 circumstances are identical. They're both at a place --
11 you go to one place, you find two guns; you go to another
12 place, you find two guns. And then how you handle it is
13 totally different.

14 A Correct, based on the time frame.

15 Q So the fact that you found one one day and then
16 found one two days later, that changes everything, so
17 let's don't do that.

18 So if you had come back and found the guns in the
19 closet two days later, then you wouldn't have done
20 anything with them; right? Is that what you're saying?

21 A Well, we would not -- there would be no chain of
22 custody, so the evidence would be treated differently.

23 Q They have no chain of custody then. What was the
24 chain of custody from the guns that you found in the
25 closet?

1 **A** The initiating event of our investigation happened
2 within the time frame of close proximity to the event, and
3 we could tell from the video surveillance that the parties
4 that were inside of the residence were still in the
5 residence at the time police arrived; so, therefore, my
6 arriving officers are the chain of custody. Those weapons
7 are present at the time of the incident, and they were
8 present at the time of the collection. That is not the
9 same case for the weapons collected in Florence. There
10 was nobody present to account for the time frame between
11 the incident time and the collection time.

12 **Q** And who accounts for the two guns in the closet
13 between the incident time and the time the guns got placed
14 in the closet? Who?

15 **A** They were there.

16 **Q** Well, so was the guns in Florence. They were there.
17 What's the difference? I'm --

18 **A** The location, sir.

19 **Q** Okay. All right. Let's move on.

20 So now let's talk about for a minute about this
21 video that you have. You put that together; right?

22 **A** Correct.

23 **Q** And you're the investigating officer; right?

24 **A** That's correct.

25 **Q** And now you're the expert to help the investigating

1 officer?

2 A Correct.

3 Q All right. So you're wearing multiple hats. So
4 you, one, investigate a case and then, two, you create the
5 facts to bring in a report to give to the Court -- right?
6 -- as the expert?

7 A Yeah, I create a report that helps assist me in my
8 investigation.

9 Q One last thing and then I'm going to sit down. At
10 any point in time, have you gone back to the apartment,
11 Suite C, after the initial finding of the two guns? Did
12 you ever go back?

13 A Talking about, like, a recanvass of the scene?

14 Q Yes.

15 A Oh, no, sir. I went back to the incident location
16 for video collection, but inside of the residence, no.

17 Q Okay. Well, I have one more question. Let me ask
18 you this: Have you ever found the weapon, in your years
19 as a law enforcement officer, that had blood on it? Have
20 you ever found one?

21 A I believe so, yes.

22 Q And what is it indicative of, if anything?

23 A Bleeding.

24 Q If you find a gun that has blood spatters or blood
25 smears on it or whatever, what does that tell you, if

1 anything, as an investigator?

2 A That it was around blood.

3 Q Yeah, around blood.

4 And then the next step would be you'd want to know
5 whose blood -- right? -- if you were investigating the
6 case.

7 A I believe it would be the context of why -- what
8 we're investigating, but, potentially, yes.

9 Q And you wouldn't disagree with me, would you,
10 that -- since you're an expert -- that if a person is shot
11 at close range, you could have blood spatters on the gun;
12 right?

13 A That is correct.

14 Q Yeah. I don't have any other questions.

15 THE COURT: Mr. Rigney?

16 CROSS-EXAMINATION

17 BY MR. RIGNEY:

18 Q Is this yours? [Referring to computer mouse]

19 A It is, sir. I left it up there because I didn't
20 know if anybody had questions. If you don't, you can...

21 Q Leave it there?

22 A Yeah. Thank you.

23 Q Just a couple of quick questions, or a few perhaps.

24 Did I understand it right that it took you months to
25 issue the warrants?

1 **A** I wouldn't say it took months to issue the warrants.
2 It took months to return and get all our search warrants
3 and process and get the returns from SLED and Verizon and
4 all the other search warrants.

5 **Q** How soon did you issue the arrest warrants?

6 **A** I'd have to refer to the warrants, but I know the
7 adult warrants were fairly quickly.

8 **Q** Was that at the end of your investigation?

9 **A** The beginning. No, it was in the first couple of
10 days.

11 **Q** The arrest warrants were?

12 **A** Correct.

13 **Q** Okay. And I may have misunderstood, but I thought
14 that the investigation took a long time, and that's when
15 you issued the arrest warrants.

16 **A** Oh, no, no. I apologize.

17 **Q** So when you found the guns in the Unit C or
18 Apartment C or the C section of that particular apartment,
19 did you know, just by walking in and looking at it, that
20 they were not involved in this incident?

21 **A** No, sir.

22 **Q** And how did you get convinced of that?

23 **A** So the location of the weapon and which room they
24 were located, when we start prioritizing tasks, I figured,
25 in my investigative experience, the brother's bedroom

1 would probably be on the low things to start to exclude.

2 Does that make sense?

3 Q Yes.

4 A The probability of the brother on his birthday
5 murdering his brother and then hiding the weapon in his
6 bedroom and then standing around and waiting for us to
7 arrive with five other people I thought was highly
8 improbable.

9 Q Were those weapons in that closet during the
10 incident? Are you aware of any --

11 A I have never received any witness testimony or any
12 conflicting statements that the guns were anywhere but
13 there, that I can recall.

14 Q You are not aware of anyone saying they had moved?

15 A Not that I can think of off the top of my head.
16 Like I said, this was over a couple of months, and I
17 didn't conduct all the interviews. So if I missed
18 something, then I apologize.

19 Q So, as far as you know, the guns were in the closet
20 at the time that this young man was shot?

21 A I'm pretty sure. I mean, I feel like I'd remember
22 something.

23 Q Now, let's go to DNA just for a little bit. I think
24 what I'm hearing from you and the solicitor is that DNA
25 only sticks around from the last person that touched

1 something?

2 A I couldn't qualify. I mean, I really don't know how
3 touch DNA -- how long things work or stay.

4 Q Now, you told her that -- .

5 A No, I think I told her it's probable that the last
6 person's DNA would be there.

7 Q Would be there?

8 A Right.

9 Q But would you disagree with me that there might be
10 other people's DNA at the same time?

11 A I have seen several DNA results that have multiple
12 people or multiple, you know, contributors to the sample.

13 Q If we had tested the DNA, the weapons in the closet
14 and some of the other things for the DNA, the ones found
15 in Florence, then it's possible that we could have found
16 numerous people's DNA on it?

17 A Potentially.

18 Q Each one of those; right?

19 A Potentially.

20 Q Okay. And what's the primary purpose of DNA? Is
21 that to include or exclude or something in between?

22 A I think it can be used in multiple facets to include
23 or exclude. I know we use collection swabs for that
24 specific purpose to include or exclude somebody such as
25 like a CSC or rape.

1 Q So for your investigation for this particular crime,
2 you felt that the DNA evidence would be important enough
3 that you took DNA from several people, the swabs; correct?
4 You or your people working with you?

5 A It's like a fire hose the first couple of days; we
6 grab as much as we can. And then, at a later time, once
7 we start looking at all the facts, we try to prioritize
8 what we send up for collection and process because all
9 that takes time. And they will only accept a finite
10 amount of stuff, they'll only process certain amounts, and
11 then you have to make additional requests. So we really
12 have to prioritize what we're asking for.

13 Q And fingerprints, you did that too? Did you do
14 that? Do you rely on that?

15 A We do rely on fingerprints on some cases, yes.

16 Q In this particular case, did you take fingerprints?

17 A I believe in Investigator Bobbitt's testimony, he
18 said he processed for fingerprints at the scene, but none
19 were located or redeemable for examination. And I assume
20 that the weapons, when they were swabbed, were also
21 processed for prints, but, again, that's not my
22 department.

23 Q What about gunshot residue on hands? Are you
24 familiar with that?

25 A Gunshot residue is really a fleeting test. We do

1 not use that much anymore because of the simple fact that
2 it falls off quickly, it's easily removed. Unless we,
3 like, respond to a call and someone's running away from a
4 shooting and we get to them within minutes, it's not
5 something that's done.

6 Q Okay. So with respect to the five people that were
7 in the apartment at the time of the incident -- not the
8 ones that came there and left but the ones who were
9 actually in the apartment, the ones in the bedroom
10 sleeping, Marion on the short couch ---

11 A Correct.

12 Q --- did you take from any of those DNA?

13 A I don't believe so.

14 Q Fingerprints?

15 A No. I don't think any comparison cards were
16 created.

17 Q Now, you arrived there soon enough that the GSR test
18 would have been appropriate; right? The gunshot residue?

19 A Yeah, potentially.

20 Q Did you do those?

21 A No, sir.

22 Q Did you have any -- have you come across any
23 evidence -- DNA, fingerprints, or anything related to that
24 -- that connects Fanotti Neal to any weapon involved in
25 this crime?

1 **A** No, sir.

2 **Q** So even though he was there, we see in the video, we
3 cannot say that he actually -- we don't know what he did;
4 is that correct?

5 **A** No, I think we can only, based on the facts, infer.

6 **Q** Correct.

7 **A** Right.

8 **Q** And the videos -- the entire thing that you put
9 together for us, from his phone, you're not able to tell
10 from the phone what he physically did within that
11 apartment, are you?

12 **A** No, sir.

13 **Q** So it's possible, based on your personal knowledge
14 and your investigation, that he did nothing but go in and
15 come out?

16 **A** I believe his testimony provides more than that,
17 but...

18 **Q** So DNA, you have got nothing to connect him with a
19 weapon?

20 **A** Correct. We have nothing returning from processing
21 or not processing that connects Mr. Neal --

22 **Q** The video surveillance doesn't go inside?

23 **A** No, there's no video surveillance inside the
24 residence.

25 **Q** And as far as we know, he never touched the weapon?

1 **A** Not by any admission.

2 **Q** He never loaded the weapon?

3 **A** Not by his admission.

4 **Q** Never fired the weapon?

5 **A** Not by his admission.

6 **Q** As far as we know, he was merely present?

7 **A** I'd say the facts show something different, in my
8 opinion, on what I investigated.

9 **Q** But not that you can tie with anything related to
10 evidence that we can share with these people to say, "I
11 know he had a gun in his hand, I know he fired a weapon."
12 We don't have that?

13 **A** The only thing I guess we have is the rounds that
14 belong to two separate weapons. So, as an investigator,
15 it means two weapons was used.

16 **Q** Well, even if we know that, we have no idea who used
17 them. And then we've got people in that apartment who
18 weren't tested, and we have a weapon in that apartment
19 that is inconclusive as to whether it was used or not.

20 **A** Yes, sir.

21 MR. RIGNEY: I don't have any more questions, Your
22 Honor.

23 Thank you.

24 THE WITNESS: You're very welcome.

25 MS. LIVESAY: Thank you, Judge.

REDIRECT EXAMINATION

BY MS. LIVESAY:

Q Mr. Wilson talked to you about what's material in the case; correct?

A Correct.

Q And I'm going to put this up. This is yours; I'll put it right here.

A Thank you.

Q Want me to put it right here?

A Wherever you like, ma'am.

Q And Mr. Rigney asked you some questions, too -- correct? -- about the guns in the room with the Jalen boy that's crying and hollering and giving CPR on the tape? Do you remember?

A Yes, ma'am.

Q They're saying he's the shooter; right?

A I don't know if they're saying but I think they're trying to infer it.

Q That's what the illusion is; correct?

A Correct.

Q And then all this evidence has come out -- right? -- to show that it won't (ph) Micah Pressley ---

MR. WILSON: Your Honor ---

Q --- and Fanotti Neal.

MR. WILSON: --- I object.

1 Q Correct?

2 MR. WILSON: I object. This --

3 THE COURT: How about on the leading?

4 MR. WILSON: Sir?

5 THE COURT: Are you objecting to the leading?

6 MR. WILSON: Yes, sir.

7 THE COURT: All right. Why don't we rephrase this.

8 MS. LIVESAY: Okay. I'm just trying to lay a
9 foundation.

10 BY MS. LIVESAY:

11 Q And I have got to make sure I'm clear that I'm
12 asking on something they asked about.

13 Did they ask you about finding guns in the victim's
14 house?

15 A Yes, ma'am.

16 Q Okay. And they asked you, "Well, didn't that
17 change -- didn't that change all of this as to who did it?
18 Isn't that what they were trying to allude to?

19 A Yes, ma'am.

20 MR. RIGNEY: No.

21 MR. WILSON: Your Honor, first --

22 MR. RIGNEY: Your Honor --

23 MR. WILSON: I object to him trying to say what I
24 was trying to do. I mean, he's not an authority on what
25 I'm thinking or where I'm heading, and I object to it.

1 That's his opinion and he's entitled to an opinion, but
2 he's not entitled to say what my opinion is and what I'm
3 trying to do. I object to it.

4 MR. RIGNEY: As well. And to the things that I
5 said, I did not infer anything as to who ---

6 THE COURT: Sustained.

7 MR. RIGNEY: --- did anything.

8 BY MS. LIVESAY:

9 Q Okay. Did they ask you about the guns?

10 A Yes.

11 Q That happened; right? They asked you about them?

12 A Yes, ma'am.

13 Q Okay. And they asked you about the SLED report; is
14 that correct?

15 A Yes, ma'am.

16 Q And he asked you wasn't the gun from the victim's
17 house consistent with a bullet from the victim; do you
18 remember that?

19 A Yes, ma'am.

20 Q But was that the only gun that was sent to SLED that
21 was consistent with the bullet that was located in
22 Mr. McPherson?

23 A No, ma'am.

24 Q Okay. That's what I thought too. I thought for a
25 while I was confused.

1 So let me show Evidence 20 and 21. Where did these
2 come from?

3 A Can I look at them? I don't know which ones you
4 grabbed. Okay. Yeah, these are the weapons from
5 Battleboro Court.

6 Q Okay. And when we say "Battleboro," we mean Micah
7 Pressley's house, don't we?

8 A Yes, ma'am.

9 Q Wasn't his ID found at the house?

10 A His student ID, yes.

11 Q Were any clothes found at the house?

12 A Yes, ma'am.

13 Q Okay. And did they match the clothes on this video?

14 A They did.

15 Q Okay. And the gun -- this gun, this black gun ---

16 A Yes, ma'am.

17 Q --- do you see it?

18 A I do.

19 Q Did you send it to SLED?

20 A I did. Well, my evidence custodian did.

21 Q Somebody did?

22 A Yes.

23 Q And do you remember what the results were as to this
24 gun firing one of the bullets that killed the victim?

25 A I believe they said that all the other weapons

1 processed couldn't have but that one could have, but they
2 couldn't say yes or no.

3 Q Okay. But the rest of them could be excluded?

4 A That's right.

5 Q They definitely didn't fire it.

6 A Correct.

7 Q And the only gun that could have fired it is this
8 one?

9 A That's right.

10 Q Okay. Good, good, good.

11 And this gun is black?

12 A Yes, ma'am.

13 Q Okay. And what color is this gun in Micah
14 Pressley's hand when he's running out?

15 A Black.

16 Q Black. Not orange; right?

17 A No, ma'am.

18 Q Okay. Okay. And do you remember that what he said
19 about this gun, if it worked or not?

20 A I do.

21 Q And what did he say?

22 A He said that there was a malfunction -- the weapon
23 malfunctioned, that it was missing pieces. It was missing
24 the extractor and that what we call in law enforcement the
25 stovepipe. It would fire the round, but it wouldn't eject

1 it. It would just stay in the chamber.

2 Q Okay. And so then the gun won't fire again?

3 A No, it will double-feed and jam.

4 Q Okay. Would you put a gun that's jammed with a
5 bullet back in your pocket?

6 A I don't know.

7 Q I know I wouldn't.

8 A I think, honestly, I'd try to clear the weapon.
9 Like in law enforcement, I would try to fix the issue.

10 Q Make sure it don't misfire in your pocket?

11 A Right.

12 Q And is this material here that he's running out with
13 a gun that matches the very gun that we found at his
14 house?

15 A Yes.

16 Q And is it material to you that you only found one
17 shell casing?

18 A Yes.

19 Q And, ironically, the gun that you found at his house
20 that is identical to the one you've got now don't pop out
21 a shell casing?

22 A That's correct.

23 Q Okay. So -- but we had more information on another
24 gun, didn't we?

25 A We did.

1 Q This one?

2 A That's correct.

3 Q Okay. Now, tell these folks -- were you in here
4 when SLED testified?

5 A I was.

6 Q So do you remember him saying this could have been
7 the gun that was used that killed Jalen -- I'm sorry;
8 Joshua McPherson?

9 A Yes, ma'am.

10 Q Okay. So the bullet could have also matched this
11 gun?

12 A Correct. They couldn't match each other, but they
13 both individually went to a separate weapon, and they said
14 they couldn't prove or disprove, but they could disprove
15 it the other way.

16 Q Okay. But without a doubt, you said this is one of
17 the guns that could have fired a bullet?

18 A Yes, ma'am.

19 Q Now, does it make sense to you or is it material to
20 you -- all these questions have been asked about the
21 locations of the gun. Is it material to you that, no
22 doubt, out of all of them, this one was used?

23 A That's what they testified to, yes.

24 Q That's right. That the rest of them were excluded
25 from the bullet on the spine. This is the only one that

1 was fired?

2 A That was sent to SLED, correct, yes.

3 Q Okay. So no doubt this one was used, this black gun
4 right here?

5 A Yes.

6 Q Okay. And does it make sense to you that the two
7 murder weapons would be found together in the same house?

8 A Yes.

9 Q When you looked at the victim's house and you looked
10 in Jalen's --

11 MR. WILSON: Your Honor, are we off on a tangent
12 about what he would expect and what he would hope and what
13 he would think? Where is this going? I don't understand.

14 THE COURT: It's in reply to your cross-examination.
15 You can go ahead.

16 MR. RIGNEY: Your Honor, I want to object to the way
17 she's phrasing this, because those are not -- clearly not
18 the only weapons that could have been used. Absolutely
19 not. The report says nothing like that.

20 THE COURT: She's leading, but other than that, I
21 think it's very relevant.

22 MS. LIVESAY: Thank you.

23 BY MS. LIVESAY:

24 Q And does anything about the fact that the result
25 came back that this fired -- the gun -- in his spine and

1 it was found out Micah Pressley's house along with the
2 hoodie and the pants he was wearing -- all the items that
3 he had in his hand right here -- right here were found in
4 his house? Does anything about that make you want to go
5 arrest Jalen McPherson?

6 A No, ma'am.

7 Q Does that change whether or not you got warrants for
8 Micah Pressley?

9 A No.

10 Q Okay.

11 MS. LIVESAY: Now, can we play this video back a
12 notch?

13 BY MS. LIVESAY:

14 Q Do you want to do it, Mr. Huggins, or do you want me
15 to do it?

16 A I'll do it. That's fine.

17 Q Okay. Do you want me to grab this and do it?

18 A Yeah, if you just want to give it to me, unless you
19 want me to come down.

20 Q Yes, please.

21 A Okay.

22 Q Can you go back?

23 A To where?

24 Q To where they're standing outside the door, please.
25 Keep moving it back, if you don't mind. If we can watch

1 it from when they walk up. Okay. Thank you.

2 I'm going to tell you when to pause it, if you don't
3 mind. I know what I have got a question on.

4 A Okay.

5 (Video plays.)

6 BY MS. LIVESAY:

7 Q Pause. Is this Fanotti here?

8 A Yes, ma'am, it is.

9 Q And he told you that was him; right?

10 A Correct.

11 Q What's in his waistband? Can you see?

12 A Something light colored.

13 Q Something what?

14 A Something light colored, tan color.

15 Q And is it black?

16 A No.

17 Q Does it appear to match this color right here?

18 A Closely resembles that.

19 MR. WILSON: Your Honor, this is ridiculous. The
20 solicitor is -- the jury is very capable of deciding what
21 they see on this video, and for him to tell them what he
22 thinks they should see is improper. And the solicitor
23 knows that's improper.

24 THE COURT: She can rephrase the question, but I'm
25 going to let her go.

1 BY MS. LIVESAY:

2 Q So is there anything about this that makes you want
3 to think now that one of the guns inside the house were
4 used?

5 A No, ma'am.

6 Q Have a seat, if you don't mind.

7 A Yes, ma'am.

8 Q Now, Mr. Wilson asked you about blood spatter.

9 A He did.

10 Q Do you remember that?

11 A Yes, ma'am.

12 Q Okay. And do you remember seeing the coffee table
13 there in the house that he was laying in front of?

14 A Yes, ma'am.

15 Q Okay. And did it have sprinkles of blood spatter
16 all over it?

17 A No.

18 Q So this idea that, if the person was in close range,
19 there would be blood spatter all over the gun -- there
20 wasn't any on the coffee table; correct?

21 A No. I believe all the spatter was located on the
22 back wall behind the deceased and on the blinds that was
23 behind the deceased.

24 Q But you didn't see blood just sprinkled all over
25 that coffee table right in front of the young man?

1 A No, ma'am.

2 Q So this idea that the shooter would have had blood
3 on his gun from the victim, is there any reason to believe
4 that?

5 A There wasn't any evidence to show that, I believe.

6 Q Now, Mr. Rigney asked you about GSR.

7 A Yes, ma'am.

8 Q And do you know how fast you have to collect GSR off
9 a suspect's hands for SLED to even test it?

10 A It has to be immediate.

11 Q Okay. And so when you came in contact with Fanotti
12 Neal about 5:00 that afternoon and he had already changed
13 clothes, already got rid of the bookbag, was there any
14 reason to swab his hands for GSR?

15 A No, there was contradicting evidence to show that it
16 would be appropriate.

17 Q And would SLED have even tested it if you did?

18 A No.

19 Q Okay. And Micah Pressley was apprehended later on,
20 not even the same day; correct?

21 A Yeah, it was a couple of days later.

22 Q Just was he apprehended later on?

23 A He was not apprehended that day.

24 Q Not that day. After that day?

25 A Correct.

1 Q Okay. So it definitely would not have been any
2 reason to test his hands for GSR; correct?

3 A No, ma'am.

4 Q In fact, SLED would not even test the kit; correct?

5 A They would not.

6 Q Okay. And they asked you multiple questions about
7 the gun and the house, there's blood on the guns, all this
8 that's so material. Do you remember them asking you about
9 that?

10 A Yes, ma'am.

11 Q Is there one hair of evidence that anybody in the
12 apartment -- any of the friends -- Jalen, any of those
13 people -- fired a gun at Joshua McPherson?

14 A No. Every interview that was conducted was
15 consistent with the other interviews. There was no
16 indication that anybody was awake or involved during the
17 incident. The only one that was present during the
18 incident was Mr. Robinson.

19 Q So not one hair of evidence?

20 A No.

21 Q Did you see Jalen or any of those people from the
22 victim's crowd sprinting out of the apartment?

23 A No, ma'am.

24 Q How did those people appear when you saw them?

25 A Distraught. Torn. Hurting.

1 Q In fact, his brother was crying, wasn't he?

2 A He was.

3 Q And you talked to Fanotti Neal, didn't you?

4 A I did.

5 Q Did he appear distraught?

6 A No.

7 Q Was he crying?

8 A No.

9 Q And at some point, you apprehended Micah Pressley;
10 correct?

11 A Yes, ma'am.

12 Q Was he distraught? Was he crying?

13 A No.

14 Q All this stuff about DNA, shouldn't you send --
15 figure out whose blood is on the guns -- didn't he ask you
16 that?

17 A Yes, ma'am, he did.

18 Q Does that matter to you as the lead investigator?

19 A That there's blood on the gun? I think it's
20 something that probably needs to be addressed, but based
21 on the totality of this specific case, I don't think that
22 it holds a lot of merit. I think it's something that can
23 potentially ask -- be answered for other reasons.

24 Q And does it change whether or not you would have
25 gotten warrants for Micah Pressley and Fanotti Neal?

1 A Absolutely not.

2 Q Would anything in that result change whether or not
3 you arrested any of the people within the apartment?

4 A No.

5 Q So regardless of the blood result, you wouldn't have
6 arrested Jalen, would you?

7 A No.

8 Q That doesn't make him the killer, does it?

9 A No.

10 Q It doesn't make Marion Robinson the killer, does it?

11 A No.

12 Q So regardless of some blood being on those guns, it
13 doesn't change who came running out of the apartment, does
14 it?

15 A No, ma'am.

16 Q Okay. And it doesn't change where the gun that
17 Micah Pressley had was no doubt, out of all of them -- no
18 doubt, was the only one out of all of them sent, these
19 guns with blood and all this, there's no doubt that one is
20 the only one that matched firing the shot in the young
21 man's spine?

22 A Correct.

23 MR. WILSON: That is not true, Your Honor, and I
24 object to it and it's misleading.

25 THE COURT: I'm going to let you cross-examine in

1 reply.

2 MS. LIVESAY: You said it was misleading?

3 MR. WILSON: Yes.

4 BY MS. LIVESAY:

5 Q Were you in here for the SLED testimony?

6 A I was.

7 Q And did Paul Greer say that that black gun, out of
8 all of them sent, is the only one that could have fired
9 the bullet in Joshua McPherson's spine?

10 A He said that's the only one that was submitted that
11 could have fired that round.

12 Q That's right. That's right.

13 So it definitely -- he testified it definitely
14 couldn't be the one from the closet; correct?

15 A He said the other three were excluded from firing
16 that shot.

17 Q Okay. And that wasn't inconclusive?

18 A No, ma'am.

19 Q So is the fact that you find the gun that -- the
20 only one -- the only one that could have fired the shot
21 out of all the ones sent, that fired the shot in the young
22 man's spine, was found at Micah Pressley's house; correct?

23 A Yes, ma'am.

24 Q And is that something that makes you think Jalen
25 McPherson did it?

1 A No, ma'am.

2 Q Did you interview Jalen McPherson?

3 A I did speak to him, yes.

4 Q Did you maybe not interview him but did you see him?

5 A I believe I actually interviewed him, to be honest
6 with you.

7 Q I'm sorry?

8 A I believe I actually interviewed him, to be honest
9 with you.

10 Q So do you know what he looks like?

11 A I do.

12 Q Do you know which young man he is on this video?

13 A Yes.

14 Q Let me ask you something: Is he in this group here?

15 A No, ma'am, he's not.

16 Q Okay. Okay. And was he any of the ones leaving
17 after the murder?

18 A No, ma'am.

19 Q Is that -- Mr. Wilson asked about material. Is that
20 material to you?

21 A It is.

22 Q That's material to you?

23 A That he hadn't left and he was still there?

24 Q Okay. And you saw when Jalen entered the apartment,
25 didn't you?

1 A I did.

2 Q Did he have to break in?

3 A No.

4 Q And do you remember what he looked like when he was
5 walking up to the apartment?

6 A Just relaxed.

7 Q Yeah.

8 A Comfortable. Walking with his friends.

9 Q And who was walking right behind him?

10 A His brother.

11 Q Did there seem to be one iota of hostility amongst
12 any of those people?

13 A No. It looked like they had a good night.

14 Q Did you see Jalen doing shooting things with his arm
15 before he went into the apartment?

16 A No, ma'am.

17 Q Wasn't digging in his shoe for a way to break in?

18 A No, ma'am.

19 Q Do you know which person was down there giving CPR
20 to Josh? Did you hear the 911 call?

21 A I think his brother was the one initially trying to
22 help.

23 Q Okay. And at that point, the victim, he was
24 bleeding, wasn't he?

25 A Internally, yes.

1 Q And he was the young man down there hollering out,
2 giving CPR to his brother?

3 A Mm-hmm, yes.

4 Q You hear him screaming his name?

5 A Yes, ma'am.

6 Q Do you see a lot of people kill somebody and then
7 get down there and holler their name and cry, scream and
8 all that and give them CPR?

9 A No, ma'am.

10 Q How about running out like this?

11 A I see plenty of people fleeing crimes, yes.

12 Q How many murders have you worked?

13 A Under ten.

14 Q How many?

15 A Under ten. Between five and ten in the last two and
16 a half years. Conway is pretty lucky; we don't have too
17 many.

18 Q Okay. All this stuff about the two guns in the
19 closet, the fact that there's blood on the guns, does that
20 mean that anybody in the apartment did anything wrong?

21 A Not on its face.

22 Q Does that change the fact that, clearly right on the
23 video, these two boys are breaking in?

24 A No, ma'am.

25 Q The video, we had it stopped where he's running out

1 with the gun in his hand. So he didn't leave the murder
2 weapon behind, did he?

3 A No, ma'am.

4 Q And the brown gun wasn't left behind either, was it?

5 A No, ma'am.

6 MR. WILSON further questions, Your Honor.

7 THE COURT: Any reply?

8 RECROSS-EXAMINATION

9 BY MR. WILSON:

10 Q Does anything the solicitor asked you change the
11 fact that there were two guns found, one of which could
12 have put a bullet in the victim's body? Does anything
13 change that?

14 A No, sir, it doesn't.

15 Q It's still true, is it not, that there was a gun in
16 that closet that could have fired a bullet into the body
17 of this victim?

18 A Yes, sir.

19 Q And it's true -- it is true that both of those guns
20 had blood on it, and we don't know today whether or not it
21 was the blood of the victim? We do not know, do we?

22 A Is it on both? I don't remember that.

23 Q It's on both. Look at your report.

24 A Okay.

25 MR. WILSON: I don't have any other questions.

1 THE COURT: Mr. Rigney?

2 RECROSS-EXAMINATION

3 BY MR. RIGNEY:

4 Q Just want to clear up some language, because I don't
5 think that the firearms from SLED -- the firearms expert
6 said that the gun was consistent with anything. He said
7 inconclusive.

8 THE COURT: Is that a question? Ask him a question.

9 BY MR. RIGNEY:

10 Q Did you hear -- were you here for the firearm's
11 expert?

12 A I was here, yes.

13 Q Did you hear him say that there was something or
14 anything in the report that says any of these weapons are
15 consistent or does it say they're inconclusive?

16 A I believe the verbiage he said was inconclusive and
17 the other one was negative.

18 Q And that there are other weapons with similar
19 characteristics that could be used?

20 A Yes, sir.

21 Q That could have been involved?

22 A Yes, sir.

23 MR. RIGNEY: Thank you, Your Honor.

24 MS. LIVESAY: Can I ask one more question, Judge?

25 Thank you.

1 FURTHER REDIRECT EXAMINATION

2 BY MS. LIVESAY:

3 Q I'm not going to even move from my seat; I'll be
4 tempted to ask more than one.

5 You talked to Fanotti Neal, didn't you?

6 A I did, yes, ma'am.

7 Q Did he say anything about Jalen coming out of the
8 room with a gun?

9 A No, ma'am.

10 Q And he told you he was in the apartment; right?

11 A Correct.

12 Q And he never even said that Jalen had a gun, the
13 very defendant [verbatim] himself, did he?

14 A No, ma'am.

15 THE COURT: Let's break for the day. If you would
16 be back at 9:30 in the morning.17 MS. LIVESAY: Judge, can we approach for one second?
18 I apologize.

19 BENCH CONFERENCE

20 (The following bench conference occurred at the
21 bench and outside the hearing of the jury and others:)22 MS. LIVESAY: We got one more witness, and her
23 attorney is sitting in the back. He would like to go
24 today, but if he can't go today, I'll just tell him we'll
25 go tomorrow. But he wanted me to bring this to your

1 attention so I'm bringing it to your attention.

2 THE COURT: Let's wait until in the morning. It's
3 almost 6:00.

4 MS. LIVESAY: I'm just going to tell him I brought
5 it your attention and you felt like we had to break.

6 THE COURT: Just for them. It doesn't matter to me.

7 MS. LIVESAY: I understand. I just wanted to make
8 sure. I appreciate it.

9 (Open court resumes as follows:)

10 THE COURT: We'll see you in the morning. If you
11 would, follow the bailiff into the jury room.

12 (The jury exited the courtroom at 5:44 p.m.)

13 THE COURT: See everybody in the morning.

14 (The trial adjourned at 5:44 p.m.)

15 THURSDAY, NOVEMBER 9, 2023

16 (The trial resumed at 9:45 a.m.)

17 THE COURT: How many more witness do y'all have?

18 MR. HARRELSON: We'll have two more witnesses.

19 THE COURT: Are y'all ready?

20 MR. HARRELSON: Yes.

21 THE COURT: Defense ready?

22 MR. WILSON: Yes, sir.

23 MR. RIGNEY: Yes, sir.

24 THE COURT: Let's go ahead and bring in the jury.

25 MR. HARRELSON: Your Honor, if we can with the next

1 witness, same as we did two days ago with the defendant
2 with the COVID mask. If he could lower it or take it off.

3 THE COURT: Yeah, take it off. You look like a
4 healthy, young man to me.

5 (State's Exhibit No. 99, Photograph of Defendant
6 Pressley, was marked for identification.)

7 (The jury entered the courtroom at 9:47 a.m.)

8 THE COURT: All right. Call your next witness.

9 MS. LIVESAY: Thank you, Judge. At this time, the
10 State calls Ms. Charrel Floyd.

11 THE CLERK: Please raise your right hand and place
12 your left hand on the Bible.

13 CHARREL FLOYD,
14 after having been duly sworn, was examined and
15 testified to as follows:

16 THE CLERK: Please be seated and state your name and
17 spell it for me, please.

18 THE WITNESS: My name is Charrel Floyd.
19 C-h-a-r-r-e-l F-l-o-y-d.

20 THE COURT: If you don't mind, move up a little bit.
21 That microphone is feeding right to this lady so she can
22 get it all down.

23 THE WITNESS: Charrel Floyd. C-h-a-r-r-e-l
24 F-l-o-y-d.

25 DIRECT EXAMINATION

1 BY MS. LIVESAY:

2 Q And, Ms. Floyd, if you don't mind, tell these folks
3 right here where you're from.

4 A Florence, South Carolina.

5 Q And have you lived in Florence your entire life?

6 A Not my entire life but most of it.

7 Q In May of 2022, do you remember that time frame?

8 A Yes, ma'am.

9 Q And where were you living at that time?

10 A I was living with my mom, but I stayed with my
11 sister sometimes.

12 Q Okay. And where did your sister live?

13 A 3307 South Dingle Drive.

14 Q Dingle Drive?

15 A Yes, ma'am.

16 THE COURT: Can y'all hear?

17 They cannot hear back there.

18 BY MS. LIVESAY:

19 Q So, Ms. Floyd, everybody in here has got to hear
20 you, even these fine people way in the back. So I know
21 it's uncomfortable, but you've got to speak up because
22 they've got to make sure they can hear everything you're
23 saying.

24 A Yes, ma'am.

25 Q I know it's hard because you feel like you're

1 hollering, but just try to speak up.

2 So you said you -- where did your sister live?

3 A 3307 South Dingle Drive.

4 Q Okay. And is that in Florence?

5 A Yes, ma'am.

6 Q And is your sister the lady that had the red Impala?

7 A Yes, ma'am.

8 Q Okay. And, of course, you came here in shackles;
9 correct?

10 A Yes, ma'am.

11 Q So why are you in jail?

12 A Because I was with them at the time.

13 Q I'm sorry?

14 THE COURT: I can't hear.

15 A Because I was with them at the time.

16 BY MS. LIVESAY:

17 Q So you're in jail on the incident that we're here
18 today for?

19 A Yes, ma'am.

20 Q Okay. And you're only charged with burglary first;
21 is that right?

22 A I'm assuming, yes, ma'am.

23 Q And your attorney -- an attorney for you is present
24 in here; is that right?

25 A Yes, ma'am.

1 Q Okay. Okay. And I know you're in jail on this
2 charge. Had you ever been arrested before now?

3 A No, ma'am.

4 Q Okay. This is the first time you have ever been
5 arrested?

6 A Yes, ma'am.

7 Q Okay. And tell these folks how old were you when
8 you were arrested for this charge.

9 A 19.

10 Q 19. Okay. So very young.

11 Were you working at the time or in school?

12 A No, ma'am.

13 Q Okay. Okay. Now, did you take that red Impala from
14 Dingle Drive to Conway in May of 2022?

15 A Yes, ma'am.

16 MS. LIVESAY: Okay. If we can, can we pull that
17 video up.

18 BY MS. LIVESAY:

19 Q And before we bring that up, can you identify the
20 car on the video?

21 A Yes, ma'am.

22 Q Can you identify yourself on the video?

23 A Yes, ma'am.

24 MS. LIVESAY: Okay. If you can, can you bring us to
25 the point of the red Impala, please?

1 And we're showing her now State's Evidence No. 50.
2 50. Hold on, hold on. Stop it right there. Could you
3 move it back just a little bit? I apologize. Run it a
4 little more for me. .

5 BY MS. LIVESAY:

6 Q Do you recognize any of those folks, Ms. Floyd?

7 A No, ma'am.

8 Q Okay. Do you recognize that car?

9 A Yes, ma'am.

10 Q And how do you recognize that car?

11 A That's my sister's car. She had it for about a year
12 and a half before I got arrested.

13 Q Okay. And are you in that car?

14 A Yes, ma'am.

15 Q And are there other people in the car with you?

16 A Yes, ma'am.

17 Q Okay.

18 (Video plays.)

19 MS. LIVESAY: Could you hit us right to when we see
20 somebody coming up to the apartments, please?

21 (Video plays.)

22 MS. LIVESAY: Just a hair back. Stop, please. I
23 apologize.

24 BY MS. LIVESAY:

25 Q Now, do you recognize these two people?

1 A Yes, ma'am. The first one is my cousin, Ky'Lisha
2 Mack, and the second one is me.

3 Q So the second young lady -- you had long hair then?

4 A Yes, ma'am.

5 Q And that's you?

6 A Yes, ma'am.

7 (Video plays.)

8 BY MS. LIVESAY:

9 Q Okay. How about the guy with the bookbag?

10 A Fanotti.

11 Q And did that young man drive in the Impala with
12 y'all to come to this apartment?

13 A Yes, ma'am.

14 (Video plays.)

15 MS. LIVESAY: Okay. Stop.

16 BY MS. LIVESAY:

17 Q Now, do you know the two fellows in the hoodies?

18 A The big one is Shi (ph) and the other one is --

19 Q You have got to talk up just one notch.

20 A The big one is Shi (ph), but I don't remember the
21 other one's name.

22 Q The other one, had you ever seen him before that
23 night?

24 A Around the neighborhood.

25 Q I'm sorry?

1 A Around the neighborhood.

2 Q You had seen him around the neighborhood?

3 A Yes, ma'am.

4 Q Had you seen him a handful of times?

5 A Yes, ma'am.

6 Q And you had always seen him in the neighborhood?

7 A Yes, ma'am.

8 Q And, of course, you saw him this night; right?

9 A Yes, ma'am.

10 Q Did he ride in the car with you all the way from
11 Florence to Conway?

12 A Yes, ma'am.

13 Q And when y'all left, did he ride all the way back
14 from Conway to Florence with you?

15 A Yes, ma'am.

16 Q And would you recognize him if you saw him in a
17 picture?

18 A Yes, ma'am.

19 Q Ms. Floyd, I'm showing you what's been marked as
20 State's Exhibit 99. Do you recognize the guy in that
21 picture?

22 A Yes, ma'am.

23 Q And how do you know the guy in that picture?

24 A I don't know him personally, but I know I have seen
25 him around the neighborhood.

1 Q I'm sorry; say that again?

2 A I don't know him personally, but I know I have seen

3 him around the neighborhood.

4 Q And is this the guy on that video?

5 A Yes, ma'am.

6 Q And are you 100 percent sure about that?

7 A Yes, ma'am.

8 Q And are you 100 percent sure the guy with the

9 bookbag and the skull cap is Fanotti?

10 A Yes, ma'am.

11 Q Okay. And are you 100 that the big guy is Shi?

12 A Yes, ma'am.

13 Q And are you 100 percent that the lady with the long

14 hair is you?

15 A Yes, ma'am.

16 Q And are you 100 that the lady in the cap is Kim?

17 A Yes, ma'am.

18 Q Okay. And do all of you go into the apartment?

19 A Yes, ma'am.

20 Q And do you know who lived in the apartment?

21 A No, ma'am.

22 Q Okay. And when y'all left from Florence to the

23 apartment, was it a straight shot? Did you stop off

24 anywhere?

25 A No, ma'am.

1 Q Straight shot?

2 A Yes, ma'am.

3 Q Straight to this apartment?

4 A Yes, ma'am.

5 Q Okay.

6 (Video plays.)

7 MS. LIVESAY: Could you pause it for me?

8 BY MS. LIVESAY:

9 Q Now, Ms. Floyd, is this video accurate?

10 A Yes, ma'am.

11 Q So what we're looking at now are y'all going into
12 the apartment. That's what happened?

13 A Yes, ma'am.

14 Q So nobody has altered the video?

15 A No, ma'am.

16 Q Okay. Now, let's talk about when you're in the
17 apartment. Did you see any of the people that lived in
18 the apartment while you were there?

19 A Only two people.

20 Q I'm sorry?

21 A Only two people.

22 Q Okay. Only two people. And where were those two
23 people located in the apartment?

24 A In the living room on the chairs.

25 Q In the living room. Okay. And tell these folks

1 what those two people were doing in the living room.

2 A Asleep.

3 Q I'm sorry, ma'am?

4 A Asleep.

5 Q Asleep? Okay.

6 And while y'all were in there, did you ever see any
7 of the other people coming in and out of the bedrooms?

8 A No, ma'am.

9 Q Okay. So was everybody in there, while y'all were
10 in there, asleep?

11 A I'm guessing. I didn't know anybody else was in
12 there.

13 Q Okay. But you know nobody came out of the other
14 rooms?

15 A No, ma'am.

16 Q Nobody came out?

17 A No, ma'am.

18 Q And did you hear any music playing?

19 A No, ma'am, not that I can remember.

20 Q Did you have any reason to believe that anything was
21 moving around or going on in the apartment?

22 A No, ma'am.

23 Q Okay. And the two people that were asleep in the
24 living room, how many -- was there a couch? A Chair? Two
25 chairs? What was in the living room?

1 A It was a long chair and then a small -- I think like
2 a recliner or something.

3 Q And the two people that were in the living room,
4 were they men or women?

5 A Two males.

6 Q Were they Black or White?

7 A Black.

8 Q There were two Black males.

9 Did you know either one of these Black males asleep
10 on the couch?

11 A No, ma'am.

12 Q Okay. And during the time that you're in the
13 apartment, do either one of these two males wake up?

14 A I seen one of them get up once but that was it.

15 Q What now?

16 A I seen one get up and that was it. All he did was
17 move and look back.

18 Q Okay. Did any of them get up and shake your hand or
19 anybody's hand?

20 A Not mines but I seen one shake Fanotti's hand.

21 Q Okay. So dabbed Fanotti?

22 A (Witness shakes head in the affirmative.)

23 Q And once he dabbed Fanotti, did he get up and start
24 moving around or did he just get back in the chair?

25 A He just laid back down.

1 Q So neither one of the boys on the couch ever really
2 got up and engaged y'all?

3 A No, ma'am.

4 Q Okay. Now -- and during the entirety of the time
5 that you were there, did anybody come out of any of the
6 bedrooms?

7 A No, ma'am.

8 Q And did you hear anybody moving around in any of the
9 bedrooms?

10 A No, ma'am.

11 Q Okay. Did you -- and the boy on the long couch, the
12 young man that was ultimately killed, did he ever show any
13 signs that he woke up?

14 A I seen him turn over but that was pretty much it.

15 Q I'm sorry?

16 A I seen him turn over but that was pretty much it.

17 Q One more time.

18 A I seen him turn over but that was pretty much it.

19 Q Okay. And did he ever get up and dab anybody?

20 A No, ma'am.

21 Q Okay. Did they ever get up and turn the lights on
22 or turn the TV on?

23 A No, ma'am.

24 Q And when y'all were in there, did you see any guns
25 on anybody?

1 A No, ma'am.

2 Q Okay. Did anybody in any of the rooms ever come out
3 with a gun?

4 A No, ma'am.

5 Q Okay. So y'all show up. At some point, do you
6 leave?

7 A Yes, ma'am.

8 Q And the timestamp is 5:44 in the morning. Is that
9 accurate? Is that about the time you were in there?

10 A Yes, ma'am, I believe so.

11 Q And was it dark out?

12 A It was like just -- like it was in between.

13 Q So the sun was about to come up?

14 A Yes, ma'am.

15 Q Okay.

16 (Video plays.)

17 BY MS. LIVESAY:

18 Q Who is that?

19 A I'm not sure. I can't really see it.

20 Q I'm sorry?

21 A Can you rewind it back a little bit?

22 Q Is that the guy in this picture?

23 A I believe so.

24 MS. LIVESAY: Could you hit pause?

25 BY MS. LIVESAY:

- 1 Q Who are these three people?
- 2 A That's me, Shi, and my cousin, Kim.
- 3 Q Are you the one shutting the door?
- 4 A Yes, ma'am.
- 5 Q Okay. So the three of y'all leave?
- 6 A Yes, ma'am.
- 7 Q Why did you leave?
- 8 A Because I didn't want to be in there anymore if they
- 9 was going to be asleep.
- 10 Q Okay. Wasn't nobody up and nothing was going on?
- 11 A No, ma'am.
- 12 Q But the boy in the black hoodie and Fanotti did not
- 13 leave out with you, did they?
- 14 A No, ma'am.
- 15 Q So when you left, they were still in the apartment?
- 16 A Yes, ma'am.
- 17 Q Okay. And when you left out, were the two boys in
- 18 the living room still asleep?
- 19 A Yes, ma'am.
- 20 Q Okay. And was everybody else still in their
- 21 bedroom?
- 22 A Yes, ma'am.
- 23 Q So you leave; all the bedroom doors are closed.
- 24 There's no noise going on in the bedrooms?
- 25 A No, ma'am.

1 Q And the two young men in the living room are asleep?

2 A Yes, ma'am.

3 Q And you're like, "There's nothing going on; I'm
4 going home"?

5 A Yes, ma'am.

6 Q And Fanotti and the boy in the black hoodie is
7 staying behind?

8 A Yes, ma'am.

9 Q Okay.

10 (Video plays.)

11 BY MS. LIVESAY:

12 Q Did anybody in that apartment -- that was staying in
13 the apartment -- of the apartment ever do anything
14 aggressive towards any of you folks?

15 A No, ma'am.

16 Q Never did anything aggressive?

17 A No, ma'am.

18 Q Say anything aggressive?

19 A No, ma'am.

20 Q Never even really woke up; did they?

21 A No, ma'am.

22 MS. LIVESAY: Could you get me back just a notch?

23 (Video plays.)

24 BY MS. LIVESAY:

25 Q Is that the man that you drove up here with?

1 **A** Yes, ma'am.

2 **Q** Okay. And is that the other man that you drove up
3 here with?

4 **A** Yes, ma'am.

5 **Q** So now the final two people come running out of the
6 apartment?

7 **A** Yes, ma'am.

8 **Q** Now, let me ask you something: When you came out of
9 the apartment and Shi came out of the apartment and Kim
10 came out of the apartment, nobody was running like this?

11 **A** No, ma'am.

12 **Q** Why weren't you running?

13 **A** There was no point to running. What am I running
14 for?

15 **Q** You didn't think you had no reason to run?

16 **A** No, ma'am.

17 **Q** Now, when you and Kim were walking in and out of the
18 apartment, neither one of y'all had hoodies with the hood
19 up, did you?

20 **A** No, ma'am.

21 **Q** And it was May?

22 **A** Yes, ma'am.

23 **Q** Was it warm out?

24 **A** Kind of sort of.

25 **Q** And, in fact, you had short sleeves on, didn't you?

1 A Yes, ma'am.

2 Q And Kim had on shorts?

3 A Yes, ma'am.

4 Q Now, when you left out, did you try to cover your
5 face?

6 A No, ma'am.

7 (Video plays.)

8 BY MS. LIVESAY:

9 Q Okay. Do you know who these people are here walking
10 in the parking lot?

11 A It looks like me, Shi, and Kim.

12 Q Okay. So that's the three of y'all?

13 A Yes, ma'am.

14 Q And neither one of you are running; correct?

15 A No, ma'am.

16 Q Okay.

17 (Video plays.)

18 BY MS. LIVESAY:

19 Q The two boys that run back to the car, are those the
20 same, Fanotti Neal and the other boy in the black hoodie?

21 A Yes, ma'am.

22 Q Okay. And those are the same boys you brought up?

23 A Yes, ma'am.

24 Q Okay. And do you know why they were running out?

25 A No, ma'am.

1 Q Okay. And while you were in the apartment, did you
2 hear any shots fired?

3 A No, ma'am.

4 Q Did you hear any kind of aggressive talk?

5 A No, ma'am.

6 Q Any kind of fight?

7 A No, ma'am.

8 Q Any kind of wrestling?

9 A No, ma'am.

10 Q And did you see anybody else in the apartment except
11 for the two men asleep on the couch?

12 A No, ma'am.

13 Q And were the lights kind of off?

14 A Yes, ma'am.

15 Q Okay. Did you find that strange?

16 A Not really, not at the time.

17 MS. LIVESAY: Okay. Your Honor, at this time, the
18 State wishes to admit the picture of Micah Pressley, which
19 is State's No. 99 into evidence.

20 THE COURT: Any objection?

21 MR. WILSON: I don't have any objection.

22 MR. RIGNEY: No objection.

23 THE COURT: 99 is in evidence without objection.

24 (State's Exhibit No. 99 was received into evidence.)

25 BY MS. LIVESAY:

1 Q Now, when you get back to Florence, where do you
2 drop everybody off at?

3 A At Shitterius's house.

4 Q And who?

5 A Shi's house.

6 Q Okay. And what road does Shi live on?

7 A Lamb Road.

8 Q Okay. Lamb Road.

9 Is that the road y'all left from?

10 A Yes, ma'am.

11 Q Okay. And then where did you go?

12 A I went to my sister's house.

13 Q Okay. Is that where you returned the car?

14 A Yes, ma'am.

15 Q Okay. So you returned the car?

16 A Yes, ma'am.

17 Q Okay. And then, at some point, do the police come
18 and talk to you?

19 A Yes, ma'am.

20 Q And where are you when the police come and talk to
21 you?

22 A In the house, asleep. In the house, asleep.

23 Q Okay. And do you remember who came and talked to
24 you?

25 A I think his name was Huggins or something like that.

1 Q You just remember it was a policeman?

2 A (Witness shakes head in the affirmative.)

3 Q Where did y'all talk? In your house? In a police
4 car? In police station? Where did y'all talk?

5 A In the car.

6 Q In the car?

7 A Yes, ma'am.

8 Q And at the time he was talking to you in the car at
9 that time, had you been arrested yet?

10 A Not while I was in the car.

11 Q No, you had not been arrested?

12 A No, ma'am.

13 Q And, at that time, were you hoping you weren't going
14 to get arrested?

15 A Apparently, I didn't believe I was in any trouble
16 because I didn't do anything wrong.

17 Q And you were how old at that time?

18 A 19.

19 Q Okay. And did you -- you were not in school and did
20 not have a job?

21 A No, ma'am.

22 Q And when you talked to the police, were you
23 forthcoming with them at that time?

24 A Yes, ma'am.

25 Q Okay. And did you see this video at that time?

1 A Yes, ma'am.

2 Q Okay. And when you were in the car, were you
3 nervous?

4 A No, ma'am. In the police car?

5 Q Yeah. When you were in the car with the police.

6 A Yes, ma'am.

7 Q Was it just you and the policeman?

8 A Yes, ma'am.

9 Q At that time, had you consulted with any kind of
10 lawyer?

11 A No, ma'am.

12 Q Okay. And you're 19. You're sitting in the car.
13 It's just you and the police; right?

14 A Yes, ma'am.

15 Q And, at that time, you didn't give the police any
16 names; is that right?

17 A No, ma'am.

18 Q Okay. And why was that?

19 A I'm not sure.

20 Q Okay. But the information that you're giving today,
21 is that truthful information?

22 A Yes, ma'am.

23 Q And since the time you talked to the police, have
24 you been able to consult your lawyer every time you want
25 to?

1 A Not really because I be having kind of a hard time
2 contacting him. Sometimes I don't have money to pay for
3 the call or he's not in the office, but I do talk to his
4 assistant.

5 Q But you have talked with your lawyer?

6 A Mm-hmm.

7 Q And you have talked to me?

8 A Yes, ma'am.

9 Q And have you ever talked to me without your lawyer
10 present?

11 A No, ma'am.

12 Q I would advise that.

13 In your discussions with your lawyer when I was
14 present, have I ever promised you anything?

15 A No, ma'am.

16 Q Have I ever told you, after you testified, you're
17 getting out of jail?

18 A No, ma'am.

19 Q And do you have any expectation of that?

20 A I would hope it would help me, but no, ma'am.

21 Q So you are hoping this will carry some weight with
22 myself and the judge?

23 A Yes, ma'am.

24 Q And -- but nobody has promised you anything?

25 A No, ma'am.

1 Q Okay. And all your charges are still pending?

2 A Yes, ma'am.

3 Q And nothing has changed with that?

4 A No, ma'am.

5 Q Okay. And nothing's changed with your current
6 status as far as bond?

7 A No, ma'am.

8 Q Okay. Now -- in the times you have had contact with
9 myself and your lawyer, have I ever told you anything
10 other than "tell the truth"?

11 A No, ma'am.

12 Q And are you absolutely 100 percent sure of the
13 identification you made of the people on the video?

14 A Yes, ma'am.

15 Q And are you 100 percent that one -- the boy with the
16 bookbag and the skull cap is Fanotti?

17 A Yes, ma'am.

18 Q And are you 100 percent that the thin boy in the
19 hoodie is this young man here, Micah Pressley?

20 A Yes, ma'am.

21 Q Do you have any ill will towards these two fellows?

22 A No, ma'am.

23 Q Did you even talk to them again after you dropped
24 them off?

25 A No, ma'am.

1 Q So you have not had any contact with them since you
2 dropped them off until we were all in this courtroom?

3 A No, ma'am.

4 Q Are you mad with them?

5 A No, ma'am.

6 Q Okay. One more question: Do you know why these two
7 boys stayed behind after the rest of you left?

8 A No, ma'am.

9 Q And when you left, the people living in the
10 apartment, are you 100 that they were all asleep when you
11 left?

12 A Yes, ma'am.

13 Q And you don't know why these two boys stayed behind
14 when everybody is asleep in the apartment?

15 A No, ma'am.

16 MS. LIVESAY: No further questions for this witness,
17 Your Honor.

18 THE COURT: Members of the jury, let's take a
19 ten-minute break. The court reporter is having some
20 difficulty with her equipment and she needs to fix it.

21 So if you would, step into the jury room.

22 (A recess was taken from 10:30 a.m. to 10:45 a.m.)

23 MS. LIVESAY: Judge, at this time, I don't -- the
24 picture of Micah Pressley, of course, came from the
25 Department of Juvenile Justice. I don't want to call

1 somebody from the Department of Juvenile Justice to say,
2 in our records, there's a picture of Micah Pressley.

3 So my thing is, we can either take judicial notice
4 or I can call Steve Brown, who is our investigator who
5 obtained it from the Department of Juvenile Justice to say
6 I know this is his picture, I have obtained it through
7 investigative means.

8 Either way is fine with me. If Ralph has a problem
9 with you taking judicial notice, I can certainly call
10 Investigator Brown, put him up, and he can say that's a
11 picture of him.

12 MR. WILSON: This is her case. She can try it
13 however she likes. I'm not consenting to anything.

14 THE COURT: Okay. All right. Bring in the jury.

15 (The jury entered the courtroom at 10:46 a.m.)

16 THE COURT: Mr. Wilson?

17 MR. WILSON: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. WILSON:

20 Q Ms. Floyd; right?

21 A Yes, sir.

22 Q Ms. Floyd, let's go back. Now, we know two things
23 about you. Right? We know that you won't tell the truth;
24 right? You will lie, won't you?

25 Yeah, you lied to the police; right?

1 A (Witness shrugs shoulders.)

2 Q You're hunching your shoulders. Did you or did you
3 not?

4 A No, not really.

5 Q I'm sorry?

6 A Not really.

7 Q Not really?

8 So when you told them that you were coming down here
9 for a party, that was the truth; right?

10 A Yes. That's what I was told on the phone.

11 Q I'm sorry?

12 A That's what I was told on the phone.

13 Q Somebody told you that on the phone?

14 A Yes, sir.

15 Q And when you told them that you didn't know who the
16 men were in the car, that was the truth too; right?

17 A I told him I didn't know them personally.

18 Q You told him you didn't know any of the men in the
19 car. In fact, you told them that you picked the three men
20 up at a gas station ---

21 A I didn't tell him that.

22 Q --- and gave them a ride?

23 You deny you told the police that?

24 A I told him I picked them up, and we went to the gas
25 station.

1 Q You told him you picked them up and went to the gas
2 station.

3 And then you told them another lie and you told them
4 that the guy's name was Steve; right?

5 A No.

6 Q And one name was James; right?

7 A No. I said James.

8 Q You said James?

9 A I never said --

10 Q And whose name was James?

11 MS. LIVESAY: Your Honor, can she answer the
12 question?

13 THE COURT: Yeah, let her finish.

14 MS. LIVESAY: Show the young lady a little respect.

15 THE COURT: Go ahead.

16 BY MR. WILSON:

17 Q So who is James?

18 A Micah.

19 Q Micah is James?

20 So you told the police that his name was James;
21 right?

22 A Yes.

23 Q That was a lie; right?

24 A Yes, sir.

25 Q Right. And you told them that you didn't know who

1 the other two guys were; right?

2 A I told him the big guy was Shi, and I told them the
3 other one, but I gave him a different name.

4 Q You deny that, at the very beginning, he questioned
5 you and he asked you who these people were in your car,
6 and you told him you didn't know. And then, after he
7 questioned for an extended period of time, then you
8 started to tell him -- give him names --

9 MS. LIVESAY: Your Honor, is there a question?

10 MR. WILSON: If you'll let me finish.

11 THE COURT: Go ahead and finish your question.

12 BY MR. WILSON:

13 Q My question to you is: On the night or the morning
14 that the police came and spoke with you, the police wanted
15 information about this case; did they not?

16 A Yes, sir.

17 Q All right. And how long did you stay in the police
18 car talking to them that day?

19 A I'm not sure of the exact time frame.

20 Q 45 minutes? An hour? Two hours? Five hours?

21 A Not that long.

22 Q I'm sorry?

23 A Probably -- probably less than 45 minutes.

24 Q And how many stories did you tell them in that
25 45-minute period?

1 A I told him that we went to the beach and that they
2 told us that we were going to a party.

3 Q I need you to speak up for me.

4 A I told him that we went to the beach, because they
5 told us that's where we were going.

6 Q Who told you that?

7 A The boys that I was on the phone with.

8 Q The boys that you were on the phone with. Which
9 were who?

10 A Shi ---

11 Q Shi who?

12 A --- Fanotti, and the other boy.

13 Q Shi, Fanotti, and the other boy.

14 Now, who is Shi?

15 A Shi is the big boy.

16 Q Shi is the big boy.

17 So who told you to steal your sister's car?

18 A The car wasn't stolen. I had permission.

19 Q So you're telling the truth about that?

20 A Yes.

21 Q You had permission to get your sister's car and
22 drive it down here to Myrtle Beach at 3:00 in the morning,
23 4:00 in the morning; right?

24 A My sister put the keys in my hand.

25 Q She put the keys in your hand ---

1 **A** Yes.

2 **Q** --- and told you to come to Myrtle Beach with her
3 car?

4 **A** She told us we could drive her car.

5 **Q** Do you know your sister came in here and testified?

6 **A** Yes.

7 **Q** So you're telling the truth about that too, aren't
8 you?

9 **A** Yes. And the police report was filed on a different
10 date.

11 **Q** Let me ask you something, ma'am: When you told the
12 police that you saw a gun and that the gun was in the
13 possession of somebody named Cuz -- do you remember saying
14 that?

15 **A** I never told him I seen a gun.

16 **Q** You never told this officer that you saw a gun in
17 the hands of somebody named Cuz? You deny that too?

18 **A** No, I never told him that.

19 **Q** You didn't say that either?

20 **A** No, sir.

21 **Q** All right. Now, well, let me ask you this: Did you
22 have a relationship with any of these guys?

23 **A** No, sir.

24 **Q** Well, when the police found you, you had on one sock
25 that belonged to a pair of socks that Mr. Fanotti had on;

1 did you not?

2 A No, sir.

3 Q You deny that, too?

4 A If you look at the video footage from where we at,
5 at the apartment, you would have seen that I had on no
6 socks.

7 Q You deny that you had on one of the socks and he had
8 on the other? So you both had on one sock out of each
9 pair?

10 A As I just stated, I had on no socks. Check the
11 video footage.

12 Q I'm talking about when you were arrested, not when
13 you --

14 A I didn't have on any socks then either.

15 Q Okay. All right. So you deny that too?

16 A Yes.

17 Q So that's a lie? You never told the police that?

18 A No, I never ---

19 Q And they --

20 A --- told them that.

21 Q I'm sorry. Go ahead.

22 A No.

23 Q And so the police didn't find that on you?

24 A No, sir.

25 Q And if the police come in here and say that, that

1 they did, then they're lying?

2 A Yes.

3 Q Okay. Now, let's talk for a minute about after you
4 get the car -- because you said your sister gave you her
5 car; right? With her permission and said it's okay, you
6 can come down to Myrtle Beach; right?

7 A Yes.

8 Q All right. And so you get the car. And then you
9 tell your sister who all these people are that you're
10 going to put her in your car and bring down to Myrtle
11 Beach with you?

12 A I didn't tell my sister that I was putting anybody
13 in her car.

14 Q When you got in the car, who did you call to get in
15 the car with you?

16 A I didn't call anybody. They were waiting on us.
17 They already knew that we were coming.

18 Q Well, how did they know that you were coming?

19 A Because they already called before I even left my
20 home, which was the apartment complex of Royal Street in
21 North Florence.

22 Q Who told?

23 A Shitterrius McDonald.

24 Q So Shiterrus McDonald is the one who planned to come
25 down here?

1 **A** He asked me if I wanted to go to the beach with
2 them, and they were all together.

3 **Q** Well, now, let me back up. Shiterrus McDonald is
4 inviting you to go to the beach, but you're the one that's
5 stealing your sister's car to drive here to go to the
6 beach?

7 **A** The car wasn't stolen.

8 **Q** Okay. Well, you're getting your sister's car.
9 Let's just put it that way; right?

10 **A** Yes.

11 **Q** So he tells you let's go down to the beach, and then
12 you get your sister's car, however you get it, and then
13 you go pick them up?

14 **A** Yes.

15 **Q** All right. Who did you pick up first?

16 **A** They were all together.

17 **Q** All four people were together?

18 **A** Ky'lesha Mack (ph) was with me. Her sister was the
19 one who came to pick me up from my apartment complex.

20 **Q** So was she with you when you got the car?

21 **A** Ky'lesha, yes.

22 **Q** All right. So Ky'lesha was with you. And who else?

23 **A** It was just me and Ky'lesha.

24 **Q** Well, what about Ms. Mack? Kim Mack? Who is that?

25 **A** That's Kim.

1 Q That's Kim Mack?

2 A Yes.

3 Q So you and Ms. Mack were together?

4 A Yes.

5 Q You get the car?

6 A Yes.

7 Q And where do you go?

8 A We go to pick up the boys.

9 Q Going to pick up the boys.

10 Now, you said that there was a conversation between
11 you and Shiterrus McDonald; right?

12 A Yes.

13 Q Now, are y'all related?

14 A No.

15 Q All right. So -- and what was -- is that your
16 boyfriend or what?

17 A No. He's just a friend.

18 Q Okay. And what time of night are we talking about?

19 A They called me about 9:00 or 10:00, because I was at
20 work with my mom at first. That's when I first got the
21 call. So then when I got home -- because the phone that I
22 was using at the time, it was not active, so I had to wait
23 to call back when I got back home to my apartment. And
24 that's when they asked, "Do y'all want to go to the
25 beach?"

1 So they paid my cousin's sister on CashApp to take
2 me to my sister's house to get my sister's car.

3 Q Who paid to take you -- who paid for you to do that?

4 A I'm not actually sure who sent the money but a
5 CashApp was sent to my cousin for her to come pick me up
6 to take me to my sister's house to get the car.

7 Q So you go to your sister's house to get the car, and
8 then you say you go pick up four people?

9 A Three.

10 Q Three people. Because you've got Kim Mack with you.

11 A Yes.

12 Q All right. And then, once you get in the -- are you
13 driving your sister's car?

14 A I was in the passenger seat.

15 Q Did your sister know that somebody else was going to
16 be driving her car?

17 A Yes.

18 Q So she gave the car really to the other girl; right?
19 Not to you?

20 A She technically gave it to both of us.

21 Q She gave it to both of y'all. Okay.

22 And then -- and that's the truth; right? That's the
23 truth?

24 A Yes.

25 Q I know. That's the truth.

1 And so, when you get the car, then you come down,
2 you pick up the other three people; right?

3 A Yes.

4 Q All right. And do you know who you're picking up?

5 A I know Shiterrus.

6 Q And is that the only one you knew?

7 A Yes, sir.

8 Q So you didn't know Mr. Fanotti then?

9 A No, sir.

10 Q You didn't know Mr. Pressley then?

11 A Not personally.

12 Q So you had never met these people, but now you're
13 picking them up in the middle of the night, 3:00 or 4:00
14 in the morning, and you're coming to the beach with them?
15 Is that what your testimony is?

16 A Yes, sir.

17 Q Okay. So you come down to the beach and you got
18 your friend driving the car; right?

19 A Yes.

20 Q So who tells you where to go?

21 A Fanotti.

22 Q Fanotti tells you where to go?

23 A Yes.

24 Q All right. And where does he tell you to go?

25 A He was just giving me directions on where to turn,

1 basically, like he had a GPS on his phone or something.

2 Q And let me ask you: Once he tells you where to
3 go -- you're not the driver -- the other lady follows the
4 direction; that is, Ms. Kim?

5 A Yes.

6 Q All right. And y'all get out. Y'all go to this
7 apartment; right?

8 A Yes.

9 Q All right. And so what is it that you're expecting
10 when you get to this apartment?

11 A I thought they was just stopping by to visit their
12 friends or whatever because that wasn't the plan on where
13 we were supposed to be going.

14 Q Okay. Well, didn't you say that, when y'all got
15 there, that somebody dapped somebody up, meaning, you
16 know, "Hey, what's going on" kind of thing; right?

17 A Yes.

18 Q So did y'all think you were breaking in the place?

19 A No.

20 Q All right. If you were breaking in, would there be
21 somebody there high-fiving you when you get inside?

22 A No.

23 Q All right. And so whoever was in the house was cool
24 with y'all being in there; were they not?

25 A I'm guessing.

1 Q Well, did anybody tell you, "Hey, get out of here.
2 What are you-all doing here at 4:00 in the morning?"

3 A No, sir.

4 Q In fact, it was just the opposite, according to your
5 story, because Fanotti was dapping whoever was sitting on
6 the couch. Or in the chair. I apologize. Right?

7 A Yes.

8 Q All right. And was there any argument?

9 A No, sir.

10 Q Anybody curse anybody?

11 A No, sir.

12 Q Any fight anybody?

13 A No, sir.

14 Q Did you see anybody with a gun in that room?

15 A No, sir.

16 Q Now, how long would you say you stayed in that room?

17 A I'm not really sure.

18 Q Well, five minutes? Eight minutes? 12 minutes? Do
19 you have any idea?

20 A Probably no longer than 20 minutes.

21 Q No longer than 20 minutes.

22 Okay. And what are you doing while you're in there,
23 this 20 minutes, 15 minutes, however long you're there?
24 Tell me what you're doing. Because you said to the
25 solicitor that one guy is on the couch, laying down.

1 Another guy is sitting in the chair half asleep or asleep.
2 So what are you doing in the house?

3 A I sat down on the one of the island chairs that was
4 in the kitchen, but then I got up and I went to where my
5 cousin and Shiterrus was, and me and my cousin went in the
6 bathroom, and we was playing in the mirror.

7 Q Okay. And you did what now?

8 A We were playing in the mirror.

9 Q Playing in the mirror?

10 A Yes.

11 Q What do you mean, "Playing in the mirror"? I don't
12 understand.

13 A Basically what girls do. Taking pictures and
14 whatnot.

15 Q So y'all -- at 4:00 in the morning, y'all are in
16 this house, and you and your -- Ms. Mack, is that who
17 you're talking about?

18 A Yes.

19 Q Y'all are taking pictures, photographs?

20 A Yes.

21 Q And whatever happened to those photographs? Do you
22 got any of them?

23 A No, sir.

24 Q Did you turn them over to the police?

25 A I mean, if they're still in her phone, but I don't

1 know if she still has them.

2 Q So did you tell the police about the photographs
3 that y'all had taken inside the apartment that night?

4 A Yes, sir.

5 Q So they knew about that?

6 A Yes, sir.

7 Q The police knew about that. All right.

8 And there was no argument, no fight, no disagreement
9 of any type while you were in that apartment, was there?

10 A No, sir.

11 Q And after you walked out of that apartment, where
12 did you go?

13 A To the car.

14 Q All right. Did you go directly to the car?

15 A Yes.

16 Q Stop anywhere between?

17 A No, sir.

18 Q Do anything else?

19 A No, sir.

20 Q When you left that apartment, did you see anybody
21 with a gun?

22 A No, sir.

23 Q All right. Did you hear any disagreement going on
24 in the apartment?

25 A No.

1 Q Now, when you got ready to leave, did you say
2 good-bye to the fellow that was dapping Mr. Fanotti?

3 A No, sir.

4 Q And so when three of you walk out -- and that was --
5 the big person is Shiterrus McDonald?

6 A Yes.

7 Q Is that who that is?

8 A Yes.

9 Q And then you and Ms. Mack?

10 A Yes.

11 Q All right. And how long after y'all get out the
12 door is it before the other two come out?

13 A I'm not sure.

14 Q All right. Well, had y'all made it all the way to
15 the car before you get there?

16 A Yes, sir. We were sitting in the car, and me and my
17 cousin was on her phone watching videos.

18 Q And so you still weren't concerned about anything;
19 right?

20 A No, sir.

21 Q And what was the plan then? Once you did this, what
22 was the plan?

23 A We just had wanted to go back home.

24 Q You just wanted to go back home?

25 A Yes.

1 Q So it's your car; right?

2 A Yes.

3 Q Was there any reason you couldn't just go back home?

4 A I didn't want to leave them because I was the one
5 who brought them up there.

6 Q Well, did you tell them, "Let's go"? When you got
7 ready to leave -- when the three of y'all walked out, did
8 you say to them, "Hey, let's go, guys. We're going home"?

9 A No, sir, because I would have believed they would
10 have walked out behind us.

11 Q Okay. So you were waiting for them in the car --
12 right? -- for the other two people who were still in the
13 house or in the apartment, you were waiting for them to
14 come out?

15 A Yes.

16 Q But you don't know how long you had to wait?

17 A No, sir.

18 Q But you did make it back to the car, and you were
19 sitting down at that point?

20 A Yes.

21 Q All right. When you get back into the car, all
22 right, what's the plan?

23 A To go home.

24 Q All right. So tell me what happens once the other
25 two -- once you get in the car and the other two come back

1 to the car, then what?

2 A We went back to Florence and dropped them off, and
3 then me and my cousin went to my sister's house, but then
4 my cousin left like an hour later.

5 Q So tell me about the conversations from the time
6 y'all left -- because it's an hour drive from Conway to
7 Florence. Tell me about the conversation from the time
8 y'all left the apartments here at Coastal to the time you
9 get back to Florence.

10 A There was no conversation. We were just listening
11 to music.

12 Q So, for an hour drive, there is no conversation?

13 A No.

14 Q Nobody says one word, you're just listening to
15 music?

16 A Maybe just me and my cousin.

17 Q Just you and your cousin?

18 A Yes.

19 Q So no discussion about anything?

20 A No.

21 Q Any discussion about, "Well, what took you guys so
22 long? Why didn't y'all come right along with us?"
23 Nothing?

24 A No, sir.

25 Q Nothing.

1 And the reason for that is, you don't want to know
2 nothing about whatever went on -- right? -- because that
3 might get you in some trouble; right?

4 And let's talk about that a second. How many times
5 did you meet with the solicitor?

6 A I'm not sure. Probably three times.

7 Q Three times. Three times? All right.

8 And they showed you video?

9 A Yes.

10 Q How many times did they show you the video?

11 A Once.

12 Q And they showed you the video because they wanted
13 you to be able to identify the other guy -- right? -- with
14 the so-called black hoodie; right? Isn't that right?

15 A (Witness shakes head in the affirmative.)

16 Q You're shaking your head. Say yes or no.

17 A Yes, sir.

18 Q Yeah. So they had you, on three separate occasions,
19 come in, look at the video because you need to identify
20 this person as being --

21 A I have seen only the video once.

22 Q You have seen the video once?

23 A Yes.

24 Q Well, you had already seen it with your lawyer, too,
25 hadn't you?

1 **A** No.

2 **Q** You hadn't?

3 **A** I only seen the video once, and that was, I believe,
4 the first day that I came in here.

5 **Q** First day you came in where?

6 **A** Into the courthouse when I was in the cell down the
7 hall.

8 **Q** Okay. Down which hall?

9 **A** I think it's when they first bring -- bring me in.

10 **Q** Okay. Well, let's go back. Let's talk about the
11 first meeting you had with the solicitor. Because you had
12 three, and you didn't see the video until the end.

13 Tell me about the first meeting. What was that
14 about?

15 **A** She wanted to make sure that I wanted to come up
16 here.

17 **Q** To make sure that what?

18 **A** That I wanted to come up here.

19 **Q** Wanted to come up here.

20 How long did you stay with her?

21 **A** Not really that long.

22 **Q** 20 minutes? An hour? Two hours?

23 **A** Probably a max of five minutes.

24 **Q** Okay. So less than five minutes; right? That's
25 what you're saying?

1 **A** Probably like five minutes.

2 **Q** Tell me about the second time when you had the
3 visit.

4 **A** Not really that long. Probably about the same
5 amount of time. She asked me a couple of questions and
6 that was it.

7 **Q** What did she ask you?

8 **A** I can't remember.

9 **Q** Can't remember? Could it have been about who that
10 other person was in that video; right? It could have been
11 that; right? It couldn't have been that Steve or James
12 fellow you were talking about to the police; right? It
13 couldn't have been that; right?

14 **A** Yes.

15 **Q** Yes, it was, or yes, it wasn't?

16 **A** It was.

17 **Q** It was? Yeah, it was.

18 Because that's what they wanted to know from you;
19 right?

20 **A** Yes.

21 **Q** And then you had a third visit with them after that;
22 right? So tell us about the third visit when you saw a
23 video.

24 **A** I saw the video the first day that I came in here.
25 The third time she visit was earlier.

1 Q All right. Now, I'm confused. Let's go back. You
2 said you had three visits. I thought you said you had
3 three total visits with the solicitor.

4 A Yes.

5 Q So which of those three visits did you see the
6 video?

7 A The first day that I was in here.

8 Q All right. The first day that you were in where?

9 A The first day that they brought me in here when I
10 was down the hall when they first brought me to the
11 courthouse.

12 Q Okay. All right. So let's see if I understand.
13 And that's not including the three visits, is what you're
14 saying. So that was a fourth time?

15 A The fourth? No. I only seen her three times since
16 I have been here.

17 Q Okay. And that's what I'm asking you. Which of
18 those three occasions did they show the video?

19 A The first one.

20 Q At the very first time you met with them, they
21 showed you the video?

22 A Yes.

23 Q Right. Okay. And that's when they were trying to
24 get you to tell them who that James guy was with the black
25 hoodie on?

1 **A** Yes.

2 **Q** Right. And now, you told -- you said that you --
3 nobody promised you anything, but you're hoping for a
4 deal; right?

5 **A** Yes, sir.

6 **Q** Yeah. And you know if you cooperate and give them
7 kind of what they want, they're at least in a position to
8 help you if they want to; right?

9 **A** Maybe.

10 **Q** Huh?

11 **A** Maybe.

12 **Q** Maybe? Maybe what?

13 **A** Maybe it will help out my case.

14 **Q** Right, right. If you tell them what they want to
15 hear, it might help out your case. And you want to get
16 some help, don't you?

17 **A** (Witness shakes head in the affirmative.)

18 **Q** Yeah. How long have you been in jail now?

19 **A** A year and four months, I believe.

20 **Q** A year and four months. And you want to get out,
21 don't you?

22 **A** (Witness shakes head in the affirmative.)

23 **Q** Say yes or no for me, please.

24 **A** Yes, sir.

25 **Q** Yeah. You want to get out.

1 And if coming in here and saying Steve -- the guy
2 you originally was Steve is now Pressley, then that's okay
3 with you if it's going to get you out of jail; right?

4 A I came in here on my own free will.

5 Q I understand.

6 A I had the choice of whether I wanted to come up here
7 or not, and I chose to.

8 Q Okay. All right.

9 Now, I'm going to ask you this: If you -- if they
10 showed you the video the first time and they talked with
11 you, why did they bring you back the other two times?

12 A To make sure I wasn't lying about who was in the
13 car.

14 Q To make sure you weren't lying about who was in the
15 car. And to get your story straight; right?

16 A (Witness shakes head in the affirmative.)

17 Q Say yes or no.

18 A Yes, sir.

19 Q Right. You wanted to get your story straight so
20 that when you come in here, you could tell a good story?

21 A I mean, I know who I was in the car with. I didn't
22 need a picture or a video because I knew who I was in the
23 car with.

24 Q All right. Now, you said you met three times with
25 the solicitor. And how many times did you meet with the

1 police?

2 A Once.

3 Q And that was that initial time when they had you in
4 the car?

5 A Yes.

6 Q Did you ever meet with them again?

7 A No, sir.

8 Q And was he present -- that is, the detective who
9 interviewed you -- was he present at any of the three
10 meetings that you had with the solicitor?

11 A No.

12 Q All right. Did they have you sign any kind of
13 paper, the solicitor's office, before you came in here to
14 testify?

15 A No.

16 Q No? So they didn't give you any written agreement
17 to come in and testify and tell you that you need to tell
18 the truth and be honest about whatever it is you say?
19 They didn't tell you that?

20 A No, sir.

21 Q All right. I'm going to ask you one more time: Did
22 you tell the detective, when he initially interviewed you,
23 that the person that was in that car and the person who
24 you say is in that video was somebody named James?

25 A Yes, that was the name that I gave him.

1 Q That was the name you gave him then; right?

2 A Yes.

3 Q But then you got confused. As he went on through
4 the interview, you got confused, and then you started
5 calling Mr. Fanotti "James"; right?

6 A No.

7 Q No? So you deny that, in your statement originally
8 to the police that you called Mr. Fanotti "James" and you
9 called the other gentleman in the video "James"?

10 A No, sir.

11 Q No, sir, you did not do that?

12 A No, sir.

13 Q That's not true?

14 A Yes, sir.

15 Q Okay. Do you deny that you told them that you met
16 these three boys at a gas station -- that you told the
17 officer that you met these three boys at a gas station?

18 A No. I told him that I picked up the boys and we
19 went to the gas station.

20 Q Okay. So he could have just got it wrong; right?

21 A Yes.

22 Q All right. I'm going to ask you this: Did you say
23 to the officer, "The male that I seen with the gun during
24 the murder was Cuz"?

25 A No, I never told him that I seen the gun, period.

1 Q Never told him that.

2 So if the officer put that in his report, he's not
3 telling the truth, is he?

4 A No, sir.

5 Q Right. So he just made that up?

6 A Yes, sir.

7 Q So what do we know about you? We know that you
8 won't always tell the truth; right? We know that; right?
9 Can we agree on that?

10 A No, sir.

11 Q We can't agree on that?

12 Well, can we agree at least that you're a thief and
13 that you took your sister's car without her permission and
14 you came down here to Myrtle Beach with it?

15 A The car wasn't stolen.

16 Q It wasn't stolen.

17 Did you take it without her permission to come to
18 Myrtle Beach?

19 A No, because that night, she gave me permission.

20 Q She gave you permission to come to Myrtle Beach?

21 A Yes.

22 Q So if your sister says something different than
23 that, she's lying too; right?

24 A Yes. The car was taken on a whole 'nother night.

25 If you look at the police report, you will see that it had

1 a whole different night and a whole different time.

2 Q So everybody is lying but you; right?

3 A I mean, you can look at the police report, because I
4 didn't get her car on that night until like 3:00 in the
5 morning.

6 Q And so what kind of deal is it that you're hoping to
7 get?

8 A Whatever they can give me.

9 Q Whatever they can give you.

10 And you have got a burglary charge; right?

11 A Yes.

12 Q Burglary in the first degree and what else?

13 A Accessory.

14 Q Accessory.

15 And do you know how much time you can get for that?

16 A No.

17 Q Do you know you can get 15 years to life for
18 burglary?

19 A No, sir.

20 Q Okay. You didn't know that? Your lawyer never told
21 you that?

22 A He told me a couple of times, but before then, I did
23 not know that.

24 Q And so you want him to do whatever you can do in
25 order to prevent that from happening; right?

1 A Yes, sir.

2 Q That's fair; right? I don't have any other
3 questions.

4 THE COURT: Mr. Rigney?

5 MR. RIGNEY: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. RIGNEY:

8 Q Good morning. Just a few questions for you.

9 How long have you known Fanotti Neal?

10 A Not that long. That was the only time I have ever
11 seen him, the night that I picked him up.

12 Q You didn't go to school with him?

13 A No, not that I can remember.

14 MS. LIVESAY: Judge, can we move the microphone
15 closer to Mr. Rigney? Thank you.

16 BY MR. RIGNEY:

17 Q Okay. Now, you have admitted already that you were
18 giving wrong names -- correct? -- to the police ---

19 A Yes, sir.

20 Q --- during your first interview with the detective?

21 A Yes, sir.

22 Q Is that right? Okay.

23 And you said that, when you went to the apartment,
24 you didn't know anybody that was in the apartment?

25 A No, sir.

1 Q Okay. Now, Shi is your cousin?

2 A No.

3 Q You know Shi?

4 A Yeah, I know him, but he's not my cousin. We're not,
5 related.

6 Q Okay. Did you hear anything from Shi about who he
7 was wanting to go see at that apartment?

8 A No.

9 Q Did you hear anybody talk about sending a text to
10 somebody at the apartment saying, "We're on the way"?

11 A Not until we got there.

12 Q So, once you got there, you knew somebody had
13 already sent a text saying, "We're on the way"?

14 A Yes, sir.

15 Q So, in fact, for all you know, you were expected at
16 the apartment? Somebody was expecting you to come there;
17 is that right?

18 A He didn't send the message until we were outside of
19 the house door.

20 Q But you just told me that you knew, when you got
21 there, that it had already been sent. So I'm a little
22 confused.

23 But you know that a text message was sent or a
24 Facebook message was sent to someone in the apartment
25 saying "We're on the way"?

1 A Yes.

2 Q Okay. And you didn't know anybody in the apartment?

3 A No, sir.

4 Q And do you know that Shi knew someone in the
5 apartment?

6 A No, sir, not at the time.

7 Q Do you now know that he knew a cousin in there?

8 A Yes, sir.

9 Q So Shi knew someone in the apartment?

10 A Yes.

11 Q And Shi was the person who you know says that "I
12 have told them we're on the way"?

13 A (Witness shakes head in the affirmative.)

14 Q Okay. Do you know why you went to that apartment?
15 I think you have already told us that, but do you know?

16 A No, sir.

17 Q And you were not the driver that day?

18 A No, sir. I was in the passenger seat.

19 Q But it's your car, essentially. You were the one
20 that was in charge of it; right?

21 A (Witness shakes head in the affirmative.)

22 COURT REPORTER: Can I get an answer?

23 THE WITNESS: Ma'am?

24 COURT REPORTER: Can you give an answer?

25 THE WITNESS: Oh, yes, ma'am.

1 COURT REPORTER: Thank you.

2 BY MR. RIGNEY:

3 Q So when you went in the apartment, you saw two
4 people?

5 A Yes, sir.

6 Q And you think they were both asleep when you got
7 there; right?

8 A Yes.

9 Q Okay. Now, what's the first thing that happened
10 that you saw when you went in the apartment?

11 A I saw Fanotti walk over and dap the boy up that was
12 on the little chair.

13 Q So he went in and actually greeted somebody that was
14 in the apartment?

15 A Yes.

16 Q And so that person responded?

17 A Yes.

18 Q Was he scared?

19 A He didn't look like it.

20 Q Did he jump and say, "Help"?

21 A No.

22 Q Did he call the police?

23 A No.

24 Q So he was not surprised to see Fanotti Neal there,
25 was he?

1 **A** No, sir.

2 **Q** Now, you said that, when you're inside the
3 apartment, you didn't see anybody with guns?

4 **A** No, sir.

5 **Q** No guns you saw in the apartment at all, in fact?

6 **A** No, sir.

7 **Q** Now, while you were in the apartment, what part of
8 the apartment did you go to?

9 **A** I went in the first bedroom where Shi and my cousin
10 was.

11 **Q** Into what room?

12 **A** The first bedroom.

13 **Q** So you went into a bedroom. And was anybody
14 sleeping in there?

15 **A** No, the room was empty.

16 **Q** And who went in there with you?

17 **A** I went in by myself. They were already in there.

18 **Q** Who was in the room while you were in there?

19 **A** Shiterrus and Mack.

20 **Q** So there's three of you in the room?

21 **A** Yes.

22 **Q** And you don't know what was going on outside the
23 room while you were in the room?

24 **A** No.

25 **Q** Did anybody else come into that room while you three

- 1 were in there?
- 2 A No.
- 3 Q No one at all?
- 4 A No.
- 5 Q Okay. Was there anything -- any action by anyone
- 6 while you were in that apartment that was aggressive?
- 7 A No, sir.
- 8 Q Nobody got in a stance like they're about to fight?
- 9 A No, sir.
- 10 Q Nobody pulled a gun?
- 11 A No, sir.
- 12 Q A knife?
- 13 A No, sir.
- 14 Q A rope?
- 15 A No, sir.
- 16 Q Nothing?
- 17 A No, sir.
- 18 Q No aggression?
- 19 A No, sir.
- 20 Q Everybody is calm?
- 21 A Yes, sir.
- 22 Q Friendly?
- 23 A Yes, sir.
- 24 Q Everyone? Including Marion?
- 25 A I don't know who that is.

1 Q The guy that's on the short couch, the small chair,
2 the one that got dapped up by Fanotti.

3 A He wasn't aggressive at all.

4 Q And he was friendly; right?

5 A Yes, apparently, if he dapped the other boy up.

6 Q Okay. So he knew him, you think?

7 A Yes.

8 Q They knew each other?

9 A From the looks of it.

10 Q Okay. And they didn't seem to have any history of
11 violence between them?

12 A No, not that I noticed.

13 Q Neither one of them looked scared?

14 A No, not that I noticed.

15 Q So what was Fanotti doing in there? What did he do
16 while he was in there, that you know?

17 A At first, I seen him sitting down at the same little
18 island thing in the kitchen.

19 Q All right. Was he taking any sort of action that
20 made you scared or nervous?

21 A No, sir.

22 Q Would you say he was -- I don't know what the right
23 word you would use for it. Maybe you can find the words
24 for me, but I'll describe it the way I would say. He's
25 just hanging out there?

1 **A** Yes, sir.

2 **Q** Would it be fair to say he was -- he's just in
3 there?

4 **A** Yes, sir.

5 **Q** Not really doing anything, was he?

6 **A** Not from what I seen.

7 **Q** Okay. Would it be fair to say that he was merely
8 present?

9 **A** Yes, sir.

10 **Q** Just there with the other people?

11 **A** Yes, sir.

12 **Q** Okay. Now, when you left the apartment, you weren't
13 running?

14 **A** No, sir.

15 **Q** You weren't scared?

16 **A** No, sir.

17 **Q** Did you have any reason to be scared or running when
18 you left?

19 **A** No, sir.

20 **Q** Had anything happened in the apartment to cause you
21 to have any problems to worry about something might happen
22 to you?

23 **A** No, sir.

24 **Q** When you got in the car, what did you do?

25 **A** Me and my cousin was watching videos on her phone

1 and listening to music.

2 Q So you didn't drive away because you were afraid
3 that something had happened or would happen?

4 A Excuse me?

5 Q You didn't drive away immediately when you got to
6 the car?

7 A No, sir.

8 Q You stayed there and you waited for the other people
9 that were with you?

10 A Yes, sir.

11 Q I believe you said earlier that you brought them
12 over from Florence and you wanted to take them back?

13 A Yes, sir.

14 Q What was the reason you said you left -- left out of
15 the apartment?

16 A Because they were asleep. Why would I still be in
17 there? It was getting ---

18 Q Okay.

19 A --- boring, and I didn't want to be in there
20 anymore.

21 Q All right. So you didn't know anybody in there --
22 in the apartment?

23 A No, sir.

24 Q And you didn't feel like you ought to be in there
25 with not knowing anybody, nothing going on.

1 **A** No, sir.

2 **Q** No party?

3 **A** No, sir.

4 **Q** About what time was it again?

5 **A** Around 5:00.

6 **Q** Okay. Was anything strange going on in the

7 apartment while you were there ---

8 **A** No, sir.

9 **Q** --- in any way?

10 **A** No, sir.

11 **Q** Did you see anything in the apartment that looked

12 out of place?

13 **A** No, sir.

14 **Q** Anything that looked like someone was getting ready

15 to do something dangerous?

16 **A** No, sir.

17 **Q** Neither -- anything in place was looking scary nor

18 any people in there were looking scary to you?

19 **A** No, sir.

20 **Q** Okay. Now, we know that you have already admitted

21 that you didn't tell the truth all the time.

22 **A** Yes, sir.

23 **Q** Why today?

24 **A** Because I realized that I was wrong for lying about

25 their names, because this is a serious case.

1 Q Now, before you came in here to testify, did someone
2 take you somewhere and talk to you about "let's go over
3 what we're going to talk about"?

4 A Yes, sir.

5 Q Who did that?

6 A The solicitor.

7 Q Okay. How long did that take approximately?

8 A Not that long.

9 Q Now, you also told us that you don't have a deal
10 with anybody; right? They didn't promise you anything?

11 A No, sir.

12 Q And you're hoping for something good?

13 A Yes, sir.

14 Q Do you know what you're hoping for? Do you have an
15 estimation of what you think is going to happen?

16 A No, sir.

17 Q Do you know what it will -- what do you need to do
18 to make sure that you get, I guess, benefit from coming in
19 here today? What did they ask you to do today?

20 A Just to tell the truth.

21 Q Okay. And you're telling us that -- in spite of
22 what you've done in the past, you're telling the truth
23 today?

24 A Yes.

25 MR. RIGNEY: I don't have any more questions, Your

1 Honor.

2 THE COURT: Thank you, ma'am.

3 MS. LIVESAY: Thank you, Judge.

4 REDIRECT EXAMINATION

5 BY MS. LIVESAY:

6 Q Ms. Floyd, had you ever been in any kind of trouble
7 or arrested before you got tangled up with these two?

8 A No, ma'am.

9 Q 19 years old, never been in trouble until you picked
10 them up that night?

11 A No, ma'am. No trouble whatsoever.

12 Q And they kept -- Mr. Wilson and Mr. Rigney were
13 asking you about what was going on in the apartment. Do
14 you remember that?

15 A Yes.

16 Q Okay. Tell these folks, when you left out of that
17 apartment, where was our victim, Joshua McPherson?

18 A Laying on the chair, asleep.

19 Q I'm sorry?

20 A Lying on the chair, asleep.

21 Q And he was asleep?

22 A Yes, ma'am.

23 Q The other boy was asleep?

24 A Yes, ma'am.

25 Q Were both of them unarmed?

1 A Yes, ma'am, as far as I could see.

2 Q You didn't see a gun, did you?

3 A No, ma'am.

4 Q Did they ever point a gun at anybody?

5 A No, ma'am.

6 Q Did anybody else in any of the other apartments
7 [verbatim] come out and point a gun at anybody?

8 A No, ma'am, all the doors was closed except for the
9 first bedroom, and that was the room that me, Shi, and
10 Mack went in.

11 Q And when you left, that young man was alive?

12 A Yes, ma'am.

13 Q And he was asleep right on that couch?

14 A Yes, ma'am.

15 Q Did anybody keep you and the other girl Kim and the
16 big fellow from leaving?

17 A No, ma'am.

18 Q Nobody kept you from leaving?

19 A No, ma'am.

20 Q Leave any time you want to?

21 A Yes, ma'am.

22 Q Why couldn't these two leave when you left?

23 A I'm not sure.

24 Q I'm sorry?

25 A I'm not sure.

1 Q But they didn't leave when you left, did they?

2 A No, ma'am.

3 Q And when you left, were they walking around in the
4 apartment?

5 A I remember one of them was sitting down.

6 Q I'm sorry?

7 A I remember one of them was sitting down.

8 Q When you left, the young man was still alive?

9 A Yes, ma'am.

10 Q When you left, the young man was still asleep?

11 A Yes, ma'am.

12 Q And there was no reason, none, to stay in the
13 apartment while everybody was asleep?

14 A No, ma'am.

15 Q Why couldn't these two just leave when you left and
16 leave that young man alive?

17 A I'm not sure.

18 Q Drove too far, didn't they? Come too far to leave
19 him alive, didn't they? Y'all drove an hour to come up
20 here; right?

21 A (No audible response.)

22 Q And had you ever driven these two to Conway before?

23 A No, ma'am.

24 Q Had you ever driven these two anywhere before that
25 night?

1 **A** No, ma'am.

2 **Q** This was a deliberate trip for these two; was it
3 not?

4 **A** Apparently so.

5 **Q** When you showed up, the big boy in the hoodie, you
6 knew him, didn't you?

7 **A** Yes, ma'am.

8 **Q** Did you know him the best out of everybody?

9 **A** Yes, ma'am.

10 **Q** And when you showed up, did you expect these two to
11 be there?

12 **A** Not really, but I heard voices in the background
13 while I was on the phone with him, so I assume he was with
14 people.

15 **Q** And had you ever driven these two around before?

16 **A** No, ma'am.

17 **Q** And had you ever been arrested before you got tied
18 up with them before?

19 **A** No, ma'am.

20 **Q** When they got in the car with you -- when Micah and
21 Fanotti got back in the car, running to the car, did they
22 have any injuries on them?

23 **A** Fanotti, I remember, he had a scar, when he first
24 got in the car. It was over one of his eyebrows.

25 **Q** And was he bleeding?

1 A It wasn't bleeding, but it was a scar over his
2 eyebrow. I remember that.

3 Q And how did he get it?

4 A I'm not sure.

5 Q Did he say how he got it?

6 A No, ma'am.

7 Q The young man on the couch that was asleep, could
8 you tell how big or small he was?

9 A He looked like he was kind of tall, but as if you're
10 asking about weight, no, I couldn't tell because he had on
11 a big blanket.

12 Q Could you tell about how old he was?

13 A No, ma'am.

14 Q So you couldn't tell if he was 17 or 45?

15 A Probably if he was 45, unless he had a young-looking
16 face, but...

17 Q So a younger guy?

18 A Yes, ma'am.

19 Q When y'all come in and everybody is walking around,
20 the young man, is he doing anything wrong?

21 A No, ma'am.

22 Q Just sitting there asleep?

23 A Yes, ma'am.

24 Q Where he had a right to be?

25 A Yes, ma'am.

1 Q Mr. Wilson asked you some questions about -- that we
2 had met two or three times before you came in here. Did I
3 ever meet with you without your lawyer?

4 A No, ma'am.

5 Q Have I ever told you anything other than tell you to
6 tell the truth?

7 A No, ma'am.

8 Q And I told you these people were going to question
9 you too, didn't I?

10 A Yes.

11 Q And what did I tell you?

12 A They were going to try to throw me off.

13 Q Nothing but tell the truth?

14 A Yes, ma'am.

15 Q Now, we met for the first time when?

16 A It was the first day that I got here.

17 Q So it was before today?

18 A Yes, ma'am.

19 Q Okay. And after we met, did you go home?

20 A Not home. I went back to jail.

21 Q And did they take the handcuffs off you?

22 A No.

23 Q How about the second time we met? Did they take the
24 handcuffs off you then?

25 A No.

1 Q Are you in any better situation now from meeting
2 with me than you were before?

3 A No, ma'am.

4 Q Is this week the first time somebody has shown you
5 the video from our office?

6 A It was a short lady that came and showed me the
7 first day that I was here.

8 Q Okay. But had anybody else shown you the video
9 while you have been in jail?

10 A No, ma'am.

11 Q So at least a year and a half has passed?

12 A Yes, ma'am.

13 Q Okay. And you drove up an hour with this crowd;
14 right?

15 A Yes, ma'am.

16 Q And an hour back?

17 A Yes, ma'am.

18 Q And you know who you drove up with and who you drove
19 back with, don't you?

20 A Yes, ma'am.

21 Q And Mr. Wilson was in here saying -- basically
22 asking you about if you come in here and say that it's
23 them, you're going to get something for it. Do you
24 remember him asking you that?

25 A Yes, ma'am.

1 Q Okay. Is the two people on that video, is it
2 Fanotti and the guy that's in the picture that's been
3 already admitted into evidence, is that the guy in the
4 hood that you already picked out?

5 A Yes.

6 Q Are you saying that because it's true?

7 A Yes, ma'am.

8 Q And did you know another witness, the young man
9 right there in the living room said the same thing? Did
10 you know that?

11 A No, ma'am.

12 Q And did you know he don't have any pending charges?
13 I can't do nothing for him. Did you know that?

14 A No, ma'am.

15 Q And he's saying the same thing you're saying. Did
16 you know that?

17 A No, ma'am.

18 Q Do you think -- when you get off this stand now that
19 you have testified, do you have any expectations that this
20 man is going to take the cuffs off you?

21 A No, ma'am.

22 Q Do you have any expectation you're going anywhere
23 but back in lockup?

24 A No, ma'am.

25 MS. LIVESAY: No further questions.

1 THE COURT: Any reply?

2 MR. WILSON: Just a couple of questions.

3 RECROSS-EXAMINATION

4 BY MR. WILSON:

5 Q You said that Mr. Fanotti had a scar over his eye
6 when he got back in the car?

7 A No. He had it before he got down there.

8 Q So that wasn't different than when y'all got there?

9 A No, sir.

10 Q Okay. And the solicitor asked you whether or not
11 you're in any better position today than you were the
12 first three times that you met with her. You're not in a
13 better position today, are you?

14 A No.

15 Q But you're hoping to be in a better position real
16 soon; right?

17 A Yes.

18 Q Yeah.

19 MR. WILSON: No other questions.

20 MR. RIGNEY: Just one.

21 RECROSS-EXAMINATION

22 BY MR. RIGNEY:

23 Q I just want to make sure that we understand that you
24 don't know what happened in the apartment after you left?
25 You have no idea?

1 **A** No, sir.

2 **Q** Thank you.

3 THE COURT: All right. You may step down. Thank
4 you.

5 MS. LIVESAY: Your Honor, at this time, the State
6 calls Investigator Steve Brown.

7 STEVE BROWN,

8 after having been duly sworn, was examined and
9 testified to as follows:

10 THE CLERK: State your name and spell it.

11 THE WITNESS: My name is Stephen Brown. B-r-o-w-n.

12 DIRECT EXAMINATION

13 BY MS. LIVESAY:

14 **Q** And if you don't mind, Investigator Brown, tell
15 these jurors where you are employed.

16 **A** I'm an investigator with the 15th Circuit
17 Solicitor's Office.

18 **Q** And how long have you been employed with the
19 Solicitor's Office?

20 **A** 23 years.

21 **Q** And tell this crowd what kind of training you have
22 undergone in investigations.

23 **A** I'm a Class I officer. Like any police officer, we
24 attend the basic academy -- criminal justice academy.
25 Every year we have, you know, so many hours of advanced

1 training we have to take and that sort of thing.

2 Q And what are your general responsibilities?

3 A Basically work at the leisure of the solicitor.
4 Whatever these folks need. We have a long list of things
5 we do.

6 Q And do you recognize what I'm showing you that's
7 already been put into evidence as State's No. 99?

8 A Yes, ma'am.

9 MR. WILSON: Your Honor, can we approach?

10 BENCH CONFERENCE

11 (The following bench conference occurred at the
12 bench and outside the hearing of the jury and others:)

13 MR. WILSON: The picture -- I don't have any
14 objection to the facial parts of the picture. What I'm
15 objecting to is the background. It's in DJJ. And you can
16 clearly see that it's some kind of penal institution.
17 That's my objection. I don't have a problem with the
18 picture.

19 MS. LIVESAY: Do we need to take this outside the
20 jury then? Because here's the thing: I can call somebody
21 if I need to, but --

22 MR. WILSON: You're talking loud; they can hear you
23 anyway.

24 THE COURT: Are you wanting to put it into evidence?
25 Is that what you're trying to do?

1 MS. LIVESAY: I mean, it's already in evidence.
2 It's already in evidence. So this idea that I have to
3 authenticate it and call the records custodians absolutely
4 is not true. It's in evidence.

5 MR. WILSON: Okay. Well, I'm going to tell you, I'm
6 going to put an objection on the record.

7 THE COURT: He's okay with the head, just not the
8 background. Why don't you just redact the background,
9 cover it up and take a picture.

10 Why don't we just cover --

11 MR. WILSON: Yeah, I don't have a problem with the
12 photograph. I'm fine with the photograph. It's just that
13 I don't -- he's a juvenile. He is in a juvenile detention
14 facility.

15 THE COURT: That's what I'm saying. Why don't we
16 cover it up like there and make a photocopy. And then you
17 have no objection, and we don't even need this guy. Okay.
18 Let's do that.

19 MS. LIVESAY: All I'm asking him is: Did you obtain
20 a picture of Micah Pressley --

21 THE COURT: You don't even need it.

22 MR. HARRELSON: It's already in evidence.

23 THE COURT: Just redact it.

24 MR. WILSON: Yeah, but when they see it in the --

25 THE COURT: They're going to redact it.

1 MR. HARRELSON: It's already in evidence; correct?
2 What we can do is redact the background.

3 MS. LIVESAY: Right, right. I can do all that.
4 Yeah, that's what I'm saying.

5 THE COURT: So you don't even need him really.
6 Okay. Good.

7 (Open court resumes as follows:)

8 BY MS. LIVESAY:

9 Q Investigator Brown, do you recognize what I'm
10 showing you as State's Evidence 99?

11 A Yes, ma'am.

12 Q And what is that?

13 A This is a picture of Micah Pressley.

14 Q And is it a picture of Micah Pressley right here,
15 this particular defendant?

16 A Yes, ma'am.

17 MS. LIVESAY: No further questions, Your Honor.

18 THE COURT: All right.

19 MR. WILSON: Nothing further.

20 MR. RIGNEY: No questions, Your Honor.

21 THE COURT: Thank you. You may step down.

22 Do you have another witness?

23 MR. HARRELSON: At this time, the State will call
24 Ellen Riemer.

25 ELLEN RIEMER,

1 after having been duly sworn, was examined and
2 testified to as follows:

3 THE CLERK: State your name for the record and spell
4 it, please.

5 THE WITNESS: Good morning. My name is Dr. Ellen
6 Riemer. R-i-e-m-e-r.

7 DIRECT EXAMINATION

8 BY MR. HARRELSON:

9 Q Dr. Riemer, where do you currently work?

10 A I work at the Medical University of South Carolina
11 in Charleston where I'm a forensic pathologist.

12 Q And how long have you worked at MUSC?

13 A A long time. Almost 15 years.

14 Q So in order to become a pathologist, did you have to
15 go through any type of education or training?

16 A Yes. So I -- after -- everybody goes to college and
17 I got my M.D. I went to medical school and received an
18 M.D. in 1997. Following that, I did a residency, which is
19 training, in the specialty of pathology, which is a
20 specialty of medicine just like cardiology or
21 gastroenterology.

22 So I completed that at Columbia Presbyterian Medical
23 Center in New York. Following that, I did a subspecialty
24 fellowship training in forensic pathology at the Office of
25 the Chief Medical Examiner of the State of Maryland.

1 Following that, I did an additional year of
2 fellowship training at Johns Hopkins Hospital in
3 cardiovascular and pulmonary pathology, which is another
4 area of my interest, and I've practiced forensic pathology
5 full time since then.

6 Q So after all of that education, how long did you --
7 or how long have you been working or practicing in the
8 field of pathology?

9 A Yes, so I -- including my training, that started in
10 1997, so that would be 26-plus years. If we don't count
11 the training years then -- yeah, it's a few years less
12 than that. So around 20 years.

13 Q And, as a pathologist, what are your duties?

14 A So my duties are to -- I perform autopsies in order
15 to determine the cause and manner of death. So the
16 autopsies -- sometimes I do an autopsy -- so my patients
17 are deceased and I do a complete autopsy on them, and
18 sometimes I have an answer that day on the cause of death
19 and sometimes it requires lots of testing and other
20 studies to determine the cause of death.

21 So every person is different, every death is
22 different, and I do what I need to do to determine the
23 cause and manner of death.

24 Q And speaking of autopsies, do you know how many
25 autopsies you have performed in your career?

1 A Yes. So over the course of my career, I have done
2 approximately 5,700 to 5,800 autopsies.

3 Q And how many times have you -- or have you ever
4 testified as an expert in forensic pathology?

5 A Yes. In the 200s, probably, over the course of my
6 career.

7 MR. HARRELSON: Your Honor, at this time the State
8 would move to have Dr. Riemer admitted as an expert.

9 THE COURT: Any objection?

10 MR. WILSON: No objections, Your Honor.

11 MR. RIGNEY: No objection.

12 THE COURT: Motion is granted.

13 BY MR. HARRELSON:

14 Q So, Doctor, were you involved in the case that
15 involved the victim in this case, Joshua McPherson?

16 A Yes. I performed the autopsy on Joshua McPherson at
17 the request of the Horry County Coroner's Office.

18 Q And can you please tell this jury a little bit about
19 the external descriptions of the victim?

20 A Yes. So, you know, before cutting begins at an
21 autopsy, I use the powers of my observation just to note
22 anything that may be wrong with somebody in just their
23 general condition.

24 So a question like that, I would say that he was a
25 -- appeared to be a healthy young man -- this is on my

1 external examination -- with two gunshot wounds to the
2 chest.

3 Q And did he appear to be an older man or a young man?

4 A Yes. He was young. . So I was told he was 17.

5 Q And was he tall or was he short?

6 A So, at every autopsy, I do a height and weight on
7 the person. So the height is while they're lying down, so
8 I take a tape measure so it's approximate, and he was
9 73 inches tall, so 6-foot-1, and he weighed approximate --
10 he weighed 201 pounds.

11 Q And was he an athletic built?

12 A Yeah, I mean, he was -- he appeared to be, you know,
13 healthy, in good shape. You know, so a healthy, young
14 17-year-old.

15 Q And I think you said that you observed two gunshot
16 wounds -- or observed gunshot wounds. Where were those
17 gunshot wounds located?

18 A So both of them were on the front of the chest. One
19 of them was on the middle of the chest over the
20 breastbone, which is the sternum, and then the other one
21 was on the left side of the chest, a little bit lower down
22 but sort of like at the entrance -- it's like at the
23 bottom of the rib cage. So one was over the sternum, and
24 one was on the left side of the front of the chest near
25 the lower part of the rib cage.

1 Q So did you only observe two gunshot wounds?

2 A Yes, two gunshot wounds.

3 Q And let's talk a bit about the gunshot wound to the
4 middle chest. So what was the trajectory that you
5 observed?

6 A Okay. So just let me explain what that actually
7 means. So for every gunshot wound, I mean, I don't --
8 looking at them just externally -- I don't know where they
9 went and what they went through and how or if they were
10 responsible for death, but I -- on my internal
11 examination, I actually track the wound path through the
12 body, and depending where it ends up, it's going to have,
13 like, three directions. It's either front to back or back
14 to front, right/left, and then upward/downward.

15 So the gunshot wound to the middle of the chest, it
16 went -- after going through the front of the chest, it
17 went through the heart and the left lung before ending up
18 in the back. So heart, left lung, and then the bullet
19 ended up in the back.

20 So if we think of that in terms of three directions,
21 we come up with, like, a trajectory. So that would -- is
22 it front to back or back to front? It's front to back.

23 So front to back. And then it was also going from
24 right to left, because it started out in the middle and
25 ended up on the left side of the back. You know, if we

1 think in terms of, like, vectors, that's from right to
2 left, and there was no up- or downward deviation. It
3 ended up -- kind of went along with a level parallel to
4 the floor.

5 Q Okay. And what about the other -- the left side of
6 the chest?

7 A Yes, so the other gunshot wound was on the left side
8 of the chest, a little bit lower down. And, that one,
9 after entering the left side of the chest, it went through
10 the diaphragm, which is a muscle that underlies the lungs
11 and helps you breathe. So, when we breathe in, the
12 diaphragm kind of moves up and down to help, you know, air
13 come in and out of our lungs.

14 So it went through -- after the left side of the
15 chest, it kind of, you know, was like at the lower part of
16 the rib cage and went through the diaphragm, the liver,
17 and stomach, some bowel loops and supporting tissue in the
18 intestines, and then the aorta, which is a major blood
19 vessel of the body, and terminated in the lumbar spinal
20 cord. So that's in the middle.

21 So if we're thinking in terms of -- so both of these
22 are very severe wounds. So this other one -- the first
23 one went through the heart and the left lung, we're ending
24 up in the back. And then the other one started on the
25 lower side of the left side of the chest, went through the

1 diaphragm, which is a muscle used for breathing, the
2 liver, the stomach, intestines, aorta, and then ended up
3 in the -- it went through the spinal cord in the lower
4 part of the back.

5 So if we think in terms of the direction, that
6 one -- because it's starting on the left and ending up in
7 the middle, that's actually going from left to right.
8 Okay? So that makes sense. So it's starting on the left
9 and ending up in the middle.

10 So if we're thinking of those three directions,
11 that's going from left to right. That's also front to
12 back, but this one actually has a downward trajectory.

13 Q So you're saying that the first or the middle shot
14 or the shot in the middle of the chest went through his
15 heart, left lung, and left side of his back. So what type
16 of injuries would the victim have been suffering from that
17 gunshot wound?

18 A Oh, well, it's a -- I think you understand logically
19 that that's a very serious injury, nonsurvivable injury,
20 because the heart -- the heart was pierced by this bullet
21 and then it went into the left lung. As a result of that,
22 there's internal bleeding, but also the heart is not going
23 to be able to function also.

24 Q And what about the gunshot wound that was on the
25 left side of the chest?

1 A So the gunshot wound to the left side of the chest
2 was also -- either one of them would have been a fatal
3 wound on their own. So that one went through the
4 diaphragm so that's going to interfere with breathing.
5 Right? And then the liver and the stomach and the aorta,
6 which is a major blood vessel in the body, and then, in
7 the spinal cord, so the spinal cord can -- you know, that
8 can -- certainly if it was only to the spinal cord, he may
9 have just been left a paraplegic, but because everything
10 below the level of the spinal cord, it kind of like cuts
11 the spinal cord off below the level.

12 So if you get an injury in the lower part of the
13 spinal cord, everything in the body below that is going to
14 not work. But, in this case, it didn't just go through
15 the spinal cord, it also went through and caused also
16 bleeding internally.

17 Q And since it hit the spine and he could have been
18 paralyzed, would he have been able to stand up at this
19 point?

20 A No, he would not have been able to stand up.

21 Q So could any one of those two gunshot wounds alone
22 have killed the victim?

23 A Yes.

24 Q And what type of feeling would the victim be going
25 through at this time? Would he be able to breathe due to

1 these injuries?

2 A Well, you know, death is not usually instantaneous
3 like on television. When somebody is shot, it's not like
4 they're instantly dead. So there is some -- I don't
5 really know how long it might take, but he's going to
6 start -- like his breathing is going to slow down and his
7 heart is not going to be functioning. So, you know,
8 there's still some oxygen in his brain, so he's going to
9 be awake, but eventually, there's bleeding internally, so
10 he's going to lose blood pressure and stop breathing. It
11 kind of may take a minute or two.

12 Q So would he have been losing blood rapidly?

13 A Yeah, rapidly, because it went through the heart and
14 lungs. You know, there's going to be rapid bleeding. And
15 plus the aorta. So there's a lot of bleeding internally,
16 and it's going to be more rapid because we have got major
17 sources of blood, you know, coming from the heart and the
18 aorta.

19 Q And since he was shot in the lung, would his lungs
20 have been collapsing at this time?

21 A Yes. So the collapse of the lung is not just caused
22 by the bullet through the actual lung. That's going to
23 cause collapse of the lung, but also the injury to the
24 diaphragm keeps the lungs expanded so that injury to the
25 diaphragm will also attribute to collapse of the lung.

1 It's not just one thing. I mean, there's multiple
2 problems that are occurring because of these two very
3 serious gunshot wounds that resulted in his death.

4 Q And, Doctor, are you familiar with the term
5 "stippling"?

6 A The term "stippling"?

7 Q Or the idea of stippling?

8 A Yes.

9 Q And could you please explain what stippling is to
10 the jury?

11 A Okay. So when a bullet comes out of the barrel of
12 the gun -- barrel of a gun, it's propelled forward by
13 gunpowder that's burning. So, you know, the bullet is
14 propelled forward by gunpowder that's present and it
15 basically ignited.

16 So when the bullet is propelled forward, some of
17 that gunpowder actually comes out of the barrel of the gun
18 along with the bullet. And gunpowder -- if -- gunpowder
19 doesn't travel that far. Maybe traveling up to two, two
20 and a half feet from the barrel of the gun. So if
21 somebody is shot in close proximity to the barrel of the
22 gun, then we frequently see some of that gunpowder, which
23 leaves, like, what we call stippling. It's basically like
24 particles of gunpowder that impact the skin and cause
25 abrasions. But I don't believe I saw anything in this

1 case.

2 Q So when you say "close proximity," would it be, say,
3 this close?

4 A Yeah. Well, you know, it varies by individual gun,
5 but normally, gunpowder stippling would not be expected to
6 be seen further away than two and a half feet or so, so
7 that's about 30 inches.

8 So it can still be somebody standing nearby -- a gun
9 standing nearby. But I don't see any evidence of
10 close-range fire. I don't see any evidence of either one
11 of these shots having been shot within two and a half
12 feet.

13 Q Okay. So, under your opinion, would these gunshot
14 wounds have been of a distance exceeding two and a half
15 feet?

16 A Yeah, well, I don't actually make that
17 determination. As the pathologist, we can only call it
18 indeterminant range. So if I see stippling, I can say
19 it's within two and a half feet, but if I don't see
20 stippling, I just can't really say what the range is, and
21 I say it's indeterminate range. I don't see any evidence
22 of close range.

23 Q And other than the two gunshot wounds, did you see
24 any other wounds on the victim?

25 A No. He did not have any other injuries.

1 Q Did you see any signs of an altercation on the
2 victim's body?

3 A No, I did not. Yeah, I did not see any evidence of
4 any kind of, you know, bruising or scratches or anything
5 on his hands. That's sometimes what I might see, but I
6 didn't see anything to indicate that there was an
7 altercation.

8 Q So scratches or bruises on the hands would be signs
9 of defensive wounds?

10 A Right, but I didn't see anything like that.

11 Q What about toxicology? Did you-all perform a
12 toxicology analysis on the victim?

13 A Yes. So every individual who has an autopsy that's
14 ordered by one of the coroners -- one of the county
15 coroners in this state -- this is a medical-legal autopsy,
16 it's a forensic autopsy -- and everybody has toxicology
17 performed as part of their autopsy, whether or not it's
18 responsible for death.

19 So, at the autopsy, I drew blood from Joshua
20 McPherson. And I don't perform these tests myself, but
21 they're sent -- you know, the samples are submitted to a
22 professional toxicology laboratory, and then results are
23 then reported to me, and I always include them in my
24 autopsy report.

25 And, in this case, he did not have any evidence

1 of -- he didn't have any drugs or alcohol in his blood.

2 Q So your testimony is that the victim did not have
3 any drugs in his body?

4 A Zero.

5 Q And no alcohol?

6 A No alcohol.

7 Q Okay. And, Doctor, if you will, on your expert
8 opinion, what do you believe the cause of death was to
9 Joshua McPherson?

10 A The cause of death is gunshot wounds to chest.

11 Q And could that have been from any one of the two
12 gunshot wounds?

13 A If I thought only one wound was responsible, I would
14 have said "gunshot wound to chest," but I said "gunshot
15 wounds" because they both played a role.

16 Q So is it fair to say that both were equally deadly?

17 A Well, they both -- either one of them alone would
18 have been respon- -- been able to cause death. So I have
19 two fatal gunshot wounds. I don't -- I say "gunshot
20 wounds to chest" is the cause of death.

21 MR. HARRELSON: Court's indulgence. No further
22 questions.

23 THE COURT: Cross?

24 CROSS-EXAMINATION

25

1 BY MR. WILSON:

2 Q I just have a couple of questions, Doctor.

3 A Sure.

4 Q Let me show you your -- is this a part of your
5 report? Let me show you that.

6 A Yeah, this is the toxicology report.

7 Q All right. And let me show you this page of it. Is
8 that included in the report that you're holding in your
9 hand?

10 A Yes, this is not -- I incorporated the results into
11 my...

12 Q I just need your -- to help me explain.

13 A Do you want me to tell you what that is?

14 Q Not that. This. I need you to just explain what
15 that means.

16 A Okay. So the -- so there were actually
17 cannabinoids, which is a breakdown product of marijuana,
18 in his urine. So if you know anything about urine drug
19 screens, it could have been from weeks earlier. So he had
20 some cannabinoids in his urine. They're not quantitated.
21 We're not measuring them, but he wasn't under the
22 influence of marijuana. There was nothing in the blood to
23 indicate that there was mar- -- but he -- at some point,
24 he was using marijuana previously.

25 Q Let me ask you: You had talked about stippling and

1 you said that, as best you could tell from the two wounds,
2 that you didn't see any stippling on the body itself; is
3 that fair?

4 A That's correct.

5 Q What about the clothing? Did you examine the
6 clothing as well?

7 A He actually was only wearing -- by the time he got
8 to me, he was wearing briefs only.

9 Q Okay.

10 A So I believe he had gone to the hospital first where
11 they tried to resuscitate him, so I didn't receive the
12 clothing.

13 Q And the reason I'm asking you that is, if a person
14 -- say I'm standing here and I have got this jacket on and
15 I'm shot from 24 inches away; it would be less likely that
16 you would find stippling because my clothing would
17 interfere with the stippling being on the wound?

18 A Yes. It frequently -- it may block a significant
19 amount of it. Sometimes, if it's just a T-shirt or
20 something, some of it can get through.

21 Q And no one brought you the clothing?

22 A No.

23 Q So you wouldn't have examined them anyway?

24 A Well, I might have eyeballed them, but I'm not
25 doing, you know, subtle testing for, you know, gunpowder

1 particles, which may or may not be visible to my naked
2 eye. But if something is obvious, I'll mention it, but I
3 don't examine the clothing in this case either.

4 Q And I think my last question to you, Doctor, is that
5 you said that either of those shots or either of those
6 wounds would have been fatal for him?

7 A That's my opinion, yes.

8 Q And is there any way to know which of those were
9 inflicted first?

10 A Honestly, there is no way that I could say with
11 any --

12 Q Is there any way to know the time frame between the
13 infliction of the two wounds?

14 A No.

15 Q Now, have you ever testified as a forensic expert in
16 blood spatters?

17 A No.

18 Q And in judging the manner of death, in judging the
19 position of the body at the time of the infliction of the
20 wounds, if you knew more about the scene where the
21 shooting actually occurred, would that help in your
22 determination as to the position that he may have been in
23 at the time he was shot?

24 A Yes. That -- I would think that may be something
25 that scene investigators could learn from that, but I'm

1 not -- I don't go to the scene. I'm not invited to the
2 scene. I get the body and responsible for examining the
3 body. But it's possible that that may be the case.

4 Q Okay. If I'm -- but you said you're not an expert
5 in blood spatter?

6 A Yeah, I know very little about blood spatter. I
7 have had about three days of blood spatter lecture
8 20 years ago.

9 Q But you do know that there are experts in that
10 field; right?

11 A Yes.

12 Q In that forensic field.

13 And those experts can actually look at the spatters
14 and tell where the positioning of the body was at the time
15 of the infliction?

16 A Yeah, right. That still requires interpretation ---

17 Q I understand.

18 A --- and that's not necessarily, you know, like
19 true -- people can also disagree about that.

20 Q Thank you so much. Appreciate it.

21 A Did you want this back?

22 Q Yes, ma'am. Thank you, ma'am.

23 MR. RIGNEY: I have no questions, Your Honor.

24 THE COURT: Any redirect?

25 MR. HARRELSON: No further questions, Your Honor.

1 THE COURT: Hope you have a good day.

2 THE WITNESS: Thank you.

3 THE COURT: Do you have any more witnesses?

4 MR. HARRELSON: No, Your Honor. At this time, the
5 State rests.

6 THE COURT: Members of the jury, if you would step
7 into the jury room. We're going to have lunch for you,
8 and we're going to take up some matters out here while you
9 eat and finish this trial today.

10 (The jury exited the courtroom at 12:08 p.m.)

11 THE COURT: Any motions?

12 MR. WILSON: Yes, sir. Your Honor.

13 MOTIONS/MATTERS OF LAW

14 MR. WILSON: I have two motions. One, let me start
15 with the motion to ask for a directed verdict as to
16 burglary first degree. There has been no testimony that I
17 have heard where the owner of the facility or the
18 apartment has come in and said, "I never authorized them
19 to come in."

20 The young man Mr. Robinson's testimony was that he
21 didn't know they were coming. That's what he said, that
22 he didn't invite them, but other than that, there is
23 absolutely no testimony about the burglary and -- other
24 than the officer saying, "Well, on the video, it looks
25 like he's getting something out of his sock and he's

1 trying to get in the apartment."

2 But then there's also the testimony from this last
3 young lady, Ms. Floyd, who says that they were invited and
4 that they were going there and that they had actually sent
5 some kind of an email or text message to someone in the
6 apartment and they were being expected.

7 And on top of that, which I would -- again, suggest
8 supports this argument is, according to Mr. Robinson, who
9 is in the apartment, giving this in the light most
10 favorable to the State, he daps Mr. Fanotti when he comes
11 into the room, if you believe Mr. Robinson's testimony;
12 that he actually accepts Mr. Fanotti being in the room,
13 has no complaints about it, and does not make any
14 suggestion that he is complaining about it.

15 So my point simply is, is that there is zero
16 evidence in this record about burglary first degree. And
17 so I would ask the Court to grant us a directed verdict on
18 that particular charge.

19 THE COURT: Why don't we hear from the State in
20 reply.

21 MR. HARRELSON: Yes, Your Honor. So as for the
22 burglary charge, of course we're looking at the existence
23 of the competent evidence here. And as with consent,
24 well, as seen on the video, the two defendants, they walk
25 up to the door, try to budge the door or knock on the

1 door. Nobody comes to the door. They then try to -- or
2 tries budge the door with force.

3 And once they do enter, everybody is asleep. So
4 nobody gave them consent to come over. Nobody is
5 expecting them to come over. If they expected them to
6 come over, I believe they would have stayed up and waited
7 for their friends, but, evidently, they didn't stay up for
8 them.

9 And, looking at it, they entered the dwelling. They
10 both were identified, and it was in Horry County, and,
11 obviously, it wasn't through consent. And a consent is a
12 question for the jury to see if an individual consented to
13 that, looking at the elements of the crime.

14 And then intended to commit a crime at night. As
15 it's on video and as even during whenever the defense
16 attorney was questioning the witness, they were coming at
17 4:00 or 5:00 in the morning; both asleep, at nighttime.

18 So the State believes that the elements of burglary
19 have been met and it has been satisfied to go to the jury.

20 THE COURT: So you're saying that pushing on the
21 door at nighttime ---

22 MR. HARRELSON: Your Honor, so --

23 THE COURT: --- and entering -- how did they get in?

24 MR. HARRELSON: Your Honor, nobody opened the door
25 to allow them in. They budge up against the door and then

1 somehow gained entry.

2 THE COURT: Why don't we look at that one video real
3 quick.

4 (Video plays.)

5 THE COURT: It almost looks like they have a key to
6 get in.

7 MR. HARRELSON: So, Your Honor, here we're looking
8 at the existence or non-existence of the evidence and not
9 the weight of it, and what it seems here is that they
10 knock on the door, nobody answers. They wait, and after
11 waiting for a while, they pull some type of mechanism out
12 of his sock to enter the room. Is it a key? There's no
13 evidence that it is a key. And it seems that he broke in
14 without their consent.

15 THE COURT: I mean, that's the extent of the
16 evidence regarding burglary that I have heard in this
17 trial. Nobody has even really talked about it in this
18 trial. And I think you have to have -- if I'm not
19 mistaken -- strong circumstantial evidence to get past a
20 directed verdict.

21 MR. HARRELSON: Your Honor, I believe it's going to
22 go to -- or, in the State's opinion, it seems that it's
23 going to go to the weight of the evidence and not the
24 existence or nonexistence of such evidence.

25 THE COURT: But don't you agree that you have to

1 have strong circumstantial evidence?

2 MR. HARRELSON: Yes, Your Honor.

3 THE COURT: In a civil trial, that would be enough.
4 I don't think it is, in a criminal trial. There's been no
5 testimony or nothing. No break-in that I can see.

6 MS. LIVESAY: Your Honor, if I may.

7 THE COURT: Yes.

8 MS. LIVESAY: The State's position is that the
9 directed verdict is regarding if there's any evidence at
10 all, not the weight of it. Any evidence ---

11 THE COURT: But it's obviously ---

12 MS. LIVESAY: --- is enough to get past directed
13 verdict.

14 THE COURT: It's obviously circumstantial; correct?

15 MS. LIVESAY: And what our evidence is, just very
16 briefly for purposes of the record, is that Marion
17 Robinson, the very young man that was in there, said
18 nobody was invited over. That alone is evidence that they
19 didn't have consent to come over.

20 So the fact that you have got that evidence, which
21 is enough to make it past directed verdict, he was in the
22 home. He says that everything was locked up and nobody
23 was invited and nobody was expected to come over. So that
24 right there is evidence. So we have already got enough
25 just from his testimony to get past directed verdict.

1 But when you combine that evidence with the fact
2 that Fanotti Neal comes, knocks on this door. Nobody
3 answers. It's crystal clear on the tape. We don't need
4 testimony. That is what it is.

5 THE COURT: But we have the --

6 MS. LIVESAY: And then they sit there and wait for
7 30 seconds. Nobody comes for the door for the entirety of
8 that 30 seconds. So that is evidence that there's no
9 consent.

10 At my house, do you know how people know that they
11 have consent to come over? I come and I open the door and
12 I let them in.

13 Nobody let them in. It's 5:30 in the morning. The
14 way they get in is the young man literally goes to his
15 shoe -- goes through his shoe, now digging his shoe out
16 for something to break into the door. There was no doubt,
17 the fact that he is digging something out of his shoe to
18 break in -- because they're not able to get in until he
19 digs it out of his shoe and breaks in -- shows that
20 there's no consent.

21 The evidence -- all we've got to do is have some
22 evidence. We have got a witness from inside saying they
23 didn't have consent, and then we've got a video showing --

24 THE COURT: You have to have more than some
25 evidence. You have to have strong circumstantial

1 evidence. And it doesn't even look like he's breaking the
2 door down. It looks like he knocks, pulls the key out,
3 and walks in. And then the guy in there doesn't run him
4 off and act scared; he gives him a fist bump. But, I
5 mean, that's the extent of what we've got.

6 MS. LIVESAY: All there's got to be for directed
7 evidence -- I'm sorry -- for directed verdict is some
8 evidence.

9 THE COURT: Strong circumstantial evidence.

10 MS. LIVESAY: Any evidence.

11 THE COURT: Strong circumstantial evidence.

12 Am I correct; Mr. Wilson?

13 MR. WILSON: Yes, sir.

14 MS. LIVESAY: The rule is, just for purposes ---

15 MR. WILSON: The State is relying on circumstantial
16 evidence --

17 MS. LIVESAY: --- when ruling on -- and that, Your
18 Honor, is 303 S.C. 274. It says, "When ruling on a motion
19 for a directed verdict, the trial court is concerned with
20 the existence or nonexistence of evidence, not its
21 weight."

22 So if there is any evidence -- any evidence that
23 there's no consent, then that is enough to get it past
24 directed verdict, the existence or nonexistence of
25 evidence. The fact that we have got a videotape showing

1 the young men breaking in -- literally breaking in ---

2 THE COURT: It doesn't show them breaking in.

3 MS. LIVESAY: --- is existence of evidence.

4 MR. WILSON: That is just not a correct analysis of
5 the facts. And, in fact, I have watched that video; it
6 looks to me like he has a key when he goes into that room.

7 MR. RIGNEY: Exactly.

8 MR. WILSON: If he has a key, then that's not
9 burglary.

10 MR. RIGNEY: And somebody gave him a key.

11 MS. LIVESAY: And if I may, Your Honor, I'd like if
12 the Court would look at State v. Rowell, 326 S.C. 313. It
13 says, "On the appeal from the denial of a directed
14 verdict, the appellate court must view the evidence in
15 light most favorable to the State."

16 So now we have got a guy who is breaking in and
17 we're looking at it from every direction other than light
18 most favorable to the State. They go, they knock on the
19 door. Nobody lets them in. They walk around for 30
20 seconds. Clearly, nobody is going to let them in. That's
21 when they go to Part B, and they're digging in their shoe
22 and they break in.

23 THE COURT: I'm not arguing with you; I'm just
24 trying to talk it through. I have no problem with murder.
25 None whatsoever. I'm a little concerned about the

1 burglary. And the law is: Any evidence or any
2 substantial circumstantial evidence reasonably tending to
3 prove guilt of the accused. So it is substantial
4 circumstantial evidence, not a scintilla of evidence like
5 a civil trial.

6 Keep in mind, murder, I'm fine with, but I'm
7 concerned about the burglary if that's all we have is that
8 15 seconds of video where nobody is bashing in the door,
9 nobody is breaking the door, nobody is ramming the door.
10 Knocks on it, from what I can see. A few seconds later,
11 looks like he gets a key and goes in the door. The door
12 is not broken in. The locks are not broken. Nobody shot
13 it off.

14 That's the extent of the burglary evidence that we
15 have. And if it was a hostile entering, nobody ran them
16 off. Actually, he got a fist-bump.

17 So the question for me is, is that substantial
18 circumstantial evidence to sustain an application for
19 appeal.

20 MR. HARRELSON: And, Your Honor --

21 MS. LIVESAY: Go ahead.

22 THE COURT: And I'm not arguing with you; I'm trying
23 to talk it through with everybody.

24 MR. HARRELSON: And, Your Honor, I believe that
25 there is evidence that they knocked on the door and tried

1 to enter. If they were invited, if there was consent, an
2 individual would have stayed up for them, would have come
3 to the door.

4 THE COURT: What if they were asleep and they had a
5 key?

6 MR. HARRELSON: And there's even more reason why
7 they did not give them consent.

8 MS. LIVESAY: Right.

9 THE COURT: But how did they get a key, if they had
10 a key? There's no volume to that video.

11 MS. LIVESAY: It's not just the video; it's the fact
12 that the video is combined -- and maybe I'm confused and
13 we need to run the tape back, but there is evidence from
14 the young man in the apartment that says nobody gave
15 consent, "I didn't give my consent."

16 So there's evidence -- the question of whether or
17 not there's consent -- the only thing in the record is
18 that there was no consent, and when you look at that light
19 most favorable to the State, how in the world can we twist
20 that to say that these people that broke in had consent,
21 when the very young man in the apartment says they didn't
22 have consent? That's A.

23 And B, when you combine that on the video, they
24 knock on the door, and the fact that nobody answers, does
25 that make it more believable or less believable ---

1 THE COURT: We don't know if he answered or not.
2 There's no volume.

3 MS. LIVESAY: --- that they didn't have consent;
4 right? Is it more believable or less believable?

5 The witness says they didn't have consent. The fact
6 that they knock on the door and nobody answers, they stand
7 out there for 30 seconds, nobody answers, nobody lets them
8 in. And when we look at the light most favorable to the
9 State, does that seem more or less reasonable that they
10 did not have consent? Clearly, they didn't have consent.

11 THE COURT: I have a question: How do we know
12 nobody answered them?

13 MR. HARRELSON: Your Honor, so it appears on the
14 video that Micah Pressley opens -- or pulls something out,
15 goes up to the door. He jiggles it, does something to
16 open the door. Then, as soon as that happens, he moves to
17 the side. That's when the co-defendant then goes to the
18 door and goes in.

19 MS. LIVESAY: Right. Pushes in.

20 MR. HARRELSON: So if somebody came to the door, why
21 would he move?

22 MS. LIVESAY: Right. Amen.

23 THE COURT: Well, I'm not saying they didn't come to
24 the door.

25 MR. WILSON: Your Honor, they're forgetting their

1 witness, Ms. Floyd, testified that she had contact with
2 the people at the house. They were expecting them.

3 MS. LIVESAY: That testimony is not in the record.

4 MR. RIGNEY: It is.

5 MS. LIVESAY: That testimony is not in the record.

6 MR. RIGNEY: Absolutely is. I asked her that.

7 MS. LIVESAY: If we're just going to let everything
8 in --

9 MR. WILSON: It is in the record.

10 MR. RIGNEY: Yes.

11 MR. WILSON: It's in the record.

12 MR. RIGNEY: It's in there.

13 MR. WILSON: You put her up there. She said, on
14 cross-examination, that she got permission to come to the
15 house, they were expecting them, and that that's why they
16 drove down there to that apartment. Your lady said that.

17 THE COURT: Check the record.

18 MR. HARRELSON: Can we check the record?

19 THE COURT: That'd be good.

20 Once again, I'm not arguing with you.

21 MR. WILSON: It's on his cross-examination. It's
22 clear.

23 MR. RIGNEY: She knew that a text or a Facebook
24 message had been sent to them ---

25 THE COURT: She's going to find it.

1 MR. RIGNEY: --- to tell them they were on the way.

2 THE COURT: Why don't we take a 10-minute break
3 while she's looking for that and we'll come back.

4 (A lunch recess was taken from 12:24 p.m. to 1:31
5 p.m.)

6 (State's Exhibit No. 100 and 101, Trial Transcript
7 Excerpt, was marked for identification.)

8 THE COURT: Everybody have a seat. Let's pick up
9 where we left off.

10 Did she find that portion of the transcript,
11 Mr. Wilson?

12 COURT REPORTER: I did, yes, sir. Did you want me
13 to play it?

14 THE COURT: Tell us what it says.

15 (The court reporter plays back the requested
16 portion.)

17 THE COURT: All right. I believe he was right.

18 MS. LIVESAY: Are we doing further arguments from
19 defense or where we at?

20 THE COURT: Yeah. What we've got to do is we've got
21 to get circumstantial evidence to rise to a level that
22 it's substantial evidence.

23 MR. RIGNEY: Your Honor, if I may, before you go
24 further, I just want to be on the record as having joined
25 Mr. Wilson in his motion for a directed verdict.

1 THE COURT: I understand.

2 MS. LIVESAY: Just as Mr. Pressley, I already ran
3 these transcripts off, and I've already had them marked as
4 State's exhibits so they're in the record.

5 First of all, as to Marion Robinson's testimony, who
6 was an eyewitness inside the apartment that night, I'm
7 reading it right off; it's already been marked in. "I
8 really didn't" -- he says, "Okay. Now, when you see
9 Fanotti, what runs through your mind?"

10 "I really didn't think much of it. I just went back
11 to sleep."

12 "Had anybody, to your knowledge, invited him there?"

13 "No."

14 "Had anybody, to your knowledge, invited anybody to
15 come over after y'all went to bed?"

16 "No."

17 That's direct testimony as to whether or not there's
18 consent.

19 100 is going to be -- State's Exhibit 100 is going
20 to be Charrel Floyd. What she says on my direct is, "Did
21 you see anybody that lived in the apartment?"

22 She says, "Only two people."

23 I said, "Okay. And where were those two people
24 located in the apartment?"

25 She said, "In the living room on the chairs."

1 "And what are those two people doing?"

2 She said, "Both were asleep."

3 The part that we just played says that -- she says
4 . yes, somebody sent a text message saying "I'm on the way."
5 That, in no way, now turns it into consent.

6 If I'm at my house and the guy I'm seeing says,
7 "Hey, I'm on the way to whip your ass," that doesn't make
8 it consent because you've told me you're on the way. That
9 would be number one. Just because somebody says they're
10 coming doesn't mean that I'm giving them consent to let
11 them in. That's number one.

12 Number two, when I looked at some case law, I found
13 a case, Gillian -- that's going to be 402 S.C. 389. It
14 says first degree burglary requires that, at the time the
15 offender entered the dwelling, he intended to commit a
16 crime once inside.

17 What the law says is, is if I come in -- actually, I
18 better rephrase it this way. If a man comes into my house
19 and says, "Hey, I'm selling phone books," and he has the
20 intent to, when he gets in, to rape and kill me, but he
21 gets in under the impression that he's selling phone
22 books, that's still burglary.

23 What the law says is, if you have intention, it's
24 still burglary. The fact that somebody said nobody was
25 invited over, that's what Marion said; the fact that the

1 very woman that went in the house said, "Hey, nobody let
2 me in, because, when I went in, the only two people I saw
3 were asleep." So she answered the question of whether or
4 not anybody let them in. Nobody let them in by the very
5 defendant's testimony -- co-defendant's testimony.

6 And the best they've got is that somebody -- she
7 didn't send the text.

8 THE COURT: Co-defendant hasn't testified. You said
9 by the co-defendant's testimony.

10 MS. LIVESAY: Charrel Floyd is the co-defendant in
11 the burglary first. She testified.

12 THE COURT: Okay.

13 MS. LIVESAY: Yeah, the co-defendant said --

14 THE COURT: I'm talking about these two. I'm
15 talking about the defendants in this trial.

16 MS. LIVESAY: Oh, okay. The co-defendant, Charrel
17 Floyd, in the burglary first testified, and she says,
18 "When we came in, the only two people I saw were asleep,"
19 which means they could not have let her in.

20 And this argument that because she says she didn't
21 even send the text, she's saying that she thought that
22 somebody else sent a text when they were there saying "I'm
23 on the way," there's no testimony -- if it is, bring it
24 up -- that she says somebody got a text back saying, "Come
25 on in."

1 And we know the text never came back because nobody
2 was awake. The motion for directed verdict is for when
3 there is no evidence.

4 THE COURT: Substantial circumstantial evidence, not
5 no evidence. That's a civil trial. Scintilla of the
6 evidence is a civil trial. You have got to have direct
7 evidence or substantial.

8 MS. LIVESAY: Okay.

9 THE COURT: Substantial.

10 MS. LIVESAY: Right, the existence or nonexistence.
11 And the existence --

12 THE COURT: Substantial, not existence and
13 nonexistence. Substantial.

14 MS. LIVESAY: Okay.

15 THE COURT: That's the key.

16 MS. LIVESAY: Okay.

17 THE COURT: That what I'm talking about.

18 MS. LIVESAY: Okay, I will. Well, I do believe,
19 when a witness gets up there and says, "Hey, I'm living in
20 the apartment, and I'm telling you, nobody was invited
21 over," that's direct evidence.

22 When the very co-defendant of the burglary first
23 says, "When I come in, everybody was asleep, nobody let me
24 in, the only two people I saw were asleep," that's direct
25 evidence that nobody let them in.