

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Jasper County

Honorable J. Derham Cole, Circuit Court Judge

ROHAIME HOPKINS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2024-001503

APPENDIX

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S.C. SUPREME COURT

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OPENING COMMENTS FROM THE JUDGE

1 THE COURT: Ladies and gentlemen, I'm a little bit
2 ahead of schedule this morning, but I want to be
3 mindful of your time. I asked you to come in this
4 morning because time is precious to us in court and I
5 want to get you home in a timely fashion. And I thank
6 you for being here promptly and on time. I'm five
7 minutes ahead of schedule.

8 I can't start until I have all of my jurors here.
9 Margaret Bostick, my Clerk of Court, tells me we're
10 still checking on the jurors, so I'm going to give us
11 another five minutes to make sure I've got everybody
12 here.

13 Everybody got here safely this morning?

14 PROSPECTIVE JURY PANEL: Yes, sir.

15 THE COURT: Good. Well, we've got some work for
16 you, ladies and gentlemen. I can promise you I'm going
17 to see that the train goes down the track and we do it
18 in a timely fashion.

19 For those of you that I haven't met, let me
20 introduce myself to you. First of all, my name is
21 Perry Buckner. I'm one of two resident circuit court
22 judges in our circuit, and I realize most of you
23 probably are not familiar with our circuits. Jasper
24 County is in the 14th Judicial Circuit. Our 14th
25 Circuit is comprised with five counties. It includes

OPENING COMMENTS FROM THE JUDGE

1 Jasper, Hampton, Colleton, Beaufort and Allendale
2 counties.

3 I've been assigned to preside over this term of
4 general sessions or criminal court for Jasper County
5 this week, and I hope this will be a learning
6 experience for you. I told you I was a resident judge.
7 I hold court all over the state, but I'm primarily in
8 my home circuit. I live over in Walterboro, and I've
9 been assigned this week to Jasper. It's a great place
10 to hold court. Margaret does a great job. I had her
11 call all of y'all because I want to get you home timely
12 this week. And that's why I asked you to come in a
13 little earlier this morning. We've been working long
14 before you got here. Haven't we, Solicitor?

15 MS. JONES: Yes, sir.

16 THE COURT: Mr. Lee?

17 MR. LEE: Yes, Your Honor.

18 THE COURT: That's because I wanted to shorten the
19 time that your presence, ladies and gentlemen, might be
20 required this week.

21 Now, you'll notice that I've got quite a crew,
22 ladies and gentlemen, beside me. These are bright,
23 young minds. To my left I have two loaner law clerks
24 who are scheduled for this morning, and I also have my
25 law clerk who is right beside me also here. These law

OPENING COMMENTS FROM THE JUDGE

1 clerks are members of the Bar. Two of them work in the
2 Federal District Court in Charleston. They are here to
3 observe our proceedings in state court, so they will
4 have an opportunity to see how we conduct business in
5 criminal court in a state court, because they are used
6 to doing business in Federal Court, and they do things
7 a little differently.

8 Their boss is my lifelong friend, Judge David
9 Norton. Some of you may have heard of Judge Norton.
10 He's very famous for sending me as much work as he
11 possibly can give me so that it lightens his workload
12 in Federal Court.

13 Isn't that right, Rob?

14 And Judge Norton has decided to send his two law
15 clerks to Charleston -- to Ridgeland, this morning and
16 so that they'll have an opportunity to observe what we
17 do in Jasper County.

18 Now, I'm working my -- all of them. Believe me.
19 I've already given, assigned them tasks this morning.
20 So if you see them get up and walk back into my
21 chambers, it's because they are doing work that have
22 been issues that have arisen about the case we're going
23 to try that I need to do a little research on. My law
24 clerks are great at research. My law clerk and David
25 Gupta, who is seated beside me does all my scheduling

OPENING COMMENTS FROM THE JUDGE

1 and also does research for me and does a great job for
2 me. And so if you see any of them moving around the
3 courtroom this week. Understand I've got Shampa Panda,
4 who is over to my left. Raise your hand, Shampa.
5 Don't be scared. There she is. She's Judge Norton's
6 law clerk.

7 And seated beside her is Rob. Pronounce your last
8 name for the Court.

9 LAW CLERK: Wehrman.

10 THE COURT: Wealed? Is it spelled W-E-A-L-E-D?

11 LAW CLERK: W-E-H-R-M-A-N.

12 THE COURT: W-E-H-R-M-A-N. Both of these, Rob and
13 Shampa, are both with Judge Norton.

14 This is Skyler Hutto. Skyler is from the big town
15 of Orangeburg, South Carolina. He went to Vanderbilt
16 to undergraduate school. Rob tells me he went to the
17 University of South Carolina.

18 And, Champa, where did you go? Where did you say?

19 LAW CLERK: Chapel Hill.

20 THE COURT: Went to Chapel Hill, North Carolina.
21 And they're here.

22 Ladies and gentlemen, hopefully this will be a
23 learning experience for them and will also be a
24 learning experience for you.

25 Now, you'll also notice, ladies and gentlemen,

OPENING COMMENTS FROM THE JUDGE

1 there is a young lady right below me. This is our
2 court reporter for this week. Her name is Mona Manley.
3 She's going to be with us this week. One of the
4 reasons that we maintain quiet in the courtroom is
5 because the court reporter's job is to make a verbatim,
6 that is a word for word, transcript of all the
7 proceedings that take place in court. In order for the
8 court reporter to do her job --

9 Mona, what is it that you have to be able to do?

10 THE COURT REPORTER: Hear any answers from the
11 potential jurors.

12 THE COURT: She has to be able to hear, which is
13 why we don't allow people to talk. Because she has to
14 make sure that what she hears is what has actually been
15 said in order to make a word for word transcript of all
16 of the proceedings that take place. So, she's going to
17 be -- now, she knows me well, believe me. She knows my
18 voice. And those of you on the back row can hear me
19 clearly. Can't you, sir, back there on the back?

20 JUROR: Right.

21 THE COURT: I'm used to projecting my voice. I
22 wear a hearing aid in my right ear, because I've shot a
23 shotgun all of my life. And I'm deaf in the right ear
24 from shooting a shotgun.

25 I can hear you, Richard.

OPENING COMMENTS FROM THE JUDGE

1 But a lot of times we have people in court that do
2 this: Ladies and gentlemen, (mumbling). And Mona is
3 going to look at me and go -- or sometimes my jurors,
4 when I have to ask them questions, have a tendency to
5 have -- talk with a meek voice. It's very important
6 that you speak up like I'm doing right now. Because
7 she has to be able to hear what you're saying.

8 We only allow one person to speak in the courtroom
9 at a time. Why? Because Mona can't take down two
10 people speaking simultaneously. It's hard enough to
11 take down one person speaking simultaneously. I'm very
12 sensitive to my court reporters because they have a
13 very important job to do this week. So, if you're
14 asked to stand up in response to one of my questions
15 and speak up, you're going to have to speak up.
16 Otherwise, I'm going to bring you right to that
17 microphone right there, and I can assure you, I'll
18 amplify your voice. Because she's got to know exactly.

19 The first thing that you've got to remember is she
20 doesn't know you. She hasn't had the opportunity, just
21 as I haven't, to meet you. So, the first thing I want
22 you to do, if you stand up, is state your name.

23 Do I have a list, Margaret?

24 THE CLERK: I'm about to print one now, sir.

25 THE COURT: Huh?

OPENING COMMENTS FROM THE JUDGE

1 THE CLERK: I'm going to print one now.

2 THE COURT: All right. She's working on that,
3 because y'all are coming in as I speak.

4 But I need you to identify yourself, say who you
5 are before you begin answering one of my questions.
6 And speak up clearly so the court reporter will be able
7 to hear. The clerk will hear. Obviously, I want my
8 parties to be able to hear. They can hear me, because
9 I'm used to doing this.

10 But I realize that many of you have not been in
11 court before. You may feel a little uncomfortable,
12 because you're sitting there thinking, gosh, the judge
13 is going to make me talk loud. But the reason for that
14 is the court reporter and the deafness of your judge;
15 so, we need everybody to speak up. I know it's a
16 little uncomfortable because you haven't been used to
17 standing up and speaking in front of people. We don't
18 try to embarrass anybody. But if we can't hear you,
19 I'm going to bring you up here, where we can hear you.
20 I'll let you stay at your seat as long as you speak up
21 like I'm doing right now. But if you mumble, if you
22 talk in a meek voice or if you do like the people in my
23 church who like to sit on the back row -- somehow I
24 haven't understood that -- but there are people in my
25 church that think sitting on the back row is the best

OPENING COMMENTS FROM THE JUDGE

1 way to hide, I think. But if you're on the back row
2 back there, you're particularly going to have to speak
3 up.

4 Margaret, do we have a portable microphone?

5 THE CLERK: Yes, sir.

6 THE COURT: Is it working?

7 THE CLERK: Yes, sir.

8 THE COURT: Now, I'm going to be passing you a
9 microphone. And you don't have to get right on top of
10 it. You just need to speak up and hold it fairly close
11 to you, so that we have an idea of who you are, so that
12 Mona will be able to take it down.

13 (Off-the-record discussion held.)

14 THE CLERK: Can I ask the jurors to please stand.
15 Will you raise your right hand. Do you swear or affirm
16 the answers you are about to give the Court will be the
17 truth, the whole truth, nothing but the truth, so help
18 you God?

19 PROSPECTIVE JURY PANEL: I do.

20 (Whereupon, the prospective jury panel was sworn.)

21 THE CLERK: You took the oath. You may be seated.
22 Anyone not take the oath?

23 (No response.)

24 THE COURT: The reason that you have been asked to
25 swear or affirm is because I'm going to ask you

OPENING COMMENTS FROM THE JUDGE

1 questions to determine, first, your qualifications to
2 serve as a juror in South Carolina. Then I'm going to
3 ask you questions about your impartiality to serve as a
4 juror. Obviously, the responses you give me are under
5 oath. And that is the reason that you have been sworn
6 by the clerk.

7 Once again, for those of you that have come in in
8 the back since I started, let me say again, good
9 morning to each of you. I'm going to ask you, if you
10 would please, to give me your attention. I introduced
11 myself to some of your brothers and sisters earlier.
12 My name is Perry Buckner, and I am a resident circuit
13 court judge for the 14th Judicial Circuit which include
14 Jasper, Allendale, Beaufort, Colleton, Hampton County.

15 I have been assigned to preside over this term of
16 general sessions or criminal court for Jasper County
17 this week. It is a pleasure for me to be here. I look
18 forward to serving with each one of you during this
19 term of court.

20 How many of you have ever served on a circuit
21 court jury before? Please raise your hands for me. I
22 have got two, three. All right.

23 Well, to most of you, this will be the first time
24 that you've been called to this important service as
25 juror. You know, ladies and gentlemen, this call upon

OPENING COMMENTS FROM THE JUDGE

1 your time, it doesn't frequently come to you. You're
2 probably wondering, how did I get chosen? I'll tell
3 you. You were chosen at random by a computer. That's
4 exactly the way we are going to select the trial jury,
5 by a computer. You will see that in just a little
6 while.

7 And this call upon your time, it doesn't
8 frequently come to you, and in fact, it may never be
9 repeated in your lifetime. But the judicial system of
10 our state and this court in particular could not
11 function without your presence and without your
12 willingness to contribute as jurors to the
13 administration of justice in this courtroom. So, I
14 want to thank you, ladies and gentlemen, for being here
15 on time.

16 I'm going to be mindful of your time. I promise
17 you. And I'm going to get you home, ladies and
18 gentlemen, in a timely fashion, because I can assure
19 you that I have worked prior to your arriving here to
20 see that the matters that we have that involve you -- I
21 have a lot of other matters that don't involve you.
22 And if I have a matter that doesn't involve you, I'm
23 going to let you go home. But for the matters that
24 involve you, I'll be mindful of your time this week. I
25 realize you have left your home, your family, your job

OPENING COMMENTS FROM THE JUDGE

1 in order to serve on the jury this week and I'm very
2 appreciative for that fact.

3 Winston Churchill once said that the greatest duty
4 one could give one's country during peacetime was to
5 serve on a jury. And I think that's true, ladies and
6 gentlemen. I have watched juries every week of my
7 life. And I've been in now, I think it's 39 out of the
8 46 counties in South Carolina. So I see juries every
9 week.

10 And our forefathers who gave us in the
11 Constitution the right of trial by jury, gave us a very
12 precious right, and I also find that my jurors normally
13 get it right, ladies and gentlemen. When you put 12
14 people on a jury from all walks of life and they listen
15 to the evidence in a case, they usually make a common
16 sense correct decision. And I'm sure that if each of
17 you are selected this week, you will do that. And I
18 appreciate your time and I promise you I will not waste
19 your time this week.

20 Now, in just a moment, ladies and gentlemen, I'm
21 going to qualify you. That means that I'm going to ask
22 you a series of questions that our legislature requires
23 in order to determine whether you possess the
24 qualification necessary in order to serve on a jury in
25 South Carolina. But before I qualify you, the first

OPENING COMMENTS FROM THE JUDGE

1 thing that's going to happen is that our Clerk of Court
2 here in Jasper County, Margaret Bostick, is going to
3 call the roll. Now, as your name is called I'm going
4 to ask you to stand up.

5 Where's my microphone, Margaret?

6 THE CLERK: It's in the back of the courtroom,
7 sir.

8 THE COURT: Pass it for me, please. There we go.
9 Wait on the microphone. Even though you think you're
10 talking like I am, I want you to be mindful of Mona.
11 Believe me, she'll remind me if I'm not. And I want
12 you to use it and speak up and speak slowly.

13 Your name is going to be called by the clerk. And
14 if your name is called, stand up. The first thing I
15 want you to say -- and I'm looking at my list right
16 now, and it's a list that's generated by the computer.

17 And I want you -- where is Randy Lambert? Is
18 Randy here? There you are, Mr. Lambert.

19 JUROR: How we doing?

20 THE COURT: I'm doing -- boy, you got a good
21 voice, Mr. Lambert. I'm going to be able to hear you.

22 Mr. Lambert, when you stand up, I want you to say,
23 my name is Randy Lambert. Okay. I live, whatever it
24 is, X miles from this courthouse. That's so we can pay
25 you that exorbitant amount of money that we pay jurors

OPENING COMMENTS FROM THE JUDGE

1 for their mileage, okay.

2 All right. I want you to tell me what kind of
3 work you do. Now don't say I'm self-employed. Tell me
4 the type or kind of work you do, like I'm self-employed
5 as an electrician. All right.

6 And then I'll ask you if you are married, I want
7 you to tell me the type or kind of work your spouse
8 does.

9 So first state your name and speak up so Mona
10 knows who's speaking. Tell us the type -- your mileage
11 one way from your home to this courthouse. Tell us the
12 type or kind of work that do you and then tell us the
13 type or kind of work your spouse does if you are
14 married.

15 Do you understand?

16 JUROR: Yes, sir.

17 THE COURT: Mr. Lambert, thank you for being my
18 guinea pig. Please be seated.

19 Now, ladies and gentlemen, if you are retired and
20 you're not working, tell us the type or kind of work
21 you did before you retired. Once we are through the
22 roll call, I'll then ask you the questions that I'm
23 required by law to ask you to make sure you are
24 qualified. But I like for you to have a little bit of
25 an idea of who the people are in the courtroom.

OPENING COMMENTS FROM THE JUDGE

1 I introduced earlier my court reporter, Mona
2 Manley, who's seated right below me to my right, your
3 left. Her job is to make a verbatim or word for word
4 transcript. She's got to be able to hear. She can't
5 do her job if she can't hear. I can't do my job if I
6 can't hear. The jury can't do their job if the jury
7 can't hear. The lawyers and the parties cannot do
8 their job unless they can hear. So it's very important
9 that you speak up, use the microphone and identify
10 yourself.

11 Now, I've already alluded to Margaret. You have
12 an excellent Clerk of Court here. She's right below
13 me. This is Margaret Bostick. She's the Clerk of
14 Court of Jasper County. She'll be with us this week.
15 She does a great job.

16 I've already introduced my three law clerks. I
17 normally only have one. Only one is a state employee
18 like I am; the other two are Federal employees.
19 They'll be with us this week. I want you to have some
20 idea who the people are in the courtroom.

21 Now, because this is general sessions or criminal
22 court, that means the State of South Carolina will be a
23 party to the matters that come before the court this
24 week. The State of South Carolina is represented by
25 our circuit solicitor, Isaac McDuffie Stone. He is not

OPENING COMMENTS FROM THE JUDGE

1 here, ladies and gentlemen; however, he has his
2 assistant solicitors here and I would like for you to
3 meet them.

4 Mary, would you stand up. Brian would you stand
5 up. Lynnor, would you stand up. These fine young
6 people right here, ladies and gentlemen, are assistant
7 solicitors for the State of South Carolina; they will
8 be representing the State of South Carolina in matters
9 that come before the court this week. Please be
10 seated.

11 I also have the Public Defender's Office for
12 Jasper County here this week. The Public Defender is
13 charged with the responsibility of representing those
14 people who are indigent, who are accused of criminal
15 offenses and who cannot afford counsel and are,
16 therefore, appointed to the Public Defender's Office.
17 And the Public Defender's Office does an outstanding
18 job here.

19 Bob, you and Steve stand up. This is Steve
20 Plexico and Bob Hughes. They are with the Jasper
21 County Public Defender's Office seated over to your
22 right, ladies and gentlemen. Thank you. Please be
23 seated.

24 I also have in the courtroom, ladies and
25 gentlemen, representatives of South Carolina Probation

OPENING COMMENTS FROM THE JUDGE

1 and Parole. I have Mike Heard over there. Mike, stand
2 up so they can see you. I don't see David Beckham. Is
3 he here?

4 MR. HEARD: Not this morning, Your Honor.

5 THE COURT: All right. And David Hotchkiss is
6 here.

7 MR. HOTCHKISS: Yes, sir.

8 THE COURT: Stand up, David, so they can see you.
9 These people are with South Carolina Probation and
10 Parole. They will be with us this week.

11 I also have members of the private Bar. An
12 example of that would be Beaufort County attorney,
13 Scott Lee. Mr. Lee has matters that come before the
14 court. He will be introducing himself to you at a
15 later point in time when I get to his case.

16 I've already told you about my court reporter,
17 Mona Manley. I've told you about my law clerks. Now,
18 we have excellent bailiffs here. The bailiffs are here
19 to assist you. Notice these young ladies standing up
20 on each side of you, ladies and gentlemen. They are
21 bailiffs with this court. She's holding my portable
22 microphone which we will pass down the row to you.

23 We also have representatives of the Jasper County
24 Sheriff's Department. Stand up so they can see you. I
25 have got one in the back.

OPENING COMMENTS FROM THE JUDGE

1 Are we still waiting?

2 FEMALE BAILIFF: Outside the door.

3 MALE BAILIFF: Outside of the door, Your Honor.

4 THE COURT: All right. We have one outside the
5 door and one up here with the Jasper County Sheriff's
6 Department for security in the courtroom this week,
7 ladies and gentlemen; they will be with us. If you
8 have a question or a problem, let one of my bailiffs
9 know or let Margaret Bostick know. If they don't know
10 the answer, they'll come to me and we will get you an
11 answer to your question. We want your stay on the jury
12 to be a pleasant one. We want it to be an educational
13 one. And we hope that you will find from your service
14 this week that we have treated you with respect and
15 appreciate your service.

16 Now, ladies and gentlemen of the jury, my
17 lawyers -- if you were here earlier, you know that my
18 lawyers come from all sorts of different places. You
19 heard me introduce Champa to you. She's a Chapel Hill
20 graduate. I've got a University of South Carolina
21 graduate. Skyler went to Vanderbilt and he went to the
22 Indiana School of Law. Scott went to Clemson. I went
23 to Wofford. I'm a University of South Carolina law
24 school graduate. We've got a lot of different folks in
25 the courtroom who went to different schools.

OPENING COMMENTS FROM THE JUDGE

1 All of these people, ladies and gentlemen, that
2 are members of the Bar are officers of this court, and
3 they took an oath as officers of this court. And in
4 that oath, much like the one that each of you just took
5 from the court, they swore in their oaths that they
6 would uphold the fairness of our judicial system. And
7 I also took an oath to do that. It will be my job to
8 enforce the rules of our judicial system during trial
9 in this case or any matters that come before me.

10 The lawyers are aware, even though they are
11 advocates for the parties they represent, they are also
12 officers of this court. And they are here because they
13 know they have to comply with the rules of the court.
14 You will see that they have worked hard to prepare
15 their cases for you and they are here to assist you if
16 you are selected on a jury. They are here to make sure
17 that a trial, if you are involved in one, is the
18 search, ladies and gentlemen, for the truth based on
19 evidence introduced during the trial of the case. And
20 as officers of the court, you will see that they will
21 be very respectful. They will be courteous to you.

22 Now, I will warn you. They know one of the rules
23 is they can't talk to you. So don't think they're
24 snubbing you. They know they are not supposed to talk
25 to jurors when they have a case pending in court. So,

OPENING COMMENTS FROM THE JUDGE

1 if you see one of them look at you and then they divert
2 their eyes from you, it's because they are doing
3 exactly what they are supposed to do. They are not to
4 have any conversation with you when you are a potential
5 juror in the trial of this case. That's one of the
6 rules that they know as officers of this court they
7 have to follow.

8 All right. Ladies and gentlemen, you've got an
9 idea of who these people are in our courtroom. I have
10 got others here. I've got people here from the South
11 Carolina Law Enforcement Division. I've got people
12 here from the Victim Assistance, officers for the
13 Solicitor's Office. I have contract Public Defenders
14 sitting out in my courtroom. I have members of the Bar
15 from Beaufort County and the Bar of this county here.
16 Hopefully you'll have a better idea of who the people
17 are and what their function is from my introducing them
18 now.

19 THE COURT: Margaret, would you call the roll for
20 us, please.

21 (Whereupon, the roll was called.)

22 THE COURT: All right. Is there anyone in this
23 courtroom at this time who is here for jury duty and
24 your name has not been called by the Clerk of Court for
25 jury duty, please stand at this time.

OPENING COMMENTS FROM THE JUDGE

1 THE COURT: Mona, let the record reflect, no one
2 is standing.

3 All right, ladies and gentlemen, as I told you,
4 there are a series of questions that the law -- hold on
5 one second -- requires me to ask you to determine if
6 you're qualified to serve on a jury. In the past some
7 jurors would tell me, "Judge, I am embarrassed to have
8 to stand up in front of everybody and answer
9 questions." We're not trying to embarrass you, ladies
10 and gentlemen. The questions are not designed to be
11 embarrassing to anyone. They are required by our
12 legislature.

13 If you are, for whatever reason, not comfortable
14 in standing up at your seat, because I'm trying to make
15 it easy on you, and answering out loud, you may step
16 down the middle aisle one at a time and I will meet you
17 at the court reporter's station. But everything that
18 you say and everything that I say will be on the record
19 with the court reporter. So, if you are not
20 comfortable in standing up and answering at your seat,
21 you may step down here and I'll speak with you at the
22 bench, but it'll be on the record.

23 But I do need a response from each of you to each
24 of my qualifying questions. If you are not certain
25 whether one of my qualifying questions applies to you,

OPENING COMMENTS FROM THE JUDGE

1 please go ahead today, right now during qualification,
2 and respond to me about your uncertainty. And let me
3 take care of whatever that problem is now rather than
4 later on in the week when you may have already been
5 seated on a jury. So, let me take care of any problem
6 now.

7 Again, if you would rather speak to me at the
8 front of the courtroom at the court reporter's station,
9 I'll take you one at a time. If you so desire, feel
10 free to step up here and do that, but it will be on the
11 record.

12 Most of these questions are very simple. One or
13 two are a little bit more involved. I'll repeat those
14 for you, because I want to make sure that each of you
15 understand each of my qualifying questions.

16 I'll tell you, you will know when I'm finished,
17 because this what is going to be my last question.
18 Before I tell you my last question, let me tell you
19 that we have worked so that very often when I start a
20 term of court -- in fact, Skyler can tell you this
21 because we are getting ready to hold a big hearing on
22 June the second, all right. Multi-week trial. We are
23 not going to have one of those this week. This is a
24 good week for you to have been selected for jury
25 service, because we are not trying a multi-week case.

OPENING COMMENTS FROM THE JUDGE

1 At least if Judge Buckner has anything to do with it, I
2 can assure you we are not trying a multi-week case.
3 That means that I'm going to get you home this week.

4 Now, the last thing that I'm going to ask you at
5 the end of all my qualifying -- and I tell you that
6 because some of you are sitting out there thinking,
7 "I'm going to ask Judge Buckner if I can be excused,"
8 which probably is not going to happen because I'm down
9 to only 34 jurors. And some of you think that "I want
10 to be transferred." Well, I could easily be
11 transferring you to a multi-week term of court. That's
12 not going to happen this week, and that's why I'm
13 telling you that so all of you know it.

14 Now, to good news, for this young lady who is a
15 registered nurse looking at me with a frown on her
16 face, is if you serve this week, you're going to be
17 exempt for three years from serving on a jury. And
18 since this is not a multi week term of court, it's a
19 good week for you to have been selected to serve as a
20 juror this week.

21 So, as my mama used to tell me, be careful what
22 you wish for. You might get it. Everybody understand
23 those words of advice?

24 PROSPECTIVE JURY PANEL: Yes.

25 THE COURT: Any questions about that from anyone?

OPENING COMMENTS FROM THE JUDGE

1 (No response.)

2 THE COURT: All right. Now, I'll tell you at the
3 end of all of my qualifying questions, "This is going
4 to be my last question." If there is one of you who
5 would like to serve in a multi week term of court and
6 who feels that you have a particular problem that makes
7 this the worst week of your life to serve on a jury and
8 you would like for me to consider transferring you to
9 another term of court which could easily be a multi
10 week term, that is going to be my last question, ladies
11 and gentlemen. So, you will know when I'm finished.

12 I'm going to tell you right now upfront so you
13 will know before I start, when I am down to 34, it is
14 going to be very, very difficult to be excused from
15 jury duty. Unless your reason for excusal rises to the
16 level of the legal excuse in the opinion of the court.
17 But if one of you feels that you have some problem that
18 makes this the worst week of your life to serve on a
19 jury and you would like for me to consider transferring
20 you to another term of court, which could be a multi
21 week term of court, I will. I'm not promising you that
22 I'll do it, but I promise you that I'll listen to you.

23 We are not trying to be hard on you, ladies and
24 gentlemen, but we simply can't hold court if we don't
25 have enough jurors here. Now, sometimes jurors will

OPENING COMMENTS FROM THE JUDGE

1 say to me, "Judge, why -- I'm self-employed," as I was
2 for many years before I got elected to the bench. "And
3 if I have to be here on jury duty, my business just
4 isn't going to run well. My employees are not going to
5 do anything, and I need you to let me off." And I
6 certainly sympathize with that, because I know all
7 about being self-employed. That is not a reason to be
8 excused from jury duty. If I excused everybody that is
9 self-employed, we would have to shut the court down.

10 Another problem I have encountered is that some
11 companies do not pay their employees for jury service.
12 And I wish I could do something about that, ladies and
13 gentlemen, but I can't. That is also not a reason to
14 be excused from juror service.

15 I say these things to you, ladies and gentlemen,
16 because, they are examples of things that have come up
17 in qualification, and I want you to understand before
18 we get started that you're not going to be excused for
19 those types of reasons.

20 Now, I remind you that each of you earlier today
21 were placed under oath by the Clerk of Court of Jasper
22 County. The answers you're about to give me to my
23 qualifying questions are under oath. If you have to
24 stand, please identify yourself. Wait on the
25 microphone. Speak up. Several of you even with a

OPENING COMMENTS FROM THE JUDGE

1 microphone sound like this up here. (Court mumbling)

2 You have got to speak up. Otherwise, I'm not
3 going to let you get away with just your name and
4 mileage. I'm going to bring you to the front of the
5 courtroom. So speak up. If you have to respond to me
6 about one of your -- my qualifying questions, then
7 please identify yourselves so Mona will know who is
8 speaking. The microphone will be passed to you in
9 order to assist you. Otherwise, we bring you to the
10 front of the courtroom. Let's begin.

11 JURY SELECTION

12 Is there anyone here for jury service who is not a
13 citizen of the United States? If so, please stand at
14 this time.

15 Let the record reflect no one is standing.

16 We're doing real good so far, ladies and
17 gentlemen.

18 Is there anyone here for jury service who is not
19 currently a resident of Jasper County, South Carolina?
20 If so, please stand at this time.

21 Let the record reflect no one is standing.

22 Is there anyone here for jury service who does not
23 possess one of the following three identifications?
24 You do not have to have all three; you only have to
25 have one of the three. And by possess, I do not mean

JURY SELECTION

1 that you have to be holding it in your hand. It can be
2 in your car, in your pocket book or in your wallet. Is
3 there anyone here for jury service who does not possess
4 one of the following three forms of identification:
5 Either a voter registration card from Jasper County, or
6 a South Carolina driver's license or a South Carolina
7 Department of Public Safety or highway department
8 identification card? Is there anyone here for jury
9 service who does not possess one of those three
10 identifications? If so, please stand at this time.

11 Let the record reflect no one is standing.

12 Is there anyone here for jury service who is
13 unable to read, write, speak or understand the English
14 language? If so, please stand at this time.

15 I see that smile on your face. I don't know how
16 if you don't understand English you could respond to
17 that question, but I'm required to ask it, ladies and
18 gentlemen.

19 Let the record reflect no one is standing.

20 Is there anyone here for jury service who has less
21 than a sixth grade education or its equivalent as
22 determined by a court?

23 I tell this story every Monday. I had a
24 grandfather, ladies and gentlemen. His name was Daniel
25 Graham. I named my son for him and he has now named

JURY SELECTION

1 his son, my first grandson, for him. So, I have two
2 Daniel Grahams in my family. My grandfather had a
3 fifth grade education. He got on a train when he was
4 15 years old and rode until he saw what he thought was
5 the prettiest timber. He got off. He ultimately built
6 a lumber mill and he employed everybody in his town.
7 He actually had a commissary when I was a little boy.
8 You actually bought your groceries at my grandfather's
9 mill. It was in the big city of Ruffin, South
10 Carolina. For those of you who know where Ruffin is,
11 that's where my roots are. Graham Brothers Lumber
12 Company.

13 I had graduated from Walterboro High School,
14 Wofford College, University of South Carolina law
15 school. I was 25 years old before I was finally old
16 enough to realize that my grandfather, Daniel Graham,
17 who had a fifth grade education, had far more education
18 than I did. And that, ladies and gentlemen, is why the
19 law asked that question in its equivalency.

20 But in order to reach the equivalent of a sixth
21 grade education, I have to first ask, ladies and
22 gentlemen, to my potential jurors, if there is anyone
23 here for jury service who has less than a sixth grade
24 education. If so, please stand at this time.

25 Let the record reflect no one is standing.

JURY SELECTION

1 Is there anyone here for jury service who is
2 employed within the walls of the Jasper County
3 courthouse, this building, not the annex, this building
4 in any type of office? If you are employed and work in
5 the walls of this courthouse in any office, please
6 stand at this time.

7 Let the record reflect no one is standing.

8 Is there anyone here for jury service who has a
9 state constable's commission that is issued by SLED,
10 the South Carolina Law Enforcement Division that gives
11 you the power to arrest? If you have a state
12 constable's commission that gives you the power to
13 arrest issued by SLED, please stand at this time.

14 Counsel, this is juror number 104, Randy Lambert.

15 Mr. Lambert, you work in security, but that
16 commission only deals with when they are on your
17 premises, right?

18 JUROR: Yes, sir.

19 THE COURT: Not statewide.

20 JUROR: Okay.

21 THE COURT: And not in this county other than when
22 you're at work?

23 JUROR: Yes, sir.

24 THE COURT: Nice try but that would not disqualify
25 you.

JURY SELECTION

1 JUROR: I didn't know if you wanted me -- needed
2 me to stand.

3 THE COURT: Pardon?

4 JUROR: I didn't know if you wanted me to stand.

5 THE COURT: You're doing exactly what I asked you
6 to do. Thank you very much, Mr. Lambert. You have
7 been a great example to my other jurors.

8 JUROR: You're welcome.

9 THE COURT: Anyone else who has a state
10 constable's commission issued by SLED that gives you
11 the power to arrest? Please stand.

12 Let the record reflect no one is standing.

13 Is there anyone here for jury duty who is employed
14 by the South Carolina Department of Corrections as a
15 correctional officer? If so, please stand at this
16 time.

17 Let the record reflect no one is standing.

18 All right, ladies and gentlemen, I will repeat
19 this next question because it's a little bit more
20 involved. And I want you to be able to understand it.
21 So I will explain it after I ask it and then repeat it.

22 This next question deals with your prior criminal
23 records. And yes, ladies and gentlemen, we already
24 have your prior criminal record. But it's time for you
25 to have to own up to your prior criminal record. So

JURY SELECTION

1 let me tell you about it. If you have ever plead
2 guilty or been convicted in state or Federal Court for
3 any type of criminal offense that had as its possible
4 punishment more than one year in prison, and you have
5 not had your civil rights restored by pardon, I will
6 need to talk with you up at the front of the courtroom
7 up here at the court reporter's stand.

8 Now, this does not mean, ladies and gentlemen,
9 that you had to serve a year or more than a year in
10 prison, but that you could have received more than one
11 year in prison as a result of your prior criminal
12 conviction in state or Federal Court by a judge or a
13 jury. It has nothing to do with the sentence you got.
14 You could have gotten probation, 30 days, six months, a
15 fine. It has everything to do with the maximum
16 possible penalty you could have received as a result of
17 your prior conviction. It has no time limit. It could
18 be 30 years ago, 40 years ago, five years ago.

19 So, again, the question is this: Is there anyone
20 here for jury duty who has ever plead guilty or been
21 convicted by a judge or jury in state or Federal Court
22 for any type of criminal offense that had as its
23 possible punishment more than one year in prison and
24 you have not had your civil rights restored by pardon,
25 I would ask you to come forward at this time.

JURY SELECTION

1 Counsel will approach.

2 (Bench conference.)

3 THE COURT: Let the record reflect, no one has
4 come forward in response to my last question.

5 Is there anyone here for jury service who is
6 unable to serve this week because of a physical or
7 mental infirmity? Any physical or mental infirmity
8 that would medically prevent you from serving on the
9 jury? You may bring your doctor's excuse with you and
10 come forward at this time.

11 Let the record reflect no one has come forward.

12 Is there anyone here for jury service who has had
13 jury service -- we don't let people serve but once a
14 year and you're exempt for a year -- but if you have
15 had jury service within the past year, calendar year in
16 state Circuit Court, not Magistrate's Court, not city
17 or Municipal Court, not even Federal Court. But if you
18 have had jury service in state Circuit Court, either
19 civil or criminal. We call civil Common Pleas. We
20 call criminal General Sessions. If you have had jury
21 service within the past calendar year in state Circuit
22 Court, either civil or criminal, please stand at this
23 time.

24 Let the record reflect no one is standing.

25 All right. Those questions, ladies and gentlemen,

JURY SELECTION

1 cover all of the legal excuses from being excused from
2 jury duty. But in addition to those questions, the
3 legislature has also provided for some exemptions from
4 jury duty. An exemption is different from a
5 disqualification in that you may qualify for an
6 exemption but choose not to exercise it. In other
7 words, even if you would qualify for an exemption and
8 you'd like to serve on a jury, we'd be glad to have
9 you.

10 The first question under exemptions as opposed to
11 disqualification deals with age. If you're over the
12 age of 65, you may claim an exemption. Again, if
13 you're over 65 and you would like to stay and serve on
14 the jury, we'd be glad to have you. I've found that my
15 jurors who are over 65 have had the experiences of life
16 and make excellent jurors. But if I have anyone over
17 65 who would like to claim that exemption, please stand
18 at this time.

19 Let the record reflect no one is standing.

20 Now, y'all don't know this because I've a short
21 list up here and then I've got a big list up here.
22 Have we called out or had -- Margaret has only called
23 out the short list, because that's who is here. Had
24 she called out the big list, you'd be sitting there
25 looking at each other, saying, "Gracious, I wonder why

JURY SELECTION

1 they are not here. I know them." Well, some are over
2 65, claimed their exemption; some have moved out of the
3 county; some have passed away. But anyone whose name
4 is on my big list and they didn't appear here and we
5 don't have any indication of why they weren't here,
6 they are going to be getting a special invitation from
7 this gentleman right over here by me with the Jasper
8 County Sheriff's Department to help them find their way
9 down to the courthouse. So, don't think, ladies and
10 gentlemen, by not showing up for jury duty that they
11 are off the hook. I tell each of you that because each
12 of you took the time to be where you are supposed to be
13 when you were supposed to be and the court is most
14 appreciative of that fact.

15 There's also an exemption for students. If
16 serving this week, even though it's a shorter week,
17 interferes with your schoolwork, I can transfer you to
18 a term of court when school is not in session. If I
19 have a student who wishes to claim this exemption,
20 please stand at this time.

21 Let the record reflect, no one is standing.

22 There is also an exemption for a principal or a
23 teacher. If serving this week interferes with your
24 schoolwork, I can transfer you, albeit it might be a
25 longer term, to a term of court that doesn't interfere

JURY SELECTION

1 with school. If I have a principal or teacher who
2 wishes to claim this exemption, please stand at this
3 time.

4 Let the record reflect no one is standing.

5 Now, this next question I'll explain to you,
6 because I get a lot of questions about it. There's
7 also an exemption, as opposed to a disqualification,
8 for a man or a woman who does not work and who stays
9 home to take care of a child under the age of seven.
10 Now, it's got to be your child. Not your grandchild,
11 not your niece, not your nephew, not children you keep
12 for other people at your house. It has to be your
13 child. In other words, you have to have the legal
14 custody of care of the child or children under the age
15 of seven and you do not work outside of your home and
16 you stay home to take care of that child, you may claim
17 an exemption. If I have anyone in that situation who
18 wishes to claim this exemption, please stand at this
19 time.

20 Let the record reflect no one is standing.

21 There's also an exemption for a person who is the
22 primary care taker of a person 65 years of age or over
23 or a medically severely disabled person who medically
24 cannot care for himself or herself and who medically
25 cannot be left unattended. If I have anyone in that

JURY SELECTION

1 situation who wishes to claim this exemption, please
2 stand at this time.

3 Let the record reflect no one is standing.

4 I asked you a while ago if anyone had had jury
5 service within the past year because that would
6 disqualify them. Now, under exemptions, I asked if
7 anyone has had jury service in state Circuit Court,
8 either civil or criminal, within the past three
9 calendar years you may claim an exemption if you have
10 had jury service in state Circuit Court within the past
11 three years. If you wish to claim this exemption
12 because you feel you've had jury service within the
13 last three years in state Circuit Court, not
14 Magistrate's Court, not city or Municipal Court, not
15 even Federal Court, but if you have had jury service
16 within the last three years in state Circuit Court and
17 wish to claim your exemption, please stand at this
18 time.

19 Let the record reflect no one is standing.

20 All right. Ladies and gentlemen, told you this
21 would be my last question. If one of you feels that
22 you have a particular problem that makes this the worst
23 week in your life to serve on a jury, and you would
24 like me to consider transferring you to another term of
25 court, I'm going to now tell you what I'm dealing with

JURY SELECTION

1 that you had no idea about.

2 We summoned, Margaret, how many total?

3 THE CLERK: 175.

4 THE COURT: A hundred and 75 jurors for this term
5 of court and we now have --

6 THE CLERK: 33.

7 THE COURT: 32?

8 THE CLERK: 33.

9 THE COURT: 33 out of a hundred and 75. So I hope
10 we won't have a lot of problems, ladies and gentlemen.
11 But all those that feel they have a problem and would
12 like for me to consider transferring them to another
13 term of court in Jasper County, please come forward at
14 this time.

15 Let the record reflect no one has come forward.

16 Ladies and gentlemen, those of you still here, I
17 find that you are qualified to serve on a jury in South
18 Carolina.

19 Now, ladies and gentlemen, I have been making you
20 sit for an hour and 14 minutes. I'm going to give you
21 a break, but we're going to strike a jury before lunch
22 at 1:00; so, I need you to be back in your seat in ten
23 minutes. It is now 13 minutes after 12. At 12:25
24 please be back in your seats. Stand up. Stretch your
25 legs. Use the restroom, but be back. I need to see my

JURY SELECTION

1 lawyers in chambers.

2 (Brief recess.)

3 THE COURT: The law clerk says we're missing one.
4 You got anybody.

5 THE CLERK: We're still missing one. The deputy
6 went out front to check for them.

7 THE COURT: Now, has the matter that we have
8 discussed been handled?

9 MR. HALL: Yes, sir, it has.

10 THE COURT: To your satisfaction?

11 MR. HALL: Yes.

12 THE COURT: Very well.

13 Ladies and gentlemen, I can't start until
14 everybody is present. That's why it's important when I
15 ask you to be present to try to be on time. If one of
16 you is late, all the rest of you have to wait until
17 everybody is here.

18 (Two jurors enter the room.)

19 THE COURT: Margaret, do we have everyone now?

20 THE CLERK: Yes, sir.

21 THE COURT: Now, ladies and gentlemen, I remind
22 you that you were placed under oath earlier today. I
23 asked you qualifying questions. I'm now going to ask
24 you questions to determine your impartiality to serve
25 as a juror in the trial of the first case at trial this

JURY SELECTION

1 week.

2 Solicitor, please call your case.

3 MS. JONES: Thank you, Your Honor. May it please
4 the Court. State calls Rohaime Jamar Hopkins,
5 indictment 2015GI2700144 as a charge of murder.

6 THE COURT: Okay, ladies and gentlemen, the State
7 has called to trial the case of State of South Carolina
8 versus Rohaime Jamar Hopkins. Mr. Hopkins is seated in
9 the courtroom with his attorney, Mr. Lee. I'm going to
10 have them introduce themselves to you and where they're
11 from and who they work with. The defendant is charged
12 by this piece of paper which I hold in my hand. We
13 call this an indictment. The indictment is not
14 evidence of any of the allegations contained in the
15 indictment.

16 The defendant is charged with the offense of
17 murder. To this offense, the defendant has pled not
18 guilty. Because the defendant has pled not guilty,
19 that places the burden on the State of South Carolina
20 to prove each and every element of the offense beyond a
21 reasonable doubt. And if you are selected as a juror
22 in the trial of the case, it will be your duty to
23 determine whether or not the State has met that burden.

24 Now, ladies and gentlemen, I'll ask that the
25 lawyers that are going to be trying this case,

JURY SELECTION

1 introduce themselves, their case manager, and in the
2 case of the defendant introduce the defendant by
3 standing and facing you, so that you can see their face
4 when they introduce themselves and the people in their
5 office. They will identify for you who they are, who
6 they work with. They will also identify for you their
7 case manager or in the case of the defendant, the
8 defendant.

9 Beginning with counsel for the State of South
10 Carolina.

11 MS. JONES: Thank, Your Honor.

12 Good afternoon, my name is Mary Jones, and I am an
13 assistant solicitor here in Jasper County. Solicitor
14 is a fancy name for the prosecutor. Seated with me
15 throughout the duration of this trial is Brian Hollen.
16 He is also an assistant solicitor; he's predominantly
17 in Hampton and Allendale County. Also seated with us
18 throughout the trial is Special Agent, an officer with
19 the South Carolina Law Enforcement Division.

20 THE COURT: Counsel for the defendant.

21 MR. LEE: Thank, Your Honor.

22 My name is Scott Lee. I have a solo practice over
23 in Beaufort, not too far down to the road. This is my
24 client.

25 THE COURT: Please stand. Face my jury panel.

JURY SELECTION

1 Turn around so they can see you. Identify where he's
2 from, Mr. Lee.

3 MR. LEE: He is from Ridgeland.

4 THE COURT: This is the defendant, ladies and
5 gentlemen, Roham -- am I pronouncing that right?

6 MR. LEE: Rohaime.

7 THE COURT: Rohaime Hopkins of Ridgeland, South
8 Carolina who is represented by Mr. Scott Lee of the
9 Beaufort County Bar.

10 All right, ladies and gentlemen, my first
11 question. Has any member of my jury panel related by
12 blood, connected by marriage or a close personal friend
13 of the defendant, Rohaime Jamar Hopkins of Ridgeland,
14 South Carolina? If so, will you stand at this time.

15 Let the record reflect no one is standing.

16 You have met counsel for the State of South
17 Carolina. You have also met counsel for the defendant.
18 The State is represented by the assistant solicitors,
19 Mr. Hollen and Ms. Jones. I ask, ladies and gentlemen,
20 is any member of my jury panel related by blood,
21 connected by marriage or a close personal friend of any
22 of the attorneys for the State of South Carolina? If
23 so, please stand at this time.

24 Let the record reflect no one is standing.

25 Is any member of my jury panel ever been

JURY SELECTION

1 represented in the past by any attorney for the State
2 of South Carolina or currently represented by any
3 attorney for the State of South Carolina or any member
4 of the 14th Judicial Circuit Solicitor's office? If
5 so, please stand at this time.

6 Let the record reflect no one is standing.

7 You have also met counsel for the defendant,
8 Mr. Scott Lee. Mr. Lee's office is in Beaufort, South
9 Carolina. Mr. Lee represents the defendant,
10 Mr. Hopkins. Is any member of my jury panel related by
11 blood, connected by marriage or a close personal friend
12 of counsel for the defendant, Mr. Scott Lee? If so,
13 please stand at this time.

14 Let the record reflect no one is standing.

15 Is any member of my jury panel ever been
16 represented in the past by Mr. Lee or currently
17 represented by Mr. Lee? If so, please stand at this
18 time.

19 Let the record reflect no one is standing.

20 Now, ladies and gentlemen, I hold in my hand this
21 indictment. The indictment alleges that this occurred
22 in Jasper County on or about November the 12th, 2014.
23 It alleges that the defendant, Mr. Hopkins, committed
24 the offense of murder. That is with malice
25 aforethought, that Mr. Hopkins did kill and murder one

JURY SELECTION

1 Terrance Johnson, J-O-H-N-S-O-N, by means of shooting
2 him, and that Terrance Johnson did die in Jasper County
3 as a proximate result thereof on November the 12th,
4 2014.

5 I tell you about those allegations in the
6 indictment in order to ask you this: Is any member of
7 my jury panel heard about, read about or know anything
8 whatsoever about the facts which are alleged in this
9 case? If so, please stand at this time.

10 Let the record reflect no one is standing.

11 Margaret.

12 All right, ladies and gentlemen, I'm advised that
13 there are potential, I emphasize that word, potential
14 witnesses in this case. The list is long. I'm going
15 to read out the list. I'm going to identify if they're
16 present, like Mr. Johnson over there. I'm going to
17 have him stand up. He is on my list as a potential
18 witness, but some of them won't be here.

19 I'm going to identify not only who they are, I'm
20 going to identify where they're from or by whom they
21 are employed. When I finish going through -- and that
22 doesn't mean that they are all going to testify, but
23 they are potential witnesses in the trial of this case.
24 When I finish reading the list, I'm going to ask you
25 whether you're related by blood, connected by marriage

JURY SELECTION

1 or a close personal friend of any of the potential
2 witnesses in the trial of this case whose names I will
3 have called out to you, some of which may be present,
4 most of which will not be present.

5 So, I will try to identify them for you so that
6 you can respond to my question. Please listen to the
7 names carefully, since you know what questions I'll ask
8 after I publish the names.

9 Justin Kessel -- Kesselring K-E-S-S-E-L-R-I-N-G,
10 Ridgeland, South Carolina. Angel Simmons, Ridgeland,
11 South Carolina. Christina Dreissen, D-R-E-I-S-S-E-N,
12 Hilton Head Island, South Carolina. Robin Simmons,
13 Ridgeland, South Carolina. Shaquella Gardner,
14 G-A-R-D-N-E-R. Shaquella is S-H-A-Q-U-E-L-L-A,
15 Simpsonville, South Carolina. Brenda Byerson,
16 B-Y-E-R-S-O-N, Simpsonville, South Carolina.

17 Jaquasha Simmons, J-A-Q-U-A-S-H-A, Simmons,
18 Ridgeland, South Carolina. Shardaja Singleton,
19 S-H-A-R-D-A-J-A, Singleton, S-I-N-G-L-E-T-O-N,
20 Ridgeland, South Carolina. Michael Taylor,
21 Jacksonville, Florida. Janeika Taylor, Ridgeland,
22 South Carolina. And that's J-A-N-E-I-K-A, Taylor,
23 Ridgeland, South Carolina.

24 Jakobie Grant, G-R-A-N-T, Ridgeland, South
25 Carolina. Latanya Singleton, Ridgeland, South

JURY SELECTION

1 Carolina. Phil Simmons, Ridgeland, South Carolina.
2 Antoine or Antone, A-N-T-O-I-N-E, Drake, Ridgeland,
3 South Carolina. Byron Singleton, Hardeeville, South
4 Carolina. William Dupont, Ridgeland, South Carolina.
5 Shaquandulynn, S-H-A-Q-U-A-N-D-U-L-Y-N-N, Chaneyfield,
6 Ridgeland, South Carolina. Javare Shuler, Ridgeland,
7 South Carolina. And Javare is J-A-V-A-R-E, Shuler.

8 Daytron Simmons, Ridgeland, South Carolina. Robin
9 Fuller, F-U-L-L-E-R, Bluffton, South Carolina. Anthony
10 Singletary, Walterboro, South Carolina. Quadirah
11 Hicks, Q-U-A-D-I-R-A-H, Hicks, Ridgeland, South
12 Carolina. Brittany Patterson, Pineland, South
13 Carolina. John Adams, Ridgeland, South Carolina.
14 Sergeant Stephon Ashby, Jasper County Sheriff's Office.
15 That's A-S-H-B-Y. Deputy Ernest Walker, Jasper County
16 Sheriff's Office. Detective Elvin Wright, W-R-I-G-H-T,
17 Jasper County Sheriff's Office. Detective Gary Morris,
18 M-O-R-R-I-S, Jasper County Sheriff's Office.
19 Lieutenant Shaun Harley, H-A-R-L-E-Y, South Carolina
20 Law Enforcement Division.

21 Richard, what's your rank now?

22 RICHARD JOHNSON: Special agent.

23 THE COURT: Special agent. Special Agent Richard
24 Johnson, South Carolina Law Enforcement Division.

25 Please be seated.

JURY SELECTION

1 Investigator Dylan Hightower, 14th Circuit
2 Solicitor's Office. Dr. Erin Presnell. Dr. Presnell
3 is a pathologist, Medical University of South Carolina.
4 Rusty Wells, W-E-L-L-S, Jasper County Emergency
5 Services. Mike Davis, Jasper County Fire and Rescue.
6 Agent Haley Nelson, South Carolina Law Enforcement
7 Division. Agent Verona Herrera, H-E-R-R-E-R-A, South
8 Carolina Law Enforcement Division. Agent Kimberly
9 Mears, M-E-A-R-S, South Carolina Law Enforcement
10 Division. Agent Patrick Oliphant, O-L-I-P-H-A-N-T,
11 South Carolina Law Enforcement Division.

12 Agent David Williams, South Carolina Law
13 Enforcement Division. Agent Lynn Black, South Carolina
14 Law Enforcement Division. Agent Suzanne Cromer,
15 C-R-O-M-E-R, South Carolina Law Enforcement Division.
16 Agent Donna Money. Is that Mony or Money, Rick?
17 M-O-N-E-Y, South Carolina Law Enforcement Division.
18 Karen Milbrodt, M-I-L-B-R-O-D-T. She is with Verizon
19 Wireless, Tampa Florida.

20 Rohaime Hopkins. Stand up, Mr. Hopkins. Face my
21 jury panel. Ridgeland, South Carolina. Please be
22 seated.

23 Antoine or Antoine Drake, Port Royal, South
24 Carolina.

25 I've already asked this, but I'll ask it again.

JURY SELECTION

1 Officer Stevon or Stephon Ashby, Ridgeland, South
2 Carolina.

3 Lieutenant Andre Massey, M-A-S-S-E-Y, Port Royal,
4 South Carolina. Officer Jay Rodriguez, Ridgeland,
5 South Carolina. Latanya Singleton, Port Royal, South
6 Carolina.

7 Any additional witnesses from the State of South
8 Carolina, potential witnesses?

9 MS. JONES: No, Your Honor.

10 THE COURT: Any additional potential witnesses
11 from the Defense?

12 MR. LEE: No, Your Honor.

13 THE COURT: All right, ladies and gentlemen, is
14 any member of my jury panel related by blood, connected
15 by marriage or a close personal friend of any of the
16 potential witnesses in the trial of this case whose
17 names I have just called? If so, please stand at this
18 time. Please stand up and remain standing until I have
19 talked to you.

20 Pass the microphone to the first gentleman. State
21 your name for the record and I'll give you, if you
22 don't know it, your juror number.

23 JUROR: Edward Darren, 47.

24 THE COURT: Counsel, this is juror number 47,
25 Edward Darren.

JURY SELECTION

1 Listen to me, Mr. Darren, and give me a yes or no.
2 Are you connected by blood to any of the potential
3 witnesses?

4 JUROR: No, Your Honor.

5 THE COURT: Are you connected by marriage to any
6 of the potential witnesses?

7 JUROR: Yes, Your Honor.

8 THE COURT: Which witness?

9 JUROR: All of the Simmonses, pretty much.

10 THE COURT: All right. How are you connected? I
11 have for your knowledge Angel Simmons, Robin Simmons,
12 Jaquasha Simmons, Phil Simmons, Daytron Simmons, and I
13 think that's it. How are you connected to those
14 witnesses by marriage?

15 JUROR: My wife is kin to the Simmons.

16 THE COURT: How is she kin to them?

17 JUROR: Her grandmother and -- her mother,
18 grandmother -- her mother -- I'm sorry, her mother's
19 mom and their grandma are sisters.

20 THE COURT: All right.

21 JUROR: So, I'm related to them by marriage, but I
22 don't have a personal history.

23 THE COURT: You are not related by blood. You are
24 related by marriage. Your wife is related to the
25 potential witnesses by blood.

JURY SELECTION

1 JUROR: Yes, sir.

2 THE COURT: The fact that these Simmonses are
3 potential witnesses and the fact that your wife is
4 related to them by marriage, would that in any way
5 affect your ability to give the State of South Carolina
6 or the defendant in this case a fair and impartial
7 trial?

8 JUROR: No, sir.

9 THE COURT: It would not?

10 JUROR: No, sir.

11 THE COURT: Thank you. Pass the microphone behind
12 you.

13 Please give me your name and your juror number.

14 JUROR: Carl Tillman. Carl Tillman.

15 THE COURT: Hold on one second, Mr. Tillman. Let
16 me find your number.

17 THE CLERK: 172.

18 THE COURT: Counsel, this is juror number 172,
19 Carl Tillman.

20 Mr. Tillman, are you related by blood to any of
21 the potential witnesses?

22 JUROR: No, Your Honor.

23 THE COURT: You are?

24 JUROR: Negative.

25 THE COURT: Say no for me.

JURY SELECTION

1 JUROR: No, sir.

2 THE COURT: Are you connected by marriage to any
3 of the potential witnesses?

4 JUROR: No. No.

5 THE COURT: Are you a close personal friend of any
6 of the potential witnesses?

7 JUROR: Two of the witnesses, sir.

8 THE COURT: And who are those witnesses?

9 JUROR: Justin Kesselring and Phil Simmons.

10 THE COURT: Hold. Hold. What's the first one?

11 JUROR: Justin Kesselring.

12 THE CLERK: Number 1.

13 THE COURT: All right. Mr. Kesselring of
14 Ridgeland.

15 JUROR: Yes.

16 THE COURT: And who is the other one?

17 JUROR: Phil Simmons.

18 THE COURT: Phil Simmons. How long have you known
19 them?

20 JUROR: Life.

21 THE COURT: All right. The fact that these two
22 individuals who are potential witnesses -- I can't tell
23 you they will actually testify, but they could -- are
24 lifelong friends of yours, would that in any way affect
25 your ability to give the State or the defendant in this

JURY SELECTION

1 case a fair and impartial trial?

2 JUROR: No, sir.

3 THE COURT: It would not?

4 JUROR: No, sir.

5 THE COURT: Thank you, sir. Pass the microphone
6 behind you. Please be seated.

7 Yes, ma'am, your name, please.

8 JUROR: Melissa Saxon.

9 THE COURT: You know your number?

10 JUROR: I don't recall.

11 THE CLERK: 148.

12 THE COURT: Counsel, this is juror 148. This is
13 Melissa Saxon.

14 Ms. Saxon, yes or no, are you related by blood to
15 any of the potential witnesses?

16 JUROR: No.

17 THE COURT: Are you connected by marriage to any
18 of the potential witnesses?

19 JUROR: No.

20 THE COURT: Are you a close personal friend of any
21 of the potential witnesses?

22 JUROR: I am not currently. But I need to point
23 out my husband was employed with --

24 THE COURT: Well, hold on a second.

25 JUROR: And I -- I just -- I wanted to put -- I

JURY SELECTION

1 don't know if it matters.

2 THE COURT: Okay. That's fine. All right.

3 JUROR: I mean, I know some of the guys.

4 THE COURT: All right. Come forward, please,
5 ma'am.

6 Counsel approach.

7 (Bench conference.)

8 THE COURT: All right. This is juror 148. This
9 is Melissa Saxon and she's trying to do exactly what I
10 asked her to do.

11 Now, Ms. Saxon, I asked if you were close personal
12 friends with any of the potential witnesses and you
13 started to tell me about your husband.

14 JUROR: Right.

15 THE COURT: The reason I stopped you, so you will
16 know, is I don't want you to go into detail that might
17 affect other jurors and their ability to hear the case,
18 and that's why I brought you forward.

19 JUROR: Okay.

20 THE COURT: Now, are you personal friends with any
21 of the potential witnesses or just your husband?

22 JUROR: When, he was employed with the Sheriff's
23 Department, we were. I don't see them. We don't see
24 them as close friends any more. But.

25 THE COURT: Okay. How long ago was your husband

JURY SELECTION

1 employed with the Sheriff's Office?

2 JUROR: Three years.

3 THE COURT: Three years ago.

4 JUROR: Three years ago.

5 THE COURT: And which witnesses were you telling
6 me you were standing in response to? Just the Law
7 Enforcement witnesses.

8 JUROR: Ashby and Morris.

9 THE COURT: You got that? You got that, right?

10 FEMALE VOICE: All right.

11 THE COURT: The fact that your husband used to be
12 in the Sheriff's Department and the fact you were
13 friends with them and haven't seen them in the past
14 three years, the fact that you used to be friends with
15 them, would that in any way affect your ability to give
16 the State or the defendant a fair and an impartial
17 trial?

18 JUROR: (Inaudible).

19 THE COURT: Pardon?

20 JUROR: I can't say a hundred percent.

21 THE COURT: You have to be able to tell me whether
22 you think you can decide this case, put aside any kind
23 of friendship and decide this case solely upon the
24 evidence or not on any friendship with anybody even
25 though you haven't seen them in the last three years.

JURY SELECTION

1 JUROR: All right, so, it wouldn't affect me.

2 THE COURT: Would it affect you?

3 JUROR: No.

4 THE COURT: Okay. Thank you very much. You may
5 return to your seat.

6 Pass the microphone.

7 Yes, ma'am. Your name and juror number, please.

8 JUROR: Ashlee Pinckney, 133.

9 THE COURT: What number, Margaret?

10 THE CLERK: 133.

11 THE COURT: Counsel, this is juror 133, Ashley
12 Pinckney.

13 Ms. Pinckney, yes or no, are you related by blood
14 to any of the witnesses?

15 JUROR: No.

16 THE COURT: Are you connected by marriage to any
17 of the witnesses?

18 JUROR: No.

19 THE COURT: Are you a close personal friend of any
20 of the potential witnesses?

21 JUROR: Well, we are not close friends, but I -- I
22 was asking her just a while ago because --

23 THE COURT: Well, hold on a second. You don't
24 have to go tell me. Which witness do you feel you're
25 friends with? Then I'll ask you about your friendship.

JURY SELECTION

1 JUROR: We're just classmates. That's what I
2 wanted to know. But we graduated together. But we are
3 not current. We just graduated together.

4 THE COURT: Ma'am, please. You don't have to go
5 into all of that detail. I know you are trying to
6 comply with my question. I want a yes or no answer,
7 and there's a reason for that.

8 JUROR: Okay.

9 THE COURT: And I'll explain it to you if you want
10 to come down front and I'll tell you why. Yes or no,
11 are you close friends with any potential witness?

12 JUROR: No.

13 THE COURT: All right. The fact that you are not
14 close but you know them, would that -- and it was only
15 that one witness?

16 JUROR: It was two of them.

17 THE COURT: All right. Who are they?

18 JUROR: Brittany Patterson and Shaquandulynn
19 Chaneyfield.

20 THE COURT: Hold on a second. Brenda Byerson?

21 JUROR: Brittany Patterson.

22 THE CLERK: Number 23 on the list.

23 THE COURT: All right. Brittany Patterson from
24 Ridgeland. And who else?

25 JUROR: Shaquandulynn Chaneyfield.

JURY SELECTION

1 THE CLERK: Number 17 on the list.

2 THE COURT: And Shaquandulynn Chaneyfield. The
3 fact that you know them, regardless of whether they are
4 your close friends or not, would that in any way affect
5 your ability to give the State or the defendant in this
6 case a fair and impartial trial?

7 JUROR: No.

8 THE COURT: Thank you, ma'am. Pass the
9 microphone. Please be seated.

10 Yes, ma'am, your name and juror number, please.

11 JUROR: Jaconna Brooker, number 26.

12 THE CLERK: Number 26 was an add-on.

13 THE COURT: Counsel, this was an add-on, number
14 26. This is Mrs. Brooker who was our second add-on
15 juror.

16 Ms. Brooker, are you related by blood to any of
17 the potential witnesses?

18 JUROR: No.

19 THE COURT: Are you connected by marriage to any
20 of the potential witnesses?

21 JUROR: No.

22 THE COURT: Are you a close personal friend of any
23 of the potential witnesses?

24 JUROR: No.

25 THE COURT: Well, that's the only three questions

JURY SELECTION

1 that I asked you. Ms. Brooker, why did you stand up?

2 JUROR: Because I went to school with one of the
3 witnesses.

4 THE COURT: Because you what?

5 JUROR: I went to school with one of the
6 witnesses?

7 THE COURT: You went to school. Which witness?

8 JUROR: William Dupont.

9 THE COURT: What number?

10 THE CLERK: Number 16.

11 THE COURT: William Dupont of Ridgeland?

12 JUROR: Of Hardeeville.

13 THE COURT: Well, I've got him listed as
14 Ridgeland.

15 JUROR: Well, I went to school with him.

16 THE COURT: The fact that you went to school with
17 Mr. Dupont, would that in any way affect your ability
18 to give to the State or the defendant a fair and an
19 impartial trial?

20 JUROR: No.

21 THE COURT: Thank you, ma'am. You may be seated.
22 Pass the microphone.

23 Your name and juror number, please.

24 JUROR: Alla Mew.

25 THE CLERK: Juror number 120, add-on.

JURY SELECTION

1 THE COURT: Counsel, this is your last juror,
2 number 120, Mr. Mew.

3 Mr. Mew, yes or no, are you related by blood to
4 any of the potential witnesses?

5 JUROR: No, sir.

6 THE COURT: Are you connected by marriage to any
7 of the potential witnesses?

8 JUROR: No, sir.

9 THE COURT: Are you a close personal friend of any
10 of the potential witnesses?

11 JUROR: Not per se close. My child --

12 THE COURT: All right. I don't want you to go
13 into that yet. Which witness are you referring to?

14 JUROR: All of the Simmons.

15 THE COURT: Pardon?

16 JUROR: Simmons. Chaneyfield.

17 THE CLERK: All of the Simmons.

18 THE COURT: Robin Simmons?

19 JUROR: All of the Simmons.

20 THE COURT: All of the Simmons. All right. You
21 say that you are not close friends but you know them;
22 is that correct?

23 JUROR: Yes, sir. My child's mother is related to
24 them.

25 THE COURT: All right. The fact that your child's

JURY SELECTION

1 mother is related to them and that you know them, would
2 that in any way affect your ability to give the State
3 or the defendant in this case a fair and an impartial
4 trial?

5 JUROR: No, sir.

6 THE COURT: Thank you, sir. You may be seated.

7 Anyone else related by blood, connected by
8 marriage or a close personal friend of any of the
9 potential witnesses in the trial of this case whose
10 names I have just called? If so, please stand at this
11 time.

12 Let the record reflect no one is standing.

13 Does any member of my jury panel formed any
14 opinion whatsoever about the facts in this case or the
15 alleged guilt or innocence of the defendant in this
16 case? If so, please stand at this time.

17 Let the record reflect no one is standing.

18 Does any member of my jury panel know of any bias
19 or prejudice they may have about the alleged facts in
20 this case, any of the potential witnesses involved
21 therein, any of the lawyers or offices that they
22 represent involved therein? If so, please stand at
23 this time.

24 Please come forward.

25 THE CLERK: Juror number 184.

JURY SELECTION

1 THE COURT: 184.

2 THE CLERK: 184, Mr. Wheeler.

3 THE COURT: This is juror 184, Mr. Shaun Wheeler.

4 Mr. Wheeler, how are you?

5 JUROR: All right.

6 THE COURT: All right. Mr. Wheeler, I asked you
7 whether or not you felt you had any bias or prejudice
8 toward the facts which are alleged in this case or
9 toward any of the lawyers or offices involved in this
10 case or any of the potential witnesses involved in this
11 case and you stood. Would you tell me why you stood?

12 JUROR: I don't feel like I care.

13 THE COURT: You don't feel like you can handle it?

14 JUROR: Not handle it. It doesn't portray to me.
15 I don't feel like whether he's guilty or not matters to
16 me.

17 THE COURT: Well, I can tell you now I'm sure a
18 lot of people out there, I need to know whether or not
19 you can listen to the evidence in this case and decide
20 this case solely on the evidence.

21 JUROR: Probably not. Honestly.

22 THE COURT: I certainly understand that. However,
23 I'm not going to excuse you.

24 JUROR: No, that's okay.

25 THE COURT: You will remain in the courtroom until

JURY SELECTION

1 I adjourn court on Friday.

2 JUROR: Yes, sir.

3 THE COURT: Take a seat.

4 JUROR: Okay.

5 THE COURT: He's excused from the trial in this
6 case.

7 Juror 184 is disqualified from service in the
8 trial of this case; however, he will remain until I
9 conclude court this week. But he will not be a
10 potential juror in the trial of this case. This case
11 only.

12 Any member of my jury panel or a member of their
13 immediate family, by immediate, I mean, your husband,
14 your wife, your child, your brother, sister, father or
15 mother, any member of my jury panel themselves or a
16 member of their immediate family presently or formerly
17 employed by a law enforcement agency? If so, please
18 stand at this time. Pass the microphone.

19 Your name and juror number, please, ma'am.

20 JUROR: Bridgette Wolfe. I'm not sure of the
21 juror number.

22 THE COURT: That's all right. I'll look it up.

23 THE CLERK: 191.

24 THE COURT: 191. Counsel, this is Bridgette
25 Wolfe.

JURY SELECTION

1 Ms. Wolfe, are you employed with a law enforcement
2 agency or a member of your family?

3 JUROR: A member of my family retired.

4 THE COURT: And what member of your family?

5 JUROR: My father retired from Beaufort County
6 Sheriff's Department.

7 THE COURT: Your father retired from Beaufort
8 County Sheriff's Department. The fact that your father
9 is retired from Beaufort County Sheriff's Department,
10 would that in any way affect your ability to give the
11 State in this case or the defendant a fair and an
12 impartial trial?

13 JUROR: No, sir.

14 THE COURT: Thank you, ma'am. You may be seated.
15 Pass the microphone.

16 Any member of my jury panel or member of their
17 immediate family as I have defined it currently
18 employed or formerly employed by the 14th Judicial
19 Circuit Solicitor's Office or the Jasper County
20 Sheriff's Office or South Carolina Law Enforcement
21 Division, commonly known as SLED? If so, please stand
22 at this time.

23 Yes, ma'am. They are aware of your --

24 Counsel, you are aware of this juror's previous
25 employment involving her husband?

JURY SELECTION

1 MS. JONES: Yes, sir.

2 MR. LEE: Yes, sir.

3 THE COURT: For the record, please identify
4 yourself so it's clear who is standing.

5 JUROR: Melissa Saxon.

6 THE CLERK: Juror number 148.

7 THE COURT: All right. Ms. Saxon is 148. And
8 both lawyers have acknowledged -- you may be seated,
9 ma'am. Thank you. You have already told me about it.

10 Both lawyers have acknowledged that they are aware
11 of your situation involving your husband's prior
12 employment.

13 Any member of my jury panel a member of or
14 contributed to any group which has as its primary
15 concern the promotion of law enforcement or victim's
16 rights? These groups would include MADD, SADD, CAVE or
17 CADRE. If so, please stand at this time.

18 Let the record reflect no one is standing.

19 Now, ladies and gentlemen, I told you about
20 allegations in this case, and I told you that it's
21 alleged that Mr. Hopkins murdered one Terrance Johnson
22 who is alleged to be the victim in this case. Any
23 member of my jury panel related by blood, connected by
24 marriage or a close personal friend of Terrance
25 Johnson? If so, please stand at this time.

JURY SELECTION

1 Let the record reflect no one is standing.

2 Any member of my jury panel formerly a member of
3 the Jasper County grand jury which found the
4 indictments in this case? If so, please stand at this
5 time.

6 Let the record reflect no one is standing.

7 Any member of my jury panel ever been the victim
8 of a violent crime? If so, please stand at this time.

9 Name and juror number, please.

10 JUROR: Alla Mew.

11 THE CLERK: Juror number 120.

12 THE COURT: Counsel, this is 120, Mr. Mew.

13 Mr. Mew, you were the victim of a violent crime?

14 JUROR: I was per se the victim of a violent
15 crime.

16 THE COURT: I can't hear you. You've got to hold
17 the microphone up.

18 JUROR: I was per se the victim of a violent
19 crime.

20 THE COURT: All right, that one was 120. The fact
21 that you had that situation, would that in any way
22 affect your ability to give the State in this case or
23 the defendant in this case a fair and an impartial
24 trial?

25 JUROR: No, sir.

JURY SELECTION

1 THE COURT: Thank you, sir. You may be seated.

2 Does any member of my jury panel know of any
3 reason why they can't give the State of South Carolina
4 or the defendant in this case, Mr. Hopkins, a fair and
5 an impartial trial? If so, please stand at this time.

6 Let the record reflect no one is standing.

7 Counsel, any additional voir dire from the State?

8 MS. JONES: No, Your Honor.

9 THE COURT: From the defendant?

10 MR. LEE: No, sir, Your Honor.

11 THE COURT: Strikes are ten and five. Two and one
12 on the alternates.

13 Madam clerk, we will be drawing at least two
14 alternates for this trial. Would you give us a jury,
15 please?

16 Now, ladies and gentlemen, let me tell you what's
17 happening right now. I told you we did this by
18 computer. I'm so old, ladies and gentlemen, my sons,
19 who are both lawyers, like to remind me and tell me
20 this, they tell me that I'm past the speed limit. When
21 I first started practicing law, we had -- Margaret,
22 well, I don't want to date Margaret because she's a lot
23 younger than I am, but some of us will remember this.

24 Margaret, do you remember the drum?

25 THE CLERK: Yes, sir. I still have it.

JURY SELECTION

1 THE COURT: Yeah, she's still got it. We had this
2 huge drum. And the clerk would reach into the drum and
3 pull out a capsule. And each one had a screw-on top.
4 And you'd unscrew the top, and there'd be a piece of
5 paper in there. You would pull the piece of paper out
6 and that is how we picked the jury. We don't do that
7 anymore.

8 What's happening right now is Margaret is on the
9 computer. And with the exception of the disqualified
10 juror, who is going to remain with me, all of you that
11 are eligible to serve as a juror in the trial of this
12 case, the computer is going to select your names at
13 random, in order at randomly, totally at random. I
14 haven't seen that list. The lawyers haven't seen the
15 list. The clerk hasn't seen the list. The court
16 reporter hasn't seen the list. My law clerk hasn't
17 seen the list. The parties haven't seen the list.

18 The computer is in the process of randomly
19 selecting you right now. Once that list is printed --
20 and she's doing that right now. You can hear the
21 printer -- she's going to hand it to me. She's going
22 to hand it to the court reporter. She's going to hand
23 it to my law clerk. I'm going to then give them a
24 moment to go over it. They haven't seen it. If they
25 choose, I'll let them step out of the courtroom for a

JURY SELECTION

1 minute or they can stay right here in the courtroom and
2 go over it, if they so desire.

3 I'll call them back and then we will select a jury
4 in the trial of this case. When your name is called by
5 the clerk, I want you to come down the middle aisle.
6 Turn around and face the direction that I'm seated in,
7 toward the back door. All right. Each side will then
8 have the opportunity to exercise their peremptory
9 strikes on the jury.

10 Please bring your belongings with you. If you
11 have got a pocket book or a jacket or something like
12 that when you come forward, because if you are
13 selected, you are going to be seated in the jury box.
14 Everyone understand what to do?

15 PROSPECTIVE JURY PANEL: Yes.

16 THE COURT: All right.

17 (Off-the-record discussion held.)

18 THE COURT: Is the State ready to proceed?

19 MS. JONES: Yes, Your Honor.

20 THE COURT: Is the defendant ready to proceed?

21 MR. LEE: Yes, sir.

22 THE COURT: Madam clerk, would you give us the
23 jury, please?

24 THE CLERK: Juror number 156, Denise Smith.

25 How says the State?

JURY SELECTION

1 MS. JONES: Please present the juror.

2 THE CLERK: How says the Defense?

3 MR. LEE: Please seat Ms. Smith.

4 THE CLERK: Have a seat in the jury box, ma'am.

5 Juror 20, Tim -- help me Mr. B-O-U-C-H-I-L-L-O-N.

6 JUROR: Bouchillon.

7 THE COURT: Bouchillon.

8 THE CLERK: Bouchillon.

9 THE COURT: Come on up, Mr. Bouchillon, and turn
10 around and face the back of the courtroom for me.

11 THE CLERK: How says the State?

12 MS. JONES: Please present the juror.

13 THE CLERK: How says the Defense?

14 MR. LEE: Please excuse Mr. Bouchillon.

15 THE CLERK: Thank you, sir. Have a seat back in
16 the audience.

17 Juror number 7, John Arn.

18 How says the State?

19 MS. JONES: Please present the juror.

20 THE CLERK: How says the Defense?

21 MR. LEE: Please seat Mr. Arn.

22 THE CLERK: Have a seat in the jury box, sir.

23 Juror number 112, Lawanda Long.

24 THE COURT: Congratulations, Ms. Long.

25 THE CLERK: How says the State?

JURY SELECTION

1 MS. JONES: Please present the juror.

2 THE CLERK: How says the Defense?

3 MR. LEE: Please seat Ms. Long.

4 THE CLERK: Have a seat in the jury box, ma'am.

5 Juror 58. David Fawsy.

6 How says the State?

7 MS. JONES: Please present the juror.

8 THE CLERK: How says the Defense?

9 MR. LEE: Please excuse Mr. Faucet.

10 THE CLERK: Thank you, sir. Have a seat back in
11 the audience.

12 Juror number 148. Melissa Saxon.

13 How says the State?

14 MS. JONES: Please present the juror.

15 THE CLERK: How says the Defense?

16 MR. LEE: Please excuse Ms. Saxon.

17 THE CLERK: Thank you, ma'am. Have a seat back in
18 the audience.

19 Juror number 171, Nicholas Thompson.

20 How says the State?

21 MS. JONES: Please present the juror.

22 THE CLERK: How says the Defense?

23 MR. LEE: Please excuse Mr. Thompson.

24 THE CLERK: Thank you, sir. Have a seat back in
25 the audience.

JURY SELECTION

1 Juror number 104, Randy Lambert.
2 How says the State?
3 MS. JONES: Please present the juror.
4 THE CLERK: How says the Defense?
5 MR. LEE: Please seat Mr. Lambert.
6 THE CLERK: Have a seat in the jury box, sir.
7 Juror number 51, Sonia Duggan, Dugan.
8 THE COURT: Is it Dugan or Duggan?
9 JUROR: Dugan.
10 THE COURT: Dugan. We will try to get it right,
11 Ms. Dugan.
12 JUROR: That's okay.
13 THE CLERK: How says the State?
14 MS. JONES: Please present the juror.
15 THE CLERK: How says the Defense?
16 MR. LEE: Please seat Ms. Dugan.
17 THE CLERK: Have a seat in the jury box, ma'am.
18 Juror number 149, Donna Semken.
19 How says the State?
20 MS. JONES: Please present the juror.
21 THE CLERK: How says the Defense?
22 MR. LEE: Please seat the juror.
23 THE CLERK: Have a seat in the jury box, ma'am.
24 Juror number 174, Diane Toomer.
25 How says the State?

JURY SELECTION

1 MS. JONES: Please present the juror.

2 MR. LEE: Please excuse Ms. Toomer.

3 THE CLERK: Thank you, ma'am. Have a seat back in
4 the audience.

5 Juror number 88, Aaron Jackson.

6 How says the State?

7 MS. JONES: Please present the juror.

8 THE CLERK: How says the Defense?

9 MR. LEE: Please seat Mr. Jackson.

10 THE CLERK: Have a seat in the jury box, sir.

11 Juror number 116, Ramona Mallfruss.

12 How says the State?

13 MS. JONES: Please present the juror.

14 THE CLERK: How says the Defense?

15 MR. LEE: Please excuse Ms. Mallfruss.

16 THE CLERK: Thank you, ma'am. Have a seat back in
17 the audience.

18 Juror number 103, Linda Lambert.

19 How says the State?

20 MS. JONES: Please present the juror.

21 THE CLERK: How says the Defense?

22 MR. LEE: Please excuse Ms. Lambert.

23 THE CLERK: Have a seat back in the audience,
24 ma'am.

25 Juror number 60, Jose Flores.

JURY SELECTION

1 How says the State?

2 MS. JONES: Please present the juror.

3 THE CLERK: How says the Defense?

4 MR. LEE: Please seat Mr. Flores.

5 THE CLERK: Have a seat in the jury box, sir.

6 Juror number 197, Timothy Wyld.

7 How says the State?

8 MS. JONES: Please present the juror.

9 THE CLERK: How says the Defense?

10 MR. LEE: Please seat Mr. Wyld.

11 THE CLERK: Have a seat in the jury box, sir.

12 Juror number 26, Jaconna Brooker.

13 How says the State?

14 MS. JONES: Please present the juror.

15 THE CLERK: How says the Defense?

16 MR. LEE: Please seat Ms. Brooker.

17 THE CLERK: Have a seat in the jury box, ma'am.

18 Juror number 191, Bridget Wolf.

19 How says the State?

20 MS. JONES: Please present the juror.

21 THE CLERK: How says the Defense?

22 MR. LEE: Please excuse Ms. Wolf.

23 THE CLERK: Thank you, ma'am. Have a seat back in
24 the audience.

25 Juror number 172, Carl Tillman.

JURY SELECTION

1 How says the State?

2 MS. JONES: Please present the juror.

3 THE CLERK: How says the Defense?

4 MR. LEE: Please seat Mr. Tillman.

5 THE CLERK: Have a seat in the jury box, sir.

6 Juror number 175, Shalonda Tumor.

7 How says the State?

8 MS. JONES: Please present the juror.

9 THE CLERK: How says the Defense?

10 MR. LEE: Please seat Ms. Tumor.

11 THE CLERK: Have a seat in the jury box, ma'am.

12 THE COURT: Counsel, alternate number one, two and
13 one.

14 THE CLERK: Juror number 199, Robert Young.

15 How says the State?

16 MS. JONES: Please present the juror.

17 THE CLERK: How says the Defense?

18 MR. LEE: Please seat Mr. Young.

19 THE CLERK: Have a seat in the alternate chair
20 number one, sir.

21 Juror number 47, Edward Darien.

22 How says the State?

23 MS. JONES: Please present the juror.

24 THE CLERK: How says the Defense?

25 MR. LEE: Please seat Mr. Darien.

JURY SELECTION

1 THE CLERK: Have a seat in alternate chair number
2 two, sir.

3 THE COURT: Drawing third alternate. Two and one.

4 THE CLERK: Juror number 35, Rickey Callahan.
5 Alternate number three chair.

6 How says the State?

7 MS. JONES: Please present the juror.

8 THE CLERK: How says the Defense?

9 MR. LEE: Please seat Mr. Callahan.

10 THE COURT: Alternate number three.

11 THE CLERK: Have a seat in alternate chair number
12 three.

13 THE COURT: Alternates, you are just as important
14 as a member of the jury. If for some reason a member
15 of the jury becomes ill or cannot continue to serve,
16 you will take their place on the jury. You will be
17 with the jury throughout the entire trial.

18 Are there any matters of law pertaining to the
19 selection of the jury that need to be decided before
20 the jury is sworn from the State of South Carolina?

21 MS. JONES: No, Your Honor.

22 THE COURT: From the defendant?

23 MR. LEE: No, sir.

24 THE COURT: Madam clerk, would you please swear
25 the jury?

SWEARING OF THE JURY

1 THE CLERK: Would you please stand and raise your
2 right-hand. Do you swear or affirm that you should
3 well and truly try the case, 2015GS27144, the State of
4 South Carolina versus Rohaime Hopkins, and render a
5 true verdict according to the evidence, so help you
6 God?

7 THE JURY: I do.

8 THE CLERK: Thank you.

9 THE COURT: Now, ladies and gentlemen of the jury
10 panel, we're not going to start the trial yet. I'm
11 going to give you a break and let you get lunch.

12 I don't want you to discuss the case. All right.
13 You haven't heard any evidence in this case. It would
14 be improper for you to discuss it amongst yourselves or
15 with anybody else. If somebody during lunch break
16 wants to talk to you about the case, just tell them
17 that you are on the jury, you can't talk about it. If
18 they persist in wanting to talk to you, you get their
19 name and you give it to me. And I'll handle that
20 problem for you, ladies and gentlemen. I can assure
21 you that person will not bother you anymore.

22 Please don't try to do any research about this
23 case. I've got people who are very computer savvy and
24 they like to look up things. Don't do that. You must
25 not decide this case on your smart phone or on your

JURY INSTRUCTIONS

1 computer. Whether even if you think it would help you
2 to decide the case, you must decide this case solely
3 and only on the evidence which is presented during the
4 trial of this case when both sides are present with the
5 right of cross examination.

6 Now, I need you to do one little bit of work. All
7 right. I want you to go to your jury room, and the
8 reason I want you to go there is because that's where
9 you're going to report back. I'm going to give you
10 time to go to lunch. We are not going to start. And
11 my bailiff will give you a piece of paper and a pen.
12 Other than my three alternates who are not on the jury
13 yet but may become members of the jury, I want you to
14 choose a foreperson. And I want to tell you what the
15 duties of the foreperson are. And I want you to listen
16 to this, because I want you to choose someone to
17 fulfill these duties.

18 The foreperson presides in the jury room. Just
19 like the chairperson of a committee presides at a
20 committee meeting. It's the foreperson's job to see
21 that each and every member of my jury has a full and
22 fair opportunity to voice their opinions in the jury
23 room once deliberations begin. That's going to be
24 later on. And I'll tell you when you can commence your
25 deliberations.

JURY INSTRUCTIONS

1 The foreperson writes the jury's verdict. My law
2 clerk, right behind me, Skyler Hutto, knows that one of
3 his jobs -- I'm going to prepare a verdict form for
4 you. So, whoever is elected foreperson, I'll go over
5 it with you. I'll show you where you sign it. I'll
6 have it dated, and I'll prepare all of that for you.
7 But whatever you write on the verdict form, if you're
8 the foreperson, my law clerk's job is not to let you
9 leave this courtroom until you write the exact same
10 language on the indictment that you write on the
11 verdict form. So, the foreperson writes the verdict
12 for the jury.

13 The foreperson also is the jury's spokesperson out
14 here in the courtroom should that need arise during the
15 trial of the case. So, the foreperson presides in the
16 jury room to see that each member gets a full
17 opportunity to voice their opinions. The foreperson
18 writes the jury's verdict and if the need arises, the
19 foreperson speaks for the jury.

20 I'm going to ask you to go to your jury room, talk
21 about the weather, talk about anything, just don't talk
22 about this case. Select a foreperson from the 12 of
23 you that you think can fulfill those three duties.
24 Write the name on the piece of paper. Knock on your
25 jury room door to let me know that you have decided on

JURY INSTRUCTIONS

1 a foreperson. I will bring you back in the courtroom
2 and then I'll excuse you for lunch.

3 Please do not discuss the case. Please retire to
4 your jury room at this time to select a foreperson.

5 THE BAILIFF: Ladies and gentlemen, if you will
6 come this way.

7 (The jury exited the courtroom.)

8 THE COURT: Patrick, come forward.

9 (Off-the-record discussion held.)

10 THE COURT: Ladies and gentlemen who have not been
11 selected as a juror in this case, I want to thank you
12 for your patience. I want to thank you -- I know that
13 I have kept you now since 11, so you have been here for
14 about two and a half hours. You are now exempt from
15 jury service for three years if the computer were to
16 select you by virtue of your being here. You are now
17 excused for the balance of the week and you may leave
18 the courtroom at this time. Thank you very much.

19 Anybody need a work excuse, go downstairs to the
20 clerk's office. We will give you one. Thank you very
21 much.

22 JUROR: Do I --

23 THE COURT: No, sir, you are right with me. You
24 are right where you're supposed to be. When I break,
25 you break. When I say court is over with, you can

JURY PANEL RELEASED

1 leave. Otherwise, you will be right here with me.

2 JUROR: Yes, sir.

3 (Bailiff delivers to the Judge the name of the
4 foreperson.)

5 THE COURT: Anything from the State before I bring
6 the jury back and excuse them for lunch?

7 MS. JONES: No, Your Honor.

8 THE COURT: From the defendant?

9 MR. LEE: No, sir.

10 THE COURT: Bring us the jury.

11 THE BAILIFF: Ladies and gentlemen, come into the
12 courtroom, please.

13 (The jury enters the courtroom.)

14 THE COURT: File all the way down if you are not
15 the foreperson. Please be seated. Am I missing one?
16 No.

17 FEMALE VOICE: We've got the alternates in the
18 wrong seats.

19 THE COURT: All three of you are alternates on the
20 back row, right? I understand you are not in the order
21 in which you were selected but I know what order you
22 were selected.

23 Ms. Smith, congratulations on your election of --
24 the bailiff to the jury has provided me with a note
25 that Ms. Denise Smith has been selected foreperson of

FURTHER JURY INSTRUCTIONS

1 the jury. She's seated in the foreperson seat.
2 Congratulations.

3 FOREPERSON: Thank you.

4 THE COURT: Any objection to making the jury's
5 note a court exhibit from the State?

6 MS. JONES: No, Your Honor.

7 THE COURT: From the Defense?

8 MR. LEE: No, Your Honor.

9 THE COURT: Court's Exhibit Number 1 without
10 objection. Marked for identification.

11 *(Whereupon, Court's Exhibit No(s). 1 marked for*
12 *identification and received in evidence.)*

13 THE COURT: Ladies and gentlemen, I told you I
14 would give you a break and I want to thank you for your
15 patience. Now, it's 1:35. I'd like to start as soon
16 as I can. Why? Because I want to get you home as soon
17 as I can. But I want to give you time to get lunch
18 before we start.

19 During the lunch break, please don't discuss this
20 case. Does everybody think they can get back in an
21 hour? All right. Then I want you to report back to
22 the jury room. My bailiff will show you how to go out
23 and back and come up and back rather than the way that
24 you did. When you come back at 2:30 report to the jury
25 room. Do not come to the courtroom.

FURTHER JURY INSTRUCTIONS

1 Please do not discuss the case during the lunch
2 break. Try and get back. I understand I want to make
3 sure everybody has enough time. Because I'll try to
4 get started as soon as I can so we can complete this
5 trial in a timely fashion.

6 Thank you for your patience. Thank you for your
7 service. You are now excused for lunch until 2:30.
8 You may leave the courtroom at this time.

9 Everyone else remain seated while the jury is
10 leaving.

11 (Jury exits the courtroom.)

12 THE COURT: Okay. All right. Counsel, I also
13 want you and other people here to be able to get some
14 lunch and get back and we will want to start as close
15 to 2:30 as possible. Be ready to roll with opening
16 statements as close to 2:30 as possible. And I look
17 forward to seeing you after lunch.

18 This court is in recess until 2:30.

19 FEMALE VOICE: The other jurors, do you want me to
20 transfer? The jurors coming in at 2:00, do you want me
21 to transfer them?

22 THE COURT: Anybody that comes in at 2:00 that
23 didn't get notice, transfer to the next term of court
24 at Jasper County.

25 This gentleman right here, you are now excused

FURTHER JURY INSTRUCTIONS

1 until 2:30. Be back in your seat at 2:30.

2 MALE VOICE: Yes, sir.

3 MR. LEE: There were some pretrial statements that
4 we need to put on the record, I believe. Would you
5 like to do that now or at 2:30?

6 THE COURT: No, sir, I want people to get lunch.
7 If I wanted to do it now, I would let you know. Go get
8 some lunch and come back, otherwise nobody will get
9 lunch.

10 (Lunch recess.)

11 * * *

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1 In the Court of General Sessions for the
2 State of South Carolina, County of Jasper

4

5

6 Case No.: 2015GS2700144

7 State of South Carolina,

8 Plaintiff(s),

9 vs. Transcript of Record

10 Rohaime Hopkins,

11 Defendant (s) .

12

13

14 TRIAL TRANSCRIPT

15

16

17

18 May 15, 2017

19 Ridgeland, South Carolina

20

21 BEFORE:

22 The Honorable Perry M. Buckner

23

24

25

TITLE PAGE

1

2 (The following proceedings are held on the afternoon of May
3 15, 2017.)

4

THE COURT: Is the State ready to proceed?

5

MS. JONES: Yes, Your Honor.

6

THE COURT: Is the Defendant ready to proceed?

7

MR. LEE: We are, Your Honor.

8

THE COURT: Bring in the jury, please, ma'am.

9

THE BAILIFF: Ladies and gentlemen of the jury, if
10 you could come into the courtroom, please.

11

(Jury enters the courtroom at 2:39 p.m.)

12

THE COURT: Madam forelady, ladies and gentlemen
13 of the jury, thank you for being back on time. Thank
14 you for your patience.

15

Margaret, is there a problem?

16

THE CLERK: No, I wanted to make sure that
17 she's -- she wanted to sit on -- make sure she could
18 elevate her foot.

19

THE COURT: You're okay, ma'am?

20

JUROR: Yes, thank you.

21

THE COURT: Okay. Now, you've been sworn. We've
22 elected a foreperson. I have my alternates back there
23 on the back row. Everybody is where they ought to be.

24

While you're selected to serve on the jury, and
25 until your jury service is concluded and I excuse you,

FURTHER JURY INSTRUCTIONS

1 please do not discuss this case with other people,
2 including your fellow jurors until I authorize you to
3 talk amongst your fellow jurors, and when you do talk,
4 I want you to only talk in your jury room with your
5 fellow jurors, not with anybody else.

6 I don't want you to read or listen to any news
7 reports about this case, whether on television, radio
8 or in the newspaper. I don't want you to use the
9 computer or a cell phone or any other electronic device
10 with communication capability while you're on jury
11 duty, even if I told you or you saw -- gosh, I've heard
12 this evidence and if they'd just covered this one
13 subject that I could research, it would help me decide
14 the case. Don't do that.

15 Both sides have the absolute right to know exactly
16 what information you're basing your decision on.
17 That's why we only allow evidence to be presented when
18 both sides are present with the right of cross
19 examination.

20 So, please don't try to do any research on your
21 own about a party or a witness or attorney or a court
22 officer or any news account of the case or any
23 information collected through any type of juror
24 research on any topic that might be raised by the
25 testimony in this case even if you think it would help

FURTHER JURY INSTRUCTIONS

1 you.

2 You may not communicate with anyone about the case
3 on your cell phone, through email, BlackBerry, iPhone,
4 text messages, on Twitter or through any blog or web
5 site, including any Internet chat room which includes
6 Facebook, MySpace, LinkedIn, YouTube or any other
7 Internet chat room. It is prohibited. So please do
8 not try to do any communication about the case.

9 All right, ladies and gentlemen. Before we begin
10 this trial, I want to tell you that this trial probably
11 is going to be different from what you probably expect.
12 You know, the truth is that many people do not have the
13 opportunity or the chance to attend an actual court
14 session as each of you are doing right now. And most
15 people think from going to a movie or watching a
16 television show or reading a book that trials are
17 always full of high drama and intense and riveting
18 action, entertainment. I'm afraid that you have been
19 taught to believe that by the programs that you see in
20 the media.

21 The truth of the matter is, ladies and gentlemen,
22 an actual trial, unlike your movie, your book, your
23 television show, is not for entertainment. An actual
24 trial is a search for the truth. It is a fundamental
25 part of our democracy. It is an effort to make sure

FURTHER JURY INSTRUCTIONS

1 that justice is done between the parties before the
2 court. Searching for the truth, trying to make sure
3 that justice is done is often slow; it is often
4 repetitive; it is often deliberate. It is the exact
5 opposite of what you may have seen on television, read
6 in a book or seen in a movie.

7 This courtroom, ladies and gentlemen, is a place
8 of honor. It is dedicated to the protection and to the
9 preservation of citizens' rights through what many
10 people have called the greatest justice system in the
11 world.

12 The attorneys that are going to be appearing
13 before you, they are advocates -- I'm going to talk
14 about that to you in just a minute -- they are
15 advocates for either the State of South Carolina or the
16 defendant, for the parties that they represent. But as
17 I told you earlier first and foremost, they are
18 officers of this court. And the attorneys took an
19 oath, just like I took an oath and you took an oath,
20 and in that oath, they swore to uphold, just like I
21 told you, the integrity of our judicial system, the
22 fairness of our judicial system.

23 Now, you should expect the attorneys to be
24 professional. You should expect them to be courteous.
25 You should expect them to be reasonable. And above

FURTHER JURY INSTRUCTIONS

1 all, you should expect them to be ethical in the
2 representation of their client's interest.

3 Now, I want to remind you, ladies and gentlemen,
4 that just like the attorneys and I, each of you, my
5 alternates and the 12 of you on the jury, each of you
6 took an oath. And in that oath, you said that you
7 would swear or affirm that you would listen to the
8 evidence in this case; you would pay close attention to
9 the evidence in this case; you would consider all of
10 the evidence in this case appropriately. So you also
11 as jurors are expected to be professional; you're
12 expected to be reasonable; you're expected to be
13 ethical in the discharge of your oath just like the
14 attorneys and myself.

15 I want to thank you before we start for accepting
16 this important responsibility because it is important
17 of jury service. I want to thank you, ladies and
18 gentlemen, because by serving on the jury, you are
19 making your contribution today to our justice system.
20 Without you, ladies and gentlemen of the jury, justice
21 cannot be accomplished in a courtroom. And I thank you
22 for that service.

23 All right, ladies and gentlemen, madam foreperson,
24 as I told you earlier the case we're getting ready to
25 start trying is the case of State of South Carolina

FURTHER JURY INSTRUCTIONS

1 versus Rohaime Jamar Hopkins. Mr. Hopkins is charged
2 by this indictment with the offense of murder.
3 Mr. Hopkins is the Defendant.

4 The elements of the offense of murder I will
5 explain to you in my charge to you on the law at the
6 conclusion of the case. So, don't you worry about what
7 the law says as to the crime of murder. I'll explain
8 that to you. I haven't heard any evidence in this case
9 and you have told me in the questions I asked you that
10 you know nothing about this case; so, we've both got an
11 open mind. And that's the way the system is designed.

12 So I don't know what law I'm going to charge you
13 in this case until I hear the evidence in this case.
14 My law clerks and I will be working on that charge
15 throughout the trial of this case. So don't you worry
16 about the law or the elements of an offense. I will
17 explain that to you at the conclusion of the trial in
18 my charge to you on the law.

19 You should understand for now that the indictment
20 is simply the charge by which the case is brought into
21 this court and that it is not in any sense evidence of
22 any of the allegations contained in the indictment.

23 Now, the Defendant has pled not guilty to the
24 indictment. State of South Carolina, therefore, has
25 the burden of proving each of the elements of the

FURTHER JURY INSTRUCTIONS

1 offense in the indictment beyond a reasonable doubt.

2 And it will be your duty, ladies and gentlemen, to

3 decide whether or not the State of South Carolina has

4 met that burden from evidence introduced during the

5 trial of the case.

6 It is your solemn responsibility as jurors to

7 determine the guilt or the innocence of the Defendant,

8 and your verdict must be based only and solely on the

9 evidence as it is introduced to you in this trial and

10 on the law as I instruct it to you to be during this

11 trial and in my charge to you on the law at the

12 conclusion of the trial.

13 Now, in just a minute, the assistant solicitor

14 will make what is called an opening statement in which

15 she will explain to you the issues in this case or at

16 least what she as an advocate for the State of South

17 Carolina contends to be the issues in this case. And

18 following that, the attorney for the Defendant will

19 make an opening statement.

20 Now, I want to tell you that the attorneys have

21 worked hard to prepare the case. Believe me, I know,

22 because I've been working on it. You don't know

23 anything about the work we've done before you got here.

24 And I want you to listen to them. But the attorneys

25 are advocates, either for the State or the Defendant.

FURTHER JURY INSTRUCTIONS

1 What the attorneys tell you in opening statement, what
2 the attorneys argue to you in their closing argument to
3 you is not evidence. What the attorneys suggest to you
4 by the questions they ask, not evidence. You must base
5 your decision solely and only on the evidence that's
6 presented during the trial of this case.

7 Now, what is evidence? Well, evidence is sworn
8 testimony that is going to be presented to you from
9 this witness stand. The witnesses are going to take
10 the oath from the clerk before they get on the witness
11 stand. So, evidence can take the form of sworn
12 testimony.

13 As to any exhibit such as a photograph or model,
14 you will hear me say it is in evidence. It is my job
15 to rule on the admissibility of the evidence. And you
16 will hear me say before you can see it that it is in
17 evidence and you may now publish it to the jury.

18 So, evidence can take the form --

19 Please be seated.

20 Evidence can take the form of an exhibit.

21 Evidence can take the form of live testimony. We might
22 even have in this case a stipulation. We might have an
23 agreement between the parties that a fact is true and
24 therefore not necessary to be proved. So, evidence can
25 be a stipulation, it can be an exhibit, or it can be

FURTHER JURY INSTRUCTIONS

1 sworn testimony from a witness on a witness stand.

2 Now, in the consideration of this evidence you
3 should remember at all times throughout the trial of
4 this case that under the Constitution of the State of
5 South Carolina, you and you 12 jurors alone are the
6 sole judges of the facts in this case based on evidence
7 introduced during the trial of the case. The same law
8 that makes you the jury the sole judges of the facts
9 from the evidence makes me the trial judge, the
10 presiding judge, the judge of the law. I cannot invade
11 your province, ladies and gentlemen, and tell you what
12 the facts are. I can't make any comment to you about
13 what the facts suggest. And you should not invade my
14 province and differ with me about what the law is.

15 If any of you have any preconceived opinions about
16 what you think the law is or what you feel the law
17 ought to be and it does not agree with what I now tell
18 you during the trial or in my charge at the conclusion
19 of the trial what the law is, you must put aside your
20 preconceived opinions because you swore that you would
21 accept and apply the law exactly as I state it to you
22 during this trial.

23 Everything that I say, ladies and gentlemen,
24 during the course of this trial is being taken down,
25 even right now, by my court reporter, Mona Manley,

FURTHER JURY INSTRUCTIONS

1 right below me, who I introduced you to.

2 And if I make a mistake as to the law to the
3 detriment of either party, they can appeal the case to
4 an appellate court. And if the appellate court agrees
5 that I have made a mistake on the law, they will
6 reverse the case and send it back for a new trial. So,
7 don't any of you on this jury worry about whether or
8 not I have told you the law correctly. That is
9 somebody else's worry.

10 Your job as jurors is to take the law as I give it
11 to you and apply it to the facts as you find them to be
12 based on evidence introduced during the trial of the
13 case. And that means testimony from the witness stand,
14 an exhibit or possibly a stipulation.

15 After doing that, if you base your decision only
16 and solely on the evidence, you will then have placed
17 yourself in a position to render your verdict under
18 that oath which each of you took from the clerk as
19 jurors.

20 Now, from time to time during the trial of this
21 case, you may hear one of the lawyers say something
22 like, I have already had it done, believe me. Your
23 Honor, we have a question. Your Honor, we have a
24 matter of law. Your Honor, may we approach the Bench.
25 Or I myself might ask the lawyers to approach the

FURTHER JURY INSTRUCTIONS

1 Bench. You have seen me do that. And I might ask you
2 to step in your jury room. And you may think, why are
3 they doing that? Are they trying to hide something?
4 Absolutely not.

5 The reason for this is just what I told you. I
6 can't make any comment to you about the facts. So the
7 custom in this state is, if I have to take up a matter
8 of law, sometimes by necessity, I have to make a
9 comment to the attorneys about the facts in order to
10 rule whether or not a particular piece of law applies
11 to this case. So, the custom is either excuse you from
12 the jury room -- or the court room while such
13 discussions take place.

14 You will first see me -- I'm a little bit, because
15 I've got these great young minds, you will first see me
16 try to take it up at the Bench, if I can, so that you
17 don't have to go in and out. But if I feel like it's
18 going to take a little bit, I'm going to ask you to go
19 to your jury room, so if you won't be influenced by
20 anything that I might say or do in ruling on a matter
21 of law that might come up during a trial.

22 Now, in that connection, let me say again, because
23 you will hear the lawyers tell you this, that you,
24 ladies and gentlemen of the jury, you and you alone are
25 the sole judges of the facts in this case based on

FURTHER JURY INSTRUCTIONS

1 evidence introduced during the trial of the case. And
2 if you should gather from anything that I say or do
3 during the course of this trial that I have any opinion
4 whatsoever as to the facts in this case, I'm going to
5 ask you to erase that from your mind, because you're
6 the sole judges of the facts. The law does not allow
7 me to have an opinion about the facts in this case.
8 That's a matter for you, the jury, based on evidence
9 introduced during the trial of the case.

10 Now, I'm asked this frequently by jurors.
11 Judge Buckner, how will I know what the true facts are
12 from the evidence? Well, ladies and gentlemen of the
13 jury, in determining what the true facts are from the
14 evidence in this case, you as a jury of necessity will
15 have to pass upon the credibility which simply means
16 the believability of the witnesses who are going to
17 testify during the trial of this case.

18 It'll be my responsibility to rule as a matter of
19 law as to whether certain testimony is admissible or
20 not. But once I have allowed the testimony to be
21 admitted into evidence, whether or not you believe the
22 testimony is solely a matter for you, the jury, to
23 determine.

24 And in passing upon the credibility or
25 believability of the witnesses, you have the right as a

FURTHER JURY INSTRUCTIONS

1 jury to take into consideration the interest, if any of
2 any witness, the bias of any of any witness, the
3 prejudice of any of any witness, the opportunity for
4 the witness to have observed the matters about which he
5 or she might testify. You may even take into
6 consideration in deciding about the believability of a
7 witness what we call the demeanor of the witness, the
8 appearance of the witness while the witness is on the
9 witness stand.

10 Anything that is in evidence, ladies and gentlemen
11 of the jury, you as a jury have the right to consider
12 in passing upon the credibility or the believability of
13 the witnesses who will testify during the trial of this
14 case. And that means, madam foreman, or foreperson,
15 and that means ladies and gentlemen of the jury, that
16 it is your duty under your sworn oath, it is your sworn
17 obligation as jurors to pay close attention to the
18 witnesses, to listen to the witnesses. Don't let your
19 thoughts wander, but give strict attention to the
20 evidence as it's being presented during the trial of
21 this case.

22 So that at the conclusion of all of the evidence
23 and after you have heard the closing arguments of the
24 advocates for each side and you have received my charge
25 on the law that applies to this case, you will by

FURTHER JURY INSTRUCTIONS

1 listening, observing and giving strict attention have
2 placed yourself in a position to determine what the
3 true facts are from the evidence, and you will apply
4 the law as I give it to you to the facts as you find
5 them to be from the evidence and thus render your
6 verdict.

7 Now, you must not consider anything that you may
8 have read or heard about this case outside of this
9 courtroom whether before or during this trial. And
10 until I submit this case to you, you must not discuss
11 it with anyone, not even your fellow jurors or members
12 of your own family. After it is submitted to you, you
13 must discuss it only in your jury room with your fellow
14 jurors.

15 It's very important, ladies and gentlemen, that
16 each of you on this jury keep an open mind. Why?
17 Because it might be the very last thing in this trial
18 that makes a difference to you, and not decide the case
19 until the entire matter has been submitted to you under
20 my instructions at the conclusion of the case.

21 And it will be your added duty, madam foreperson,
22 to preside in the jury room. You're the jury
23 spokesperson if need be out here in the courtroom. It
24 will also be your duty to write the jury's verdict, but
25 I'll prepare a verdict form for you and I'll go over

FURTHER JURY INSTRUCTIONS

1 that in my charge to you on the law at the conclusion
2 of the case.

3 Do not leave without Skyler coming to you. If he
4 forgets, you go get him. He's going to be sitting
5 right here beside me, and he has forgotten, okay. But
6 we're all human. I actually had a law clerk chase a
7 foreperson and tackle them on the lawn of the
8 courthouse because he thought they were trying to get
9 away without signing the indictment. That won't be
10 necessary, I'm sure, madam foreperson. But it's his
11 job to see that whatever you write on the verdict form
12 you write the same words on the indictment.

13 Now, housekeeping. You've heard me emphasize how
14 people speak in court. You can see why. Because I'm
15 sure some of you probably had some difficulty, if it
16 hadn't been for a microphone, in hearing. If you can't
17 hear, put that hand up. You understand that my
18 registered nurse back there? All right. I want you to
19 be able to hear at all times. Just like I want the
20 court reporter to be able to hear, I want you to be
21 able to hear. And believe me, we're going to have
22 people get on this witness stand and they're going to
23 mumble and they're going to talk (demonstrating). And
24 if you don't understand, put that hand up.

25 If an exhibit is introduced into evidence and you

FURTHER JURY INSTRUCTIONS

1 can't see -- my lawyers love to do this. They love to
2 get witnesses to step off the witness stand and come
3 down here in front of you. And while that's pretty
4 good for you, guess who it isn't good for? Mona. Why?
5 You see where she's sitting? She's sitting where she
6 can look at this, she can look at the lawyers, and she
7 can swivel and look at the witness. And when somebody
8 gets so bad with their back to her, it's difficult for
9 her, because she can't see their mouth when they're
10 talking. And she has to take down word for word what's
11 being said. So if the lawyers do that, then they
12 forget and they don't use a microphone, and they don't
13 worry, I'll be watching them. But if you can't see,
14 put that hand up.

15 I want my jury to be able to hear and to see at
16 all times throughout the trial of the case. So, you
17 let me know. If they block your view, they know
18 they're not supposed to -- they love to do this. They
19 walk up there and put their elbow on that witness stand
20 and block the jury's view of the witness, and they know
21 Judge Buckner won't allow that. So if it happens, you
22 won't have to say anything. I can promise you I'll
23 correct them.

24 Now, jury questions, we do not allow, madam
25 foreperson, normally the jury to ask a question in the

FURTHER JURY INSTRUCTIONS

1 courtroom. If at any time, though, a member of the
2 jury has a question, here is the procedure we have to
3 follow. If you're not already in your jury room, all
4 of you will retire to the jury room. You will write
5 the question on a piece of paper, knock on the jury
6 room door. They'll bring it out to me. I have to rule
7 as a matter of law whether or not the question can or
8 cannot be answered just as I would any question asked
9 by either one of the attorneys during the trial of the
10 case. Do you know understand?

11 Please, if you have a cell phone, turn it off. I
12 have to tell you this story because the lawyers always
13 like it when I tell you this story. This is an iPhone.
14 It actually is a -- what is it, 7 Plus iPhone. Skyler
15 knows all of that stuff, believe me. And I didn't know
16 when I first got this, that if you put it into a wall
17 outlet, even though it's on vibrate -- I've never -- I
18 have never heard this phone ring. I've had it for two
19 years. I've never heard it ring one time, because I
20 never turn it on ring. Because we don't allow cell
21 phones in the courtroom.

22 But when you put it in a wall outlet, it switches
23 from vibrate to ring. But I was charging it, and it
24 was time to go out in front of the jury. I pulled it
25 out and put it in my pocket and walked out in the

FURTHER JURY INSTRUCTIONS

1 courtroom thinking it was on vibrate like I normally
2 do. And what I didn't know was that it had switched
3 automatically. Well, I'm in the middle of talking to a
4 jury just like I'm doing right now, and the phone goes
5 off in the courtroom. Then, of course, as I've told
6 you, I'm deaf from shooting a shotgun, and so I say,
7 whose phone is that? Nobody said a word and it rang a
8 second time. So I said, all right, you're going to
9 have to turn the phone off or I'll have to confiscate
10 it. And my law clerk grabbed me by the robe and said,
11 Judge, that's your cell phone. So, please, if you have
12 a cell phone, please turn it off and don't bring a cell
13 phone.

14 I've tried it both ways, ladies and gentlemen.
15 I'll ask that you do -- you are going to see me writing
16 and you are going to see Skyler writing and I hope to
17 get some writing out of these two federal law clerks
18 down here during the trial. But I don't want you to
19 take notes. Why? Because I've found that if the
20 written note taker on the jury makes an error in your
21 notes, the notes can be harmful rather than helpful in
22 your jury room during deliberations.

23 Now don't worry. Mona is making an audio
24 recording, not video, but audio recording of the
25 witnesses. So you don't have to worry about

FURTHER JURY INSTRUCTIONS

1 remembering, because if you want, we will play back an
2 entire witness's testimony, if you so desire. But
3 please do not take written notes.

4 All right. Ladies and gentlemen, I do not intend
5 that what I've just said to you to be construed as a
6 charge on the law. We have rules for everything we do.
7 We have rules for who goes first in an opening
8 statement, who goes first in closing arguments, who
9 presents the evidence first. I've got to enforce the
10 Rules of Evidence, the rules of the court.

11 What I have wanted to do is try to give you an
12 overview of what is going to be happening from time to
13 time. This has been an attempt on my part to briefly
14 explain to you some of the procedure that we will
15 follow in the trial of this case so that you will have,
16 hopefully, a better understanding as to what may be
17 happening as a juror from time to time.

18 Nevertheless, though, in order to preserve
19 everyone's rights, I'll give the parties an opportunity
20 to object to anything that I've said to you, if they
21 have any such objections.

22 Any exception or objections from the State of
23 South Carolina?

24 MS. JONES: No, Your Honor.

25 THE COURT: From the Defendant?

FURTHER JURY INSTRUCTIONS

1 MR. LEE: No, sir.

2 THE COURT: Ladies and gentlemen of the jury, we
3 will now begin the trial of this case.

4 Solicitor.

5 MS. JONES: Thank you, Your Honor. May it please
6 the Court.

7 THE COURT: Proceed.

8 OPENING STATEMENT BY THE STATE

9 MS. JONES: Love, happiness, a life. There's some
10 things in this world that are simply invaluable. You
11 cannot put a price tag on them. The Defendant, Rohaime
12 Hopkins, would disagree. Terrance Johnson's life had a
13 price tag, a 15,000-dollar price tag. Rohaime Hopkins
14 was going to get that money. So, on November 12th of
15 2014, he shot Terrance Johnson five times.

16 Now, on November 12th of 2014, unfortunately, it
17 started just as it would end, with a life lost. People
18 were gathered at an area called Simmons Hill. Over on
19 Knowles Island Road about maybe ten minutes from here
20 and it's an area that consists of maybe three or four
21 homes and they are all lived in by members of the
22 Simmons family. Now, the Simmonses had just lost their
23 grandmother, and so, people, friends, family were there
24 to pay their respects. Terrance Johnson was there and
25 the Defendant, Rohaime Hopkins, was also there.

OPENING STATEMENT BY THE STATE

1 Now, the Defendant is from a nearby area of town
2 called Roseland. It's rural. There's not a whole lot
3 over there and it's a couple of minutes, five minutes
4 or so away from Simmons Hill. Well, while at Simmons
5 Hill he kept asking to take -- for T.J., Terrance, to
6 take him to Roseland. He needs to go home. He needs
7 to go home. He needs to go home. Well, T.J. says
8 fine. He takes him to Roseland. Why does he have to
9 go to Roseland? Well, he changes his clothes. He
10 changes his clothes into all black clothing.

11 Well, they come back to Simmons Hill. Just the
12 two of them. At this point it's getting a little bit
13 later. Some people have already left for the night and
14 others are getting ready to leave. Well, the
15 Defendant, he needs to go back to Roseland, and there's
16 only one person he wants to take him and that's
17 Terrance Johnson. Not only does Terrance Johnson take
18 him, but the Defendant insists they go alone.

19 Now, T.J., he sold marijuana and he had some on
20 him that night. And the Defendant makes a phone call
21 to his friend, Latanya Singleton, which you might hear
22 referred to as Tutu. They go to Latanya's house.
23 Ironically, she lives in Roseland. And it's just T.J.
24 and it's just the Defendant. They're there a little
25 while. They're talking. The Defendant goes inside,

OPENING STATEMENT BY THE STATE

1 does something. They come back outside.

2 They get there in T.J.'s car. T.J. is driving.

3 Well, they're there for a little bit and they leave

4 together, just the two of them in T.J.'s car. Well,

5 about 20 minutes later, the Defendant comes back. This

6 time he's on foot. T.J. is not with him nor is T.J.'s

7 car anywhere around. T.J. ultimately dies in Roseland.

8 He is shot and killed outside and found outside of his

9 car in Roseland. Tutu lives about 500 yards from where

10 T.J. was found, an easy walk.

11 T.J. had phone records. At 9:02 he sends his last

12 text message. At 9:10 p.m. --

13 THE COURT: Speak up, Solicitor.

14 MS. JONES: At 9:10 p.m. he makes his last

15 outgoing phone call and at 9:37 the night of November

16 the 12th while on the phone with his fiancée, Angel

17 Simmons, they are disconnected. She calls him back

18 repeatedly, over and over and over. She calls T.J. He

19 doesn't answer. It rings and goes to voice mail.

20 That's because at 9:37 Rohaime Hopkins was shooting

21 T.J. They were together. They were alone. They were

22 at the Defendant's home area when he murders T.J.

23 In the meantime, some neighbors hear some

24 gunshots. They say it's between 9:00 and 10:00.

25 Consistent with phone records. They heard five to six

OPENING STATEMENT BY THE STATE

1 gunshots that night. T.J. was shot five times.

2 You are going to hear from a lot of people during
3 this trial. You're going to hear from Mr. Kesselring
4 and the neighbors. You're going to hear from the
5 police who respond. We have local Jasper County
6 Sheriff's Office as well as State Law Enforcement
7 Division. You're going to hear from the paramedic who
8 responded who knew when he got there, there was -- he
9 couldn't help T.J.

10 And you're going to hear from people who were at
11 Simmons Hill that day. Now a lot of those people,
12 they're not thrilled to be here. They don't want to
13 testify; they don't want to cooperate. But they are.
14 And they will be here. And they are going to tell you
15 what they saw that day and what they heard that day. I
16 ask that you listen to them, you pay attention to their
17 words, and pay attention to their demeanors on that
18 witness stand.

19 Finally, you're going to hear from a man named
20 Byron Singleton. Now, Byron Singleton is currently in
21 jail. He is charged with murder. He is going to be
22 here to testify. And what he's going to tell you is
23 that while in jail, he struck up a friendship with the
24 Defendant, Rohaime Hopkins. And during this friendship
25 Rohaime told him he did it. You are probably going to

OPENING STATEMENT BY THE STATE

1 say, he is in jail; why would I believe him? Listen to
2 what he tells you, the words, the information, and you
3 will know that he is telling the truth.

4 Rohaime Hopkins tells Byron he did it. He tells
5 him where he did it, in his home area, Roseland, and
6 he's going to tell you why he did it, the motive. And
7 that's the \$15,000 that I mentioned earlier.

8 You know, you see, a man by the name of Trey
9 Graves, who's currently serving a 28-year federal
10 prison sentence, called a hit out on Terrance Johnson.
11 Now the reasons why differ, but we know Trey Graves
12 called the hit. Terrance Johnson had to die. And
13 whoever signed that contract, whoever fulfilled that
14 hit would be paid handsomely. The Defendant accepted
15 this challenge and on November 12th he satisfied that
16 contract.

17 Now, just like Judge Buckner said, this is not
18 television. This is not Law and Order. This is not
19 CSI. You're not going to have that "aha!" moment from
20 the witness stand. It is tedious. It's going to be
21 long. And it's a puzzle. Because every witness that
22 gets on that witness stand, every word that they say,
23 every picture that you see, every exhibit that's
24 admitted is a piece to that puzzle. And at the end of
25 this trial, at the end of all of the testimony and all

OPENING STATEMENT BY THE STATE

1 of the evidence presented, you will have all of your
2 pieces to put that puzzle together. And that puzzle
3 shows one thing and that is that the Defendant is
4 guilty, because to him Terrance Johnson was worth more
5 dead than alive.

6 Thank you.

7 THE COURT: Mr. Lee.

8 MR. LEE: Thank you, Your Honor. May it please
9 the Court. Ms. Jones.

10 THE COURT: Proceed.

11 OPENING STATEMENT BY THE DEFENSE

12 MR. LEE: Good afternoon everybody.

13 When I was a kid I used to love to read. I would
14 read as many books as I could. And one of the books
15 that I really liked was about a detective named
16 Sherlock Holmes. You may have heard of him before.
17 And Sherlock Holmes would have these cases and he would
18 end up solving these cases.

19 And he had a sidekick named Watson who just
20 thought Holmes just hung over the moon. He thought he
21 was so smart. Says he was a great guy. So, the
22 sidekick Watson was always there and then at the end of
23 the story or the mystery, Sherlock Holmes would explain
24 to Watson, this is how I figured it out. And he also,
25 the author, by doing that would explain to the reader,

OPENING STATEMENT BY THE DEFENSE

1 this is how he figured it out.

2 So my favorite story of all times was Sherlock
3 Holmes was investigating a castle that had been broken
4 into, and he's talking to all of the people that lived
5 around there and all of the witnesses, and he kept
6 asking the people: There were two dogs here. Did
7 anybody hear the dogs bark? And I'm like, why is he --
8 why is he asking about the dogs? Why is he asking
9 about the dogs? So anyway, to a person, every person
10 said, I didn't hear any dogs barking, the dogs that
11 lived there. So at the end of the story, they figured
12 out that the person that burglarized the castle knew
13 the dogs and the dogs knew him. That's why they didn't
14 bark.

15 And so at the end of the story the way that Holmes
16 relates that to the reader and to Watson, is, he says,
17 "My Dear Watson, most of the times in finding the truth
18 what's most important is not what you see or hear, but
19 what you don't see and you don't hear. What you don't
20 see and you don't hear. Nobody heard the dogs.

21 What does that have to do with this? Well, it's a
22 good way to look at a criminal case. Because the State
23 of South Carolina, in this case the Solicitor's Office,
24 before you as a jury can convict anybody, find them
25 guilty of anything, the State has to bring everything

OPENING STATEMENT BY THE DEFENSE

1 to you to prove a case beyond a reasonable doubt.
2 That's the standard that y'all have to look for and
3 critique and observe in a criminal case, proof beyond a
4 reasonable doubt.

5 So, what is proof beyond a reasonable doubt?

6 Well, a reasonable doubt has been defined as the type
7 of doubt that causes a reasonable person in making one
8 of life's important decisions to hesitate to act. To
9 hesitate to act. Proof beyond a reasonable doubt, I
10 think the Judge will define, is the type of proof from
11 the State that leaves you firmly convinced of a
12 defendant's guilt. Firmly convinced.

13 And you may say, gee, that sounds like -- kind of
14 like a pretty high standard. I mean you're telling me
15 that if we hesitate to act -- because if we hesitate to
16 act, that the proper verdict and the only verdict is
17 not guilty; and if we're not firmly convinced beyond a
18 reasonable doubt that it's a not guilty verdict? Well,
19 that's correct.

20 And the reason that the standard is so high is,
21 think about it, if someone is convicted, think of the
22 consequences that happen, in general. People get in
23 prison. People lose their reputation. They lose their
24 liberty, everything else. Fines, whatever the case may
25 be. So that's why the standard is so, so high of that

OPENING STATEMENT BY THE DEFENSE

1 proof beyond a reasonable doubt.

2 Well, gees, that still seems like a lot to ask of
3 the State. Well, think about it. The State has all of
4 the power. They have all of the resources. You are
5 going to hear about the incredible resources at their
6 disposal that they used in this case. The SLED agent
7 here -- there's multiple SLED agents. There's multiple
8 Jasper County people with EMS. There's the fire.
9 There's a SLED for forensics, DNA, fingerprint. They
10 can do it all up there. The State has all of that at
11 their disposal. Well, they should because that is what
12 is supposed to be done in a criminal case. Before you
13 can take away somebody's liberty and freedom and
14 everything else, you have got to prove it beyond a
15 reasonable doubt.

16 And that is where y'all come in. So the State,
17 their job is to present it to you and say, jury, here
18 we go. We have shown you beyond a reasonable doubt
19 through evidence that this guy is guilty. They will
20 not be able to do that. They absolutely will not be
21 able to do that in this case. And the main reason is
22 because of what you don't see and you don't hear. The
23 things that make you hesitate to act. The things that
24 do not leave you firmly convinced of Rohaime's guilt.
25 Most of the time in finding the truth what's most

OPENING STATEMENT BY THE DEFENSE

1 important is not what you see and hear, but what you
2 don't see and you don't hear.

3 Guess what, I don't care who -- what solicitor it
4 is. They aren't going to tell you everything. And so
5 you're going to have to hear a lot of the rest of the
6 story from our side, and that will primarily be through
7 cross examination of their witnesses. And when they
8 don't tell you something but they leave something out,
9 something that's very important because you have such a
10 duty on your hands sitting in judgment of Mr. Hopkins,
11 you have to ask yourself, why didn't the State want me
12 to know that? I have this tough job. Why didn't they
13 let me know that? That is important. That isn't fair.
14 And that's what's going to come from that side.

15 And you may want to ask yourself, is the State
16 telling me what they want me to know or what I need to
17 know, as a juror what I need to know. Because there's
18 all kind of things you're not going to hear until we
19 get up there and we are able to cross-examine some of
20 these officers. And in doing that, I will apologize in
21 advance, I -- I don't know any of y'all. I wished our
22 kids grew up together and we knew each other and we
23 could talk about this case, you know, through lunch or
24 something, but I'm going to apologize in advance
25 because I don't know you.

OPENING STATEMENT BY THE DEFENSE

1 There's -- there's some pretty shady people
2 involved in this case, and there's some really --
3 probably will be some bad language, not from -- not
4 from us but repeating things. And there's going to be
5 some not so nice situations. And, you know, we're in
6 court and we have got to keep it real, but I'm just
7 going to apologize in advance, and not knowing you,
8 some of this stuff is going to come out. I may have to
9 quote something to someone on the stand and use
10 language that I never would use in front of any of you
11 guys normally. So, that's going to be awkward.

12 I don't know how many witnesses they're planning
13 on calling or how long they plan on -- on trying this
14 case. But let me tell you, there are some witnesses
15 that I believe are a lot more important than others.
16 And the solicitor talked about her version of what
17 happened and how it fits her little puzzle fits right
18 in her mind.

19 And one of the people that she's referring to is
20 Latanya Singleton who is also known as Tutu. Her story
21 doesn't work without Tutu and Tutu being believable.
22 Well, you're going to hear about Tutu. You're going to
23 hear a lot about Tutu. And it's not going to be coming
24 from them; it's coming from us and from her on the
25 stand.

OPENING STATEMENT BY THE DEFENSE

1 There is a guy, Antoine Drake. You're going to
2 hear a lot about him, because he is a very important
3 part of this puzzle that she's talking about. And you
4 won't believe some of the things that you will hear
5 about Antoine Drake.

6 And Byron Singleton, the guy who -- that is going
7 to come in and, I guess, get some kind of a deal on his
8 murder case because he's going to say that my client
9 said something to him in Charleston.

10 And there is also a very important witness that I
11 want you to think about and we'll see what he says.
12 His name is Phil Simmons. I'm sure the solicitor isn't
13 going to hide anything from you. I'm sure the
14 solicitor will call him because he has some really
15 interesting things to say. And he's one of the few
16 people that -- that kind of don't seem to have a lot of
17 stuff surrounding him. But Phil Simmons will be
18 called.

19 And then, obviously, Officer Johnson as the lead
20 investigator, and you're going to hear from him. And
21 you can hear -- a lot of stuff you are not going to
22 hear from him, stuff that you need to know, that you
23 should know, that you are entitled to know, that you
24 have got to know. And what I think you will see at the
25 end of his testimony, after he's been cross-examined,

OPENING STATEMENT BY THE DEFENSE

1 it is -- it will probably remind you of the Bible verse
2 saying, to whom much is given, much is expected. We
3 give the police, law enforcement, prosecutors a lot of
4 power, a lot of resources, a lot of latitude, a lot of
5 breaks and we need to.

6 But with that comes an obligation to Rohaime
7 Hopkins, to anybody else, anybody else for them to do
8 what they are supposed to do, to cross their Ts, dot
9 their Is, look under the rocks, particularly in a case
10 this serious and to whom much is given, much is
11 expected.

12 It's easy to play Monday morning quarterback
13 sometimes; this is a lot different. I'm going to --
14 I'm going to ask him about things and I'm going to
15 expect things out of him. And if he gets mad at me, if
16 he gets upset about my cross examination, saying you
17 didn't do this or you didn't do that, don't -- don't --
18 don't blame Mr. Hopkins. Don't be mad at him. Blame
19 me, saying, hey, you went too far. But to whom much is
20 given, much is expected, particularly in a case like
21 this.

22 So, the nice little buttoned up version that
23 Ms. Jones gave in her opening isn't going to fly. She
24 ain't going to be able to prove it and there's going to
25 be evidence that completely blows that little picture

OPENING STATEMENT BY THE DEFENSE

1 out of the water. And you are going to hear about that
2 from us.

3 So, in closing and so they can start their --
4 their case, they get to go first. All I would ask --
5 they get to present all of their witnesses first. They
6 get to ask questions before we do. I would just ask
7 you, don't make up your mind. Don't say that sounds
8 pretty good, I will quit listening. Because, most of
9 the time in determining the truth it's not what you see
10 or hear, but what you don't see and what you don't
11 hear.

12 THE COURT: Call your first witness.

13 MS. JONES: The State calls Rusty Wells.

14 THE COURT: Counsel approach.

15 (Off-the-record discussion held.)

16 THE COURT: Please swear the witness, Madam Clerk.

17 Thereupon,

18 RUSTY WELLS

19 was called as a witness, having been first duly sworn, was
20 examined and testified as follows:

21 THE COURT: Have a seat. Make yourself
22 comfortable, pull that chair up and adjust the
23 microphone which is going to amplify your voice to your
24 height. You need to speak up so everybody -- see that
25 gentleman back there on the back row.

DIRECT EXAMINATION OF RUSTY WELLS BY MS. JONES

1 WITNESS: Yes, sir.

2 THE COURT: That's Mr. Lambert. He's been my
3 guinea pig today. But I want him to be able to hear,
4 so I need to make sure that you're speaking loud enough
5 that he can hear you. Would you begin by stating your
6 full name, spelling your last name for the court
7 reporter.

8 WITNESS: My name is Russell Wells, W-E-L-L-S.

9 THE COURT: Your witness, Counselor. Direct
10 examination.

11 MS. JONES: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MS. JONES

14 Q. I see you're in a uniform. Where do you work?

15 A. Jasper County Emergency Services.

16 Q. And in what capacity do you work with Emergency
17 Services?

18 A. EMS director.

19 Q. What are some of your duties?

20 A. Firefighter, 911 communications emergency
21 management.

22 Q. You mentioned 911 communications.

23 A. Yes, ma'am.

24 Q. Were you asked to pull a 911 call for the case
25 we're here for today?

DIRECT EXAMINATION OF RUSTY WELLS BY MS. JONES

1 A. Yes, ma'am.

2 Q. And did you in fact do that?

3 A. Yes, ma'am.

4 Q. And did you review something prior to trial?

5 A. Yes, ma'am.

6 MS. JONES: Permission to approach, Your Honor?

7 THE COURT: You may.

8 BY MS. JONES

9 Q. Mr. Wells, I'm showing you what's been marked as
10 State's Exhibit 1.

11 A. Okay.

12 Q. Can you identify that?

13 A. Yes, ma'am.

14 Q. And what is that?

15 A. That would be the 911 call.

16 Q. For?

17 A. The audio.

18 Q. Okay. And that was received on November 13, 2014?

19 A. Yes, ma'am.

20 Q. And is this a fair and accurate copy of that 911
21 call?

22 A. Yes, ma'am, it is.

23 Q. No alterations?

24 A. No, ma'am.

25 MS. JONES: Your Honor, at this time the State

DIRECT EXAMINATION OF RUSTY WELLS BY MS. JONES

1 moves State's 1 into evidence.

2 THE COURT: As to State's Exhibit 1, Mr. Lee.

3 MR. LEE: No objections.

4 THE COURT: Ladies and gentlemen of the jury,
5 State's Exhibit No. 1 will be admitted into evidence in
6 the trial of this case without objections. State's 1
7 is in evidence. You may now publish to the jury.

8 *(Whereupon, State's Exhibit No(s). 1 marked for*
9 *identification and received in evidence.)*

10 MS. JONES: Thank you, Your Honor.

11 (Playing CD of audio 911 call.)

12 MS. JONES: I have no further questions of this
13 witness, Your Honor.

14 THE COURT: Cross examination.

15 MR. LEE: No questions, Your Honor.

16 THE COURT: As to this witness, Solicitor.

17 MS. JONES: He may be excused.

18 THE COURT: Any objection, Mr. Lee?

19 MR. LEE: No, sir.

20 THE COURT: Mr. Wells, you may step down from the
21 witness stand. You are excused from the trial of this
22 case and may leave the courtroom.

23 Call your next witness.

24 MS. JONES: The State calls Justin Kesselring.

25 Thereupon,

DIRECT EXAMINATION OF RUSTY WELLS BY MS. JONES

1 JUSTIN KESSELRING

2 was called as a witness, having been first duly sworn, was
3 examined and testified as follows:

4 THE COURT: Have a seat, Mr. Kesselring. Pull
5 that chair up and adjust it, and adjust the microphone
6 to your height so it can amplify your voice. Speak up
7 so my entire jury and the people in here can hear you.
8 State your full name. Spell your last name for the
9 court reporter.

10 WITNESS: Justin Kesselring, K-E-S-S-E-L-R-I-N-G.

11 THE COURT: Your witness, Counselor. Direct
12 examination.

13 MS. JONES: Thank you, Your Honor.

14 DIRECT EXAMINATION

15 BY MS. JONES

16 Q. Mr. Kesselring, where do you live?

17 A. 349 Knowles Island Road.

18 Q. And where is that in relation to 350 Knowles
19 Island Road?

20 A. That is a good question. I guess right across the
21 street.

22 Q. Okay. Is that in Jasper County?

23 A. Yes.

24 Q. Okay. And what is that area like? Can you
25 describe that area?

DIRECT EXAMINATION OF JUSTIN KESSELRING BY MS. JONES

1 A. It is quiet. I mean, never had any troubles down
2 there. Been there for about six years.

3 Q. Is it pretty rural or is there a lot around in
4 that area?

5 A. It is pretty rural.

6 Q. Do you remember November 12, 2014?

7 A. Yes.

8 Q. And what do you remember about that night?

9 A. Just getting into the bed, heard some shots,
10 looked out a window. I didn't see anything. Just didn't
11 think much about it. And then we hear shots around there
12 all the time. People clinging around with guns. Didn't
13 think anything about it.

14 Q. Do you recall what time this was?

15 A. Probably at 9:00 or a little after 9:00.

16 Q. Do you know how many shots you heard?

17 A. I didn't count them. I mean it was multiple. It
18 was more than one.

19 Q. You said you looked out the window. Did you see a
20 car?

21 A. No.

22 Q. You didn't see headlights or anything?

23 A. No.

24 Q. Did you come across something the next morning?

25 A. Yes, as I was leaving to go to work, there was a

DIRECT EXAMINATION OF JUSTIN KESSELRING BY MS. JONES

1 car across the street and there was a body laying next to
2 it.

3 Q. Okay. What did you do when you discovered this?

4 A. Well, I had my daughter in the car; so, I went
5 around the block and took her to a friend's house and then
6 came back and called 911.

7 Q. Okay. And did you stay on scene until --

8 A. (Nods head.)

9 Q. -- the police got there?

10 A. Yes.

11 THE COURT: You have to say yes. Don't nod your
12 head.

13 WITNESS: Sorry about that.

14 THE COURT: That's all right.

15 MS. JONES: Mr. Kesselring, I don't have any more
16 questions for you. Thank you.

17 THE COURT: Cross examination.

18 CROSS EXAMINATION

19 BY MR. LEE

20 Q. Mr. Kesselring, did you hear large caliber as well
21 as small caliber shots, is that correct?

22 A. I believe so.

23 Q. And you put the time at about 9:00 p.m.?

24 A. 9:00 or maybe a little after. I don't know
25 exactly.

CROSS EXAMINATION OF JUSTIN KESSELRING BY MR. LEE

1 Q. But there was no vehicle there when you looked out
2 the window, correct?

3 A. I didn't see anything. It was pitch black. I
4 didn't remember it exactly.

5 Q. If a vehicle is coming out of that dirt road where
6 the car was ultimately found, doesn't it go almost straight
7 toward your house?

8 A. Yes.

9 Q. So, headlights from a car coming out of that road
10 would shine toward your house?

11 A. Yes.

12 MR. LEE: No further questions.

13 THE COURT: Redirect.

14 REDIRECT EXAMINATION

15 BY MS. JONES

16 Q. If the car was off you wouldn't see the lights,
17 would you?

18 A. No.

19 MS. JONES: No further questions.

20 THE COURT: Recross limited to redirect.

21 MR. LEE: No, sir, I'm done.

22 THE COURT: As to this witness, Solicitor.

23 MS. JONES: He may be excused.

24 THE COURT: Any objection?

25 MR. LEE: No objection.

REDIRECT EXAMINATION OF JUSTIN KESSELRING BY MS.
JONES

1 THE COURT: Mr. Kesselring, you may step down from
2 the witness stand and you're excused from the trial of
3 this case and may leave the courtroom.

4 WITNESS: Thank you.

5 THE COURT: Call your next witness.

6 MS. JONES: The State calls Shardaja Singleton.

7 Thereupon,

8 SHARDAJA SINGLETON

9 was called as a witness, having been first duly sworn, was
10 examined and testified as follows:

11 THE COURT: Okay. Pull that chair up to the
12 microphone. You have a meek voice. You have got to
13 speak up for me. That microphone will amplify your
14 voice, but I want everybody on this jury to be able to
15 hear you, okay. Now, pull the chair up, speak up for
16 me now, adjust that microphone down or up or out to
17 where you need it. State your full name and spell your
18 last name for the court reporter.

19 WITNESS: Shardaja Singleton, S-I-N-G-L-E-T-O-N.

20 THE COURT: Very good.

21 Your witness, Counsel. Direct examination.

22 MS. JONES: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MS. JONES:

25 Q. Ms. Singleton, where do you live?

DIRECT EXAMINATION OF SHARDAJA SINGLETON BY MS.
JONES

1 A. 44 Knowles Island Road.

2 Q. Okay. And that's in Roseland?

3 A. Yes, ma'am.

4 Q. Were you living there back on November 12th and
5 13th of 2014?

6 A. Yes, ma'am.

7 Q. Do you remember coming across something that --
8 the morning of the 13th?

9 A. Yes, ma'am.

10 Q. What did you come across that morning?

11 A. Coming across as far as?

12 Q. What did you see that morning that sticks out to
13 you?

14 A. (No response.)

15 Q. Did you miss the school bus that day?

16 A. Oh, yes, ma'am.

17 Q. Okay. And what happened when you missed the
18 school bus?

19 A. I saw a guy laying.

20 Q. Okay. Where was he laying?

21 A. In the dirt road.

22 Q. And where is this dirt road in relation to where
23 you live?

24 A. It was down the road.

25 Q. Okay. Is it walking distance?

DIRECT EXAMINATION OF SHARDAJA SINGLETON BY MS.
JONES

1 A. Yes, ma'am.

2 Q. Okay. In fact, it's next door?

3 A. Yes, ma'am.

4 Q. There's no other homes in the middle, right?

5 A. No, ma'am.

6 Q. It's next door?

7 A. (Witness nods head.)

8 Q. Okay.

9 THE COURT: Don't nod your head now. Say yes or
10 no.

11 WITNESS: Okay, yes.

12 BY MS. JONES

13 Q. Tell me a little bit more about what you saw, a
14 man laying next to a car.

15 A. Yes, ma'am. He was just laying next to the car
16 and the passenger door was open.

17 Q. Right. What did you do when you see this man?

18 A. I called my granddaddy.

19 Q. Okay. Had -- was anybody else there?

20 A. Yes, ma'am.

21 Q. Do you know who else was there?

22 A. I don't know but I seen a guy.

23 Q. Okay. Can you describe this man?

24 A. He was -- he was short. I remember he was short.

25 He was a short guy.

DIRECT EXAMINATION OF SHARDAJA SINGLETON BY MS.
JONES

1 Q. Was he calling 911 when you got there?

2 A. He had already called.

3 Q. Okay. So, this was a man who had already called
4 911?

5 A. Yes, ma'am.

6 Q. Nobody else was there?

7 A. No, ma'am.

8 Q. Do you remember the night before?

9 A. Yes, ma'am.

10 Q. What did you -- did you hear anything that night
11 before?

12 A. I heard gunshots.

13 Q. Do you know about what time you heard gunshots?

14 A. I believe around 9:00.

15 Q. All right. Do you know how many you heard?

16 A. At least around six.

17 Q. And any other time that night did you hear any
18 other gunshots?

19 A. No, ma'am.

20 MS. JONES: I have no further questions for this
21 witness, Your Honor.

22 THE COURT: Cross examination.

23 CROSS EXAMINATION

24 BY MR. LEE:

25 Q. So, at 9:00, you heard six shots?

CROSS EXAMINATION OF SHARDAJA SINGLETON BY MR. LEE

1 A. Yes.

2 MR. LEE: That's all I have, Your Honor.

3 THE COURT: Redirect.

4 MS. JONES: None, Your Honor.

5 THE COURT: As to the witness.

6 MS. JONES: She may be excused.

7 THE COURT: Any objections?

8 MR. LEE: No objection.

9 THE COURT: Ms. Singleton, you may step down, and
10 you're excused from the trial of this case. You may
11 leave the courtroom.

12 Call your next witness.

13 MS. JONES: The State calls Sergeant Ashby.

14 Thereupon,

15 STEPHON ASHBY

16 was called as a witness, having been first duly sworn, was
17 examined and testified as follows:

18 THE COURT: All right. Pull the chair up, adjust
19 the microphone, and you can get a little closer, sorry.
20 You have to be able to talk into it so it'll amplify
21 your voice. Adjust the microphone to your height.
22 State your full name and spell your last name for the
23 court reporter.

24 WITNESS: My name is Stephon Ashby. Last name,
25 A-S-H-B-Y.

DIRECT EXAMINATION OF STEPHON ASHBY BY MS. JONES

1 THE COURT: Your witness, counsel. Direct
2 examination.

3 MS. JONES: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MS. JONES:

6 Q. Sergeant Ashby, where are you employed?

7 A. Jasper County Sheriff's Department.

8 Q. And how long have you been employed with the
9 Sheriff's Department?

10 A. Sixteen years.

11 Q. Sixteen years. What are some of your duties?

12 A. Just overseeing the patrol division.

13 Q. And you're a sergeant?

14 A. I was. I'm back down to a corporal now.

15 Q. Okay. As overseeing, what do you -- what does a
16 day-to-day shift look like for you?

17 A. Just doing deputy paperwork and answering calls
18 and doing other things.

19 Q. Okay. And answering calls, did you respond to a
20 call on November 13th of 2014?

21 A. Yes, I did.

22 Q. And where did you respond?

23 A. To 350 Knowles Island Road.

24 Q. Is that here in Jasper County?

25 A. Yes, it is.

DIRECT EXAMINATION OF STEPHON ASHBY BY MS. JONES

1 Q. And why did you respond to Knowles Island Road?

2 A. We had a call from dispatcher approximately 7:00
3 in the morning in reference to a man that was found next to
4 a vehicle, unresponsive.

5 Q. Okay. Could you just pull the microphone down a
6 little bit. Thank you.

7 A. No problem.

8 Q. What time did you get to Knowles Island Road?

9 A. Roughly around about 7:15, between 7:00 and 7:30,
10 somewhere around there.

11 Q. And the dispatch call went out about 7:00?

12 A. Yes, 7:00.

13 Q. When you get there, what do you see?

14 A. I observe a green Toyota Camry facing right out
15 from the road right across from Knowles Island Road.
16 The passenger side of the vehicle was open. A black male
17 subject laying face down on the ground.

18 Q. Did anything stick out to you about this -- this
19 person lying down on the ground?

20 A. No.

21 Q. Did he appear to have gunshot wounds?

22 A. Not at the time. I couldn't see it.

23 Q. You couldn't see it?

24 A. No.

25 Q. Okay. When you see this scene, what do you do?

DIRECT EXAMINATION OF STEPHON ASHBY BY MS. JONES

1 A. I secure the scene. I had other responding
2 deputies that were behind me within a few minutes. Secured
3 the scene for evidence and actually waiting on a supervisor
4 detective to respond.

5 Q. Securing the scene, is that keeping onlookers out?

6 A. Yes, ma'am.

7 Q. Did y'all put up tape around the perimeter?

8 A. Yes.

9 Q. Did the case remain with you or did it go to an
10 investigator?

11 A. It went to an investigator.

12 Q. Okay. So, after you secured the scene, did you do
13 anything else with this case?

14 A. No, just stayed and kept people out of the crime
15 scene.

16 MS. JONES: Okay. I have no further questions.

17 Thank you.

18 WITNESS: All right.

19 THE COURT: Cross examination.

20 CROSS EXAMINATION

21 BY MR. LEE:

22 Q. Do you remember what time that next morning you
23 got there on the 13th?

24 A. I think that it was in between 7:00 and 7:30.

25 Q. A.m.?

CROSS EXAMINATION OF STEPHON ASHBY BY MR. LEE

1 A. A.m.

2 Q. Okay. And one of your jobs was to keep people off
3 of the crime scene?

4 A. Yes, sir.

5 Q. Okay. Was anybody not -- not in law enforcement
6 at the crime scene when you got there?

7 A. EMS.

8 Q. Do you remember seeing a gentleman named Antoine
9 Drake at the crime scene?

10 A. I can't recall.

11 Q. You're familiar with Antoine Drake though, aren't
12 you?

13 A. Yes, sir.

14 Q. You know him?

15 A. Yes, sir.

16 Q. Do you remember seeing a Latanya Singleton, AKA
17 Tutu, at the crime scene that morning?

18 A. No, sir.

19 Q. You don't remember?

20 A. No, sir.

21 Q. Okay. Did you in fact have to keep some people
22 from going onto the crime scene?

23 A. Yes, sir.

24 Q. Some bystanders?

25 A. Yes, sir.

CROSS EXAMINATION OF STEPHON ASHBY BY MR. LEE

1 Q. Okay. So, if there were some people there that --
2 weren't law enforcement, it wouldn't surprise you, correct?

3 A. Yes.

4 Q. Okay.

5 THE COURT: Anything further?

6 MR. LEE: Beg the Court's indulgence.

7 No more questions at this time, Your Honor. I
8 would ask that he be kept under --

9 THE COURT: I can't hear you.

10 MR. LEE: I'm sorry.

11 THE COURT: Counsel, approach.

12 (Off-the-record discussion held.)

13 THE COURT: Redirect.

14 MS. JONES: I have no questions, Your Honor.

15 THE COURT: As to the witness, Solicitor.

16 MS. JONES: Per our discussion, he will remain
17 available.

18 THE COURT: Very well. All right. If you would,
19 please, Mr. Ashby, I'm going to ask you to step down.
20 You are not excused from the trial of this case. I'm
21 going to ask you -- the solicitor is going to talk to
22 you. I'm getting ready to give my jury a break and let
23 them stretch their legs. If you'll walk out of the
24 courtroom with the solicitor, she'll give you further
25 instructions about whether or not we will need you

CROSS EXAMINATION OF STEPHON ASHBY BY MR. LEE

1 further in the trial of this case. Thank you very
2 much.

3 Madam foreperson, ladies and gentlemen of the
4 jury, I'm going to take my one and only break now.
5 You've been sitting now for about an hour and 15
6 minutes, so you can stretch your legs, use the
7 restroom. Please do not discuss the case. As soon as
8 I know everybody has had a chance to take a break, we
9 are going to start right back and I will keep the train
10 on the track. Thank you very much. You may retire to
11 your jury room.

12 (Jury exits the courtroom at 3:51.)

13 THE COURT: On the record.

14 Prior to trial defense made a request of
15 sequestration. My ruling was that it would apply to
16 both sides. I told the State they could have their
17 case manager which is SLED agent Johnson in the
18 courtroom. Obviously the Defendant can remain. I also
19 told counsel for the State that the victim's family
20 under the Victim's Bill of Rights could remain. Each
21 side is responsible for their own witnesses. They have
22 been advised of my sequestration order. They are not
23 allowed to discuss this case amongst themselves.

24 Shut the door, ma'am.

25 They are not allowed to discuss this case with

CROSS EXAMINATION OF STEPHON ASHBY BY MR. LEE

1 each other until they are released by the court. The
2 lawyers are responsible for all their witnesses and
3 advising them of my order.

4 Mr. Lee then brought up the issue that he might
5 want to keep a State's witness and not excuse a
6 witness, to which the solicitor said she had no
7 objections. Mr. Lee should have subpoenaed these
8 witnesses and had not done so, but we took the view
9 that the solicitor had control over the witnesses,
10 particularly law enforcement witnesses. This last
11 witness was not subpoenaed by either the State or the
12 Defendant; however, counsel for the State has assured
13 this Court she will make the witness available to
14 counsel for the Defendant should the Defendant seek to
15 recall this witness during the trial of the case.

16 I have advised counsel for the State that they
17 have to go through every law enforcement witness during
18 this break and make sure of their availability in the
19 event any additional law enforcement witnesses are
20 requested to remain. This will be your only break.
21 We'll take ten minutes.

22 (Whereupon, a brief recess was taken.)

23 THE COURT: Solicitor, have you advised your
24 witnesses?

25 MS. JONES: I have. Law enforcement will remain

CROSS EXAMINATION OF STEPHON ASHBY BY MR. LEE

1 available for Mr. Lee.

2 THE COURT: Very well.

3 Is the State ready to proceed?

4 MS. JONES: I am. Your Honor, I do need to get --
5 going back through the notes with Mr. Lee -- I need to
6 tell -- I need to talk to one of my missed witnesses to
7 preclude her from saying something that is
8 inadmissible.

9 THE COURT: I'm not quite sure I understand that
10 request. Please approach.

11 (Off-the-record discussion held.)

12 THE COURT: Defendant ready to proceed?

13 MR. LEE: Yes, sir.

14 THE COURT: Bring us the jury.

15 (Jury enters the courtroom at 4:08 p.m.)

16 THE COURT: All right. Madam foreperson, ladies
17 and gentlemen of the jury, we'll now continue with
18 testimony in the trial of this case.

19 You may call your next witness, Solicitor.

20 MS. JONES: Thank you, Your Honor.

21 The State calls Mike Davis.

22 **Thereupon,**

23 MIKE DAVIS

24 was called as a witness, having been first duly sworn, was
25 examined and testified as follows:

DIRECT EXAMINATION OF MIKE DAVIS BY MS. JONES

1 THE COURT: Come around. Have a seat on the
2 witness stand. Make yourself comfortable. Pull the
3 chair up and adjust the microphone which will amplify
4 your voice to your height. I need you to use that
5 microphone, so my jurors can hear you. Would you begin
6 by stating your full name and spelling your last name
7 for the court reporter.

8 WITNESS: Michael John Charles Davis. Last name
9 is D-A-V-I-S. Davis.

10 THE COURT: Mr. Davis, you've got to speak up a
11 little bit louder than that.

12 WITNESS: Sorry.

13 THE COURT: Your witness, counsel. Direct
14 examination.

15 MS. JONES: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MS. JONES:

18 Q. Mr. Davis, where do you work?

19 A. Jasper County Fire and Rescue.

20 Q. Okay. And in what capacity do you work with Fire
21 and Rescue?

22 A. Firefighter paramedic.

23 Q. As a paramedic, what are some of your duties?

24 A. I provide advanced life support for the sick and
25 injured.

DIRECT EXAMINATION OF MIKE DAVIS BY MS. JONES

1 Q. Did you happen to receive some specialized
2 training and education to become a paramedic?

3 A. Yes, ma'am.

4 Q. Can you go into that a little bit?

5 A. Eighteen months of school for an EMT basic for a
6 year and paramedic school.

7 Q. And you said EMT basic first. What difference is
8 that from a paramedic?

9 A. They provide basic life support. And I provide
10 advanced life support in the pre-hospital setting.

11 Q. Okay. And did you respond -- do you solely work
12 in Jasper County?

13 A. Yes, ma'am.

14 Q. Okay. And did you respond on November 13, 2014,
15 to a call?

16 A. Yes, ma'am.

17 Q. And where did you respond?

18 A. Knowles Island Road.

19 Q. And what was the call in reference to?

20 A. I believe it went out as a full arrest.

21 Q. Okay. And I'm sorry, what does that mean?

22 A. Someone who's not breathing or has no pulse.

23 Q. And did you respond to that call?

24 A. Yes, ma'am.

25 Q. And when you get there, what do you see?

DIRECT EXAMINATION OF MIKE DAVIS BY MS. JONES

1 A. The man laying on the ground, kind of half under a
2 car.

3 Q. Okay. Is the car running?

4 A. I do not remember.

5 Q. Okay.

6 A. There was a -- there was an engine there first
7 with first responders on it so --

8 Q. Okay. Is that your report you have in front of
9 you?

10 A. Yes, ma'am.

11 Q. If you could reference that, do you have something
12 in there about the hood of the car?

13 A. Yes, ma'am. We did -- we checked the hood of the
14 car and it was cold to the touch.

15 Q. Okay. When you get there and you see this man
16 laying on the ground, what do you do?

17 A. Well, the first responders had said that he was
18 not breathing. Well, I'm the paramedic. I have to confirm
19 that. So he was pulseless and apneic, which he's not
20 breathing and he has no pulse. The way he was situated, it
21 would be difficult to get our cardiac monitor in there,
22 which we usually do put on to confirm that the heart is not
23 breathing. And if we recognize that it is a crime scene, I
24 didn't want to upset the scene any more than it already had
25 been.

DIRECT EXAMINATION OF MIKE DAVIS BY MS. JONES

1 Q. So you did not place the heart monitor?

2 A. No, ma'am.

3 Q. All right.

4 A. When we checked for his pulse, lividity had
5 already started to set in, which means that he had been down
6 for more than an hour.

7 Q. He had been deceased for more than an hour?

8 A. Yes, ma'am.

9 Q. Okay. So when you arrived the man was already
10 deceased?

11 A. Yes, ma'am.

12 Q. Did you learn the identity of this man?

13 A. Did I know?

14 Q. Did you learn it?

15 A. Yes, ma'am, I got it from Detective Morris after
16 the fact just for my report.

17 Q. Okay. And what does your report indicate who this
18 man is?

19 A. Terrance Johnson.

20 Q. Okay. After you -- you checked Mr. Johnson and
21 unfortunately you can't assist him, what do you do after
22 that?

23 A. I believe we'd already called for law enforcement
24 and for the coroner.

25 Q. Okay. And that -- did you do anything else after

DIRECT EXAMINATION OF MIKE DAVIS BY MS. JONES

1 that?

2 A. No, ma'am, just protected the scene.

3 MS. JONES: Okay, I have no further questions for
4 you. Thank you.

5 WITNESS: Thank you.

6 MR. LEE: No questions.

7 THE COURT: As to this witness, Solicitor.

8 MS. JONES: He may be excused.

9 THE COURT: Any objections?

10 MR. LEE: No objections.

11 THE COURT: Mr. Davis, you may step down from the
12 witness stand and you are excused from the trial of
13 this case. You may leave the courtroom.

14 Call your next witness.

15 MS. JONES: The State calls Detective Elvin
16 Wright.

17 THE COURT: Mr. Wright. Come forward and be sworn
18 by the Clerk of Court, please.

19 Thereupon,

20 ELVIN WRIGHT

21 was called as a witness, having been first duly sworn, was
22 examined and testified as follows:

23 THE COURT: Have a seat. Make yourself
24 comfortable. Pull that chair up and adjust it for your
25 comfort. Adjust the microphone to your height. The

DIRECT EXAMINATION OF ELVIN WRIGHT BY MS. JONES

1 microphone will amplify your voice. Please speak up
2 for the jury so they can hear you. State your full
3 name and spell your last name for the court reporter.

4 WITNESS: My full name is Elvin Wright,
5 W-R-I-G-H-T.

6 THE COURT: Your witness, counsel.

7 MS. JONES: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MS. JONES

10 Q. Detective Wright, where do you work?

11 A. Jasper County Sheriff's Office.

12 Q. In what department do you work for the Sheriff's
13 Office?

14 A. Criminal investigation.

15 Q. What are some of your duties as a criminal
16 investigator?

17 A. Investigate criminal activity and enforce county,
18 state and Federal laws.

19 Q. And how long have you been with the Sheriff's
20 Office?

21 A. Approximately seven years.

22 Q. Okay. Were you working in your capacity with the
23 Sheriff's Office back in November of 2014?

24 A. Yes, ma'am.

25 Q. And were you a detective back then as well?

DIRECT EXAMINATION OF ELVIN WRIGHT BY MS. JONES

1 A. Yes, ma'am.

2 Q. Okay. Did you have an opportunity to respond to a
3 call of a gunshot victim?

4 A. Yes, I did.

5 Q. Where did you respond?

6 A. I responded to Knowles Island Road. I believe the
7 address was approximately in the area of 350 Knowles Island
8 Road.

9 Q. Okay. Is that here in Jasper County?

10 A. Yes, ma'am.

11 Q. Can you describe what 350 Knowles Island Road
12 looks like?

13 A. Knowles Island is a paved road that leads to the
14 ocean, the river. It has various residents on that road as
15 well as several different turnoff, dirt roads, paved roads,
16 just kind of like a marsh area in certain areas of it.

17 Q. Okay. Prior to responding to Knowles Island, did
18 you do something else first before you learned about --
19 before you get to the scene?

20 A. Yes, ma'am, I do.

21 Q. What did you do?

22 A. Initially I received a call from my supervisor at
23 the time, which was Major Hipp. He advised me that we had a
24 shooting incident on Knowles Island Road. I was the
25 investigator that was going to handle calls that particular

DIRECT EXAMINATION OF ELVIN WRIGHT BY MS. JONES

1 morning; so, he instructed me to head towards the office so
2 that I could receive further instructions in reference to
3 completing a search warrant for the vehicle that was
4 involved.

5 Q. Right. And you did get the search warrant for the
6 car?

7 A. Yes, ma'am.

8 Q. Okay. When you get the search warrant, what do
9 you do with it?

10 A. Once I got the search warrant completed, I met
11 with the Judge and we went over the details of it, and then
12 I obtained the Judge's sitting and approval for the search
13 warrant. I then got back en route to the area of the
14 incident on Knowles Island Road. Once I get there, I turn
15 over that search warrant to SLED crime scene units.

16 Q. Okay. Why did you hand it over to SLED crime
17 scene?

18 A. This is the document that gives them access to
19 work the scene, to enter that vehicle.

20 Q. Okay. You gave it to the SLED crime scene because
21 SLED was taking over the investigation?

22 A. Yes, ma'am.

23 Q. Okay. So, SLED searched that car?

24 A. Yes, ma'am.

25 Q. Did they find any sort of gun evidence, anything

DIRECT EXAMINATION OF ELVIN WRIGHT BY MS. JONES

1 relating to a shooting?

2 A. During my time there, I learned that they did find
3 some shell casings inside of the vehicle as well as I
4 believe on the outside of the vehicle.

5 Q. Okay. After you hand over the search warrant,
6 what do you do?

7 A. We just kind of maintain the scene. And sooner or
8 later, I don't know how fast we did it, but myself and two
9 other SLED agents, we walked a dirt road where this vehicle
10 was -- had appeared to be coming out of before the incident.

11 Q. Okay. I'm going to stop you right there and I'm
12 going to show you some photographs.

13 MS. JONES: Permission to approach, Your Honor.

14 THE COURT: You may.

15 BY MS. JONES

16 Q. Detective Wright, I'm showing you what has been
17 marked as State's 2, 3, 4 and 5. Now, without showing those
18 to the jury, can you identify those?

19 A. Exhibit 2 is the head of the road at the
20 intersection of Knowles Island Road and the dirt road that
21 led to 350 Knowles Island Road.

22 Exhibit 3 is the same area, but it shows the
23 vehicle as well as the deceased body covered up with the
24 door open on the vehicle.

25 Exhibit 4 is another angle of the vehicle,

DIRECT EXAMINATION OF ELVIN WRIGHT BY MS. JONES

1 the head of that road and the body and the door open on that
2 vehicle.

3 Exhibit 5 is a little bit farther down that
4 dirt road which is a reverse angle of what it appears. But
5 it's a little bit farther down. It's in the straightaway of
6 that same dirt road.

7 Q. Is it taken from behind the vehicle?

8 A. Yes.

9 Q. Okay. Do those pictures, State's 2, 3, 4 and 5,
10 fairly and accurately depict that -- the incident location?

11 A. Yes, ma'am.

12 Q. And do they appear to have been altered or changed
13 in any way?

14 A. No, ma'am, not that I can see.

15 MS. JONES: Okay. Your Honor, at this time the
16 State moves State's 2, 3, 4 and 5 into evidence.

17 THE COURT: As to two through five inconclusive.

18 MR. LEE: No objections.

19 THE COURT: Ladies and gentlemen, State's 2, 3, 4
20 and 5 will be admitted into evidence in the trial of
21 this case without objections. State's two through five
22 inclusive are admitted into evidence. You may now
23 publish to the jury.

24 MS. JONES: Thank you, Your Honor.

25 *(Whereupon, State's Exhibit No(s). 2-5 marked for*

DIRECT EXAMINATION OF ELVIN WRIGHT BY MS. JONES

1 *identification and received in evidence.)*

2 BY MS. JONES

3 Q. Detective Wright --

4 THE COURT: Report that the exhibits, for the
5 record, were given to counsel.

6 BY MS. JONES

7 Q. This is State's Exhibit 2, Detective Wright?

8 A. Yes, ma'am.

9 Q. What does this photograph show?

10 A. This is the intersection of Knowles Island Road
11 and the address -- the dirt road that leads to the address
12 of 350 Knowles Island Road.

13 Q. Okay. And as to State's 3, what does that picture
14 show?

15 A. This is just a little bit different area of the
16 same intersection of Knowles Island and the dirt road that
17 leads to 350 along with the green Toyota with the door open
18 as well as deceased body.

19 Q. Is that a Camry?

20 A. Yes, it is a Toyota Camry, yes, ma'am.

21 Q. And you said there were shell casings inside the
22 car?

23 A. Yes, ma'am. During my time at the scene, I
24 learned that there were shell casings on the inside of the
25 car.

DIRECT EXAMINATION OF ELVIN WRIGHT BY MS. JONES

1 Q. Okay. And how about State's four. What does this
2 picture show?

3 A. Just a little bit different angle. Just a little
4 bit past the road that leads to 350 at the same intersection
5 of Knowles Island and 350 Knowles Island Road.

6 Q. Is this marsh? What is that over there on the
7 other side of that road? Nobody lives there?

8 A. I believe it might be marsh or some empty land.
9 But there are various areas on this road that has marsh
10 area.

11 Q. Okay. It's rural. There's not a lot back there?

12 A. Yes.

13 Q. Okay. And finally, State's 5, what does this
14 show?

15 A. This is behind where the vehicle sits -- this is
16 a -- this dirt road has a stretch of a straightaway before
17 it enters a curve and this is that area behind the vehicle,
18 between the curve and vehicle.

19 Q. Okay. So, the Toyota would have been right in
20 front of this?

21 A. Yes, ma'am.

22 Q. Okay.

23 MS. JONES: Detective Wright, I have no further
24 questions for you at this time.

25 THE COURT: Cross examination.

CROSS EXAMINATION OF ELVIN WRIGHT BY MR. LEE

1 CROSS EXAMINATION

2 BY MR. LEE:

3 Q. I see you have documents in your hand. Is that
4 the report that you did related to this?

5 A. Yes, sir.

6 Q. Okay. So, you were -- you said you were an
7 investigator handling calls that morning, so, you were kind
8 of on --

9 A. Yes, I was appointed to handle calls at that
10 particular time.

11 Q. So, at least initially, this was kind of your --
12 your baby, your case, right?

13 A. Yes, as far as Jasper County investigating.

14 Q. And so as far as the things went on with Jasper
15 County, you're -- they kind of went through you and you were
16 kind of keeping everybody straight, right? Gathering all
17 the information? They were reporting to you as lead
18 investigator, right?

19 A. Yes, SLED was the lead investigator.

20 Q. Before SLED got there, though, you were kind of
21 running the show, right?

22 A. No, not on this scene.

23 Q. Okay.

24 A. When I got to the scene, SLED was already there.

25 Q. Okay. All right. And did you remove several

CROSS EXAMINATION OF ELVIN WRIGHT BY MR. LEE

1 people off the crime scene?

2 A. No, I didn't.

3 Q. Okay. Was Deputy Walker there?

4 A. Yes, he was.

5 Q. Okay. Do you remember if he removed several
6 people out of the crime scene?

7 A. I have no knowledge of it.

8 Q. Can you look at your report on Page 6 and see if
9 it refreshes your recollection?

10 A. I can read what's on it, but that's not my report.

11 Q. Even though it says, "Log in ID, E. Wright" at the
12 top?

13 A. Log in ID means that is the person that went into
14 the computer system.

15 Q. All right. Are you familiar that a witness was
16 interviewed who claimed to have driven by the car the night
17 before?

18 A. No, sir.

19 Q. You're not?

20 A. No, sir.

21 Q. You are not familiar with a Bobby Swinton who says
22 he drove by the car at 10:30 that night and didn't see
23 anything suspicious about the vehicle?

24 A. No, sir.

25 Q. Okay.

CROSS EXAMINATION OF ELVIN WRIGHT BY MR. LEE

1 A. And my report doesn't reflect that either.

2 Q. Okay. Let's make sure we're on the same page,
3 detective.

4 A. Yes, sir.

5 THE COURT: All right. Let's move along.

6 MR. LEE: No further questions, Your Honor.

7 Oh, I do have one more question, a couple more.

8 BY MR. LEE

9 Q. Do you know Antoine Drake?

10 A. Yes, I do.

11 Q. Did you have occasion to see him on December 9th,
12 2014, before he was going to have an interview with Special
13 Agent Johnson? Do you remember seeing him that day?

14 A. December the 9th, that was a long time ago. I
15 couldn't tell you that.

16 Q. While this investigation was going on, did you
17 ever see him?

18 A. I can't say that I have, or I didn't -- I didn't
19 have an interview with him. I can say that I can't really
20 know what took place from time to time.

21 Q. Sorry. Did you have any interaction with him
22 around this time and discussed with him that he had an
23 active Bench warrant for him?

24 A. No, sir.

25 Q. You never did?

CROSS EXAMINATION OF ELVIN WRIGHT BY MR. LEE

1 A. No, sir.

2 Q. Okay.

3 A. Not to my knowledge.

4 Q. Okay. Does that mean you don't remember having
5 it? You said not to your knowledge?

6 A. I don't remember that. I have no idea on -- what
7 you're talking about at all.

8 MR. LEE: Okay. That's all I have, Your Honor.

9 THE COURT: Redirect.

10 MS. JONES: No, Your Honor.

11 THE COURT: As to the witness.

12 MS. JONES: He is excused but remain close by.

13 MR. LEE: I have no objection to him being
14 excused.

15 THE COURT: Very well. Mr. Wright. You may step
16 down and you are excused from the trial of this case.

17 Solicitor, are you in agreement with that?

18 MS. JONES: Yes, Your Honor.

19 THE COURT: You may leave the courtroom,
20 Mr. Wright.

21 Call your next witness.

22 MS. JONES: Your Honor, may we approach?

23 THE COURT: Counsel approach.

24 (Off-the-record discussion held.)

25 THE COURT: Madam foreperson, ladies and gentlemen

CROSS EXAMINATION OF ELVIN WRIGHT BY MR. LEE

1 of the jury, I have a matter of law that I have to take
2 up. I'm going to ask you to please retire to your jury
3 room. Please do not discuss the case while I take up
4 the matter of law. I'll be back with you just as soon
5 as I possibly can.

6 Thank you.

7 (Jury exits the courtroom at p.m.)

8 THE COURT: Let the record reflect that Mr. Lee on
9 behalf of the Defendant filed a motion; mine is not
10 dated. But it's entitled motion to exclude testimony
11 alleging Defendant's possession of a handgun. It asks
12 the Court to instruct the solicitor and the solicitor's
13 staff and all of the State's witnesses not to allude
14 to, refer to, or in any way bring before the jury any
15 testimony or evidence that the Defendant allegedly was
16 in possession of a handgun on or about the day of
17 Terrance Johnson's death or that the Defendant
18 allegedly always carried a handgun or any other
19 statement of this ilk by any other State's witness.

20 The motion is made on the grounds that any such
21 testimony or evidence is inadmissible because it is not
22 relevant, the probative value, if any, is substantially
23 outweighed by the danger of unfair prejudice, and it
24 amounts to improper character witness -- or evidence.

25 And the Defendant relies on Evidence Rules, 401,

CROSS EXAMINATION OF ELVIN WRIGHT BY MR. LEE

1 402, 403, 404 and 405 of the South Carolina Rules of
2 Evidence in support of the motion along with State
3 versus Lyle, which, of course, dealt with prior
4 convictions and not necessarily testimony concerning
5 possession of a handgun; however, I'm reading what was
6 in the motion. I'm advised by the solicitor who did
7 exactly what I requested that she do, that she advised
8 Mr. Lee before calling any such witness which is the
9 subject of his motion. She says she only has one that
10 would be subject to this witness and that that witness
11 is Robin Simmons. In order for me to rule on the
12 motion, I will need to hear the testimony of Robin
13 Simmons in order to rule on the motion.

14 Solicitor, please call your next witness outside
15 the presence of the jury.

16 MS. JONES: The State calls Robin Simmons.

17 THE COURT: Robin Simmons.

18 Ms. Simmons, if you'll come around and be sworn by
19 the Clerk of Court, Margaret Bostick.

20 (Testimony of this witness is taken outside the
21 presence of the jury.)

22 **Thereupon,**

23 ROBIN SIMMONS

24 was called as a witness, having been first duly sworn, was
25 examined and testified as follows:

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 THE COURT: Make yourself comfortable. Pull that
2 chair up. Now, Ms. Simmons, we need to be able to
3 hear, and that microphone will amplify your voice, so I
4 want you to pull it down to your right, get closer to
5 it and use it. It will cast your voice. State your
6 full name and spell your last name.

7 WITNESS: Robin Simmons, S-I-M-M-O-N-S.

8 THE COURT: Speak up for me.

9 Your witness, Counsel. Direct examination outside
10 the presence of the jury.

11 MS. JONES: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MS. JONES:

14 Q. Ms. Simmons, where do you live?

15 A. 230 Rice Shire Road, Ridgeland, South Carolina.

16 Q. Did you live there back in November of 2014?

17 A. Yes, ma'am.

18 Q. And is that area called something? Do you all
19 call that Simmons Hill?

20 A. Yes, Simmons Hill.

21 Q. Okay. And it's -- it's where your family lives?

22 A. Yes, ma'am.

23 Q. Okay. Do you remember November 12th of 2014?

24 A. Yes, ma'am.

25 Q. What do you remember about that day?

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 A. We had a family gathering because my grandmama had
2 passed.

3 Q. And does that include having people over at
4 Simmons Hill?

5 A. Yes, ma'am.

6 Q. Do you remember if Terrance Johnson was there?

7 A. Yes, ma'am.

8 Q. Okay. Do you remember if a man named Rohaime
9 Hopkins was there?

10 A. Yes, ma'am.

11 Q. Do you know both of those people?

12 A. Yes, ma'am.

13 Q. Okay. What time were people gathering at Simmons
14 Hill that day?

15 A. It was basically all day, from morning to night.

16 Q. Okay. All day long into the night?

17 A. Yes.

18 Q. Okay. When was Rohaime Hopkins there?

19 A. I can't give a correct time. But as I can
20 remember around 7:00, 8:00, somewhere around that.

21 Q. Okay. And then do you know when he left for good?

22 THE COURT: Hold on a second. Is that p.m. or
23 a.m.?

24 WITNESS: P.m.

25 BY MS. JONES

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 Q. Do you know what time he left for good?

2 A. No, ma'am, I don't know what time he left for
3 good.

4 Q. After that, after 7:00 or 8:00?

5 A. He -- they left and they came back.

6 Q. Okay. When you say "they," who do you mean?

7 A. Him and Terrance Johnson.

8 Q. Okay. This was evening time? You're not --

9 A. Evening time.

10 Q. -- you're not sure of the time but it was evening?

11 A. Yes, ma'am.

12 Q. Okay. When they came -- when you saw the
13 Defendant that day or that evening, did you see something on
14 him?

15 A. Well, basically, I saw him. He was carrying some
16 sodas into the house and I did saw like a weapon on him.

17 Q. Okay, what kind of weapon?

18 A. I really can't say.

19 Q. Okay.

20 A. The only thing I know it was black. I can't say.

21 Q. Okay. Was it a knife or what -- what kind of
22 weapon? Do you know what --

23 A. It was I guess a pistol.

24 Q. Okay. And it was black?

25 A. Yes.

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 Q. Okay. Where was it?

2 A. He had it tucked in his pants.

3 Q. Okay. And this was the evening of the 12th?

4 A. Yes, ma'am.

5 Q. Okay. You don't know what time?

6 A. I could say probably around 8:00, something like
7 that.

8 Q. Okay. When you -- you said they left and came
9 back.

10 A. Yes.

11 Q. Did something change from the Defendant the first
12 time you saw him to the second time you saw him?

13 A. No, ma'am, they usually be together every day,
14 so --

15 Q. How about his appearance?

16 A. When they came back, meaning Terrance or Rohaime?

17 Q. Rohaime. That was a long time ago.

18 A. Yes, so --

19 Q. Would it help if you read your statement? You
20 gave a written statement, didn't you?

21 A. Yes.

22 Q. Okay. And you gave it back on November 17th of
23 2014?

24 A. Yes.

25 Q. To this agent, Special Agent Richard Johnson with

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 SLED?

2 A. Yes, I did.

3 Q. Okay. If I show you your written statement, would
4 that help refresh your memory?

5 A. It may.

6 MS. JONES: Permission to approach, Your Honor.

7 THE COURT: You may.

8 You have a copy, don't you, Mr. Lee?

9 MR. LEE: I do, Your Honor. Thank you.

10 BY MS. JONES

11 Q. Ms. Simmons, if you could just read that to
12 yourself.

13 A. Okay.

14 (Witness reading document.)

15 A. I'm finished.

16 Q. Okay.

17 MS. JONES: Permission to approach.

18 BY MS. JONES

19 Q. Does that help you refresh your memory?

20 A. Yes.

21 Q. Okay. So, when they leave and come back, has
22 Mr. Hopkins' appearance changed in any way?

23 A. Basically, his clothes.

24 Q. What did his clothing look like -- look like now?

25 A. He had on like a black shirt and Army fatigue

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 pants.

2 Q. Okay. But he changed out of that and you said he
3 changed into?

4 A. He had on like black jeans, a shirt.

5 Q. Black jeans and a black shirt?

6 A. Uh-huh.

7 Q. All black clothing?

8 A. Yes.

9 Q. Okay. Did you ever hear Mr. Hopkins ask anything
10 of the victim that night, of Mr. Johnson?

11 A. Well, I know I heard him. I asked him. Someone
12 had called him and said something about a play or something
13 like that. He just asked him to take him -- to take him to
14 a play.

15 Q. A play for what?

16 A. I don't know.

17 Q. Okay.

18 A. I don't know.

19 Q. Do you need to reread your statement, Ms. Simmons?

20 A. No. No.

21 Q. Do you remember giving this written statement to
22 Richard Johnson on November 17th, 2014, at your house?

23 A. Yes.

24 Q. Okay. And said he -- he asked for a play of weed?

25 A. Yes.

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 Q. Could that --

2 A. Yes.

3 Q. Is that what he said?

4 A. Yes.

5 Q. Okay.

6 A. Because Terrance had weed on him.

7 Q. Okay. To a girl named Tutu?

8 A. Yes.

9 Q. Is that what you remember?

10 A. Yes, I remember that.

11 Q. Okay. So, go over this one more time. You heard

12 Rohaime Hopkins ask Terrance Johnson to do what?

13 A. Take him to a play with Tutu for some weed.

14 Q. Okay. And do you see Rohaime Hopkins in the

15 courtroom today?

16 A. Yes, I do.

17 Q. Can you point him out, please?

18 A. Right there.

19 Q. And what is he wearing?

20 A. Blue dress shirt.

21 Q. Okay.

22 A. I think it's blue.

23 Q. Okay.

24 MS. JONES: May the record reflect the witness

25 identified the Defendant?

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 THE COURT: Proceed.

2 THE COURT:

3 MS. JONES: Ms. Simmons, I have no further
4 questions --

5 THE COURT: Okay.

6 MS. JONES: -- of you at this time.

7 THE COURT: Mr. Lee, I'm certainly going to give
8 you an opportunity to cross-examine this witness, but
9 for purposes of this motion, you've heard the testimony
10 the State wishes to elicit. Let me hear from you now
11 in light of that testimony. You will certainly have an
12 opportunity. But you will not have two bites at the
13 apple, Mr. Lee.

14 MR. LEE: I understand.

15 THE COURT: Let me hear from you.

16 MR. LEE: Judge, our position would be that she
17 did -- it's not clear as to when she saw --

18 THE COURT: She testified 8:00 on the date of this
19 incident. She said p.m., not a.m. She did say
20 approximately, Mr. Lee. She did not give us a precise
21 time but she gave us a p.m. At least that was my
22 recollection of her testimony.

23 Do you want to correct that?

24 MR. LEE: Well, I'm -- I'm trying to figure out
25 that in relation to when he changed clothes, because

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1 she testified that he changed clothes and --

2 THE COURT: I'm referring to the testimony that
3 you sought to exclude concerning the Defendant's
4 alleged position of a handgun and not the changing of
5 the clothes but I'm willing to listen to you.

6 MR. LEE: The point that I was going to make was
7 that if he changed clothes and no longer had a handgun
8 on him, that should be very relevant information that
9 may lead to the exclusion if the -- if the gun --

10 THE COURT: That is a question that you'll have to
11 ask but I'm -- don't know that that question was
12 brought up. What the solicitor asked was, they left
13 and they came back and she said yes. And when they
14 came back was his appearance the same. At which time
15 she described to us, the difference in clothing from
16 the first time he was there when she had seen a gun and
17 the second time when he arrived. I'm not sure I follow
18 that argument but I'm willing to listen to it.

19 MR. LEE: Well, Judge, I guess the short and the
20 skinny on this is I believe that this is classic -- a
21 classic attempt to get Lyle evidence in, a prior bad
22 act, possession of the gun, number one.

23 Number two, I don't think that the connection is
24 tight enough here --

25 THE COURT: First of all, possession of a gun in

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1 and of itself isn't a prior bad act as you can legally
2 possess a gun. However --

3 MR. LEE: Not -- sorry.

4 THE COURT: Go ahead.

5 MR. LEE: Well, I was going to say, not -- not in
6 public. You -- you're not allowed to possess a pistol
7 in your pants at somebody else's house unless you have
8 a concealed weapon permit.

9 THE COURT: That's exactly my point. The only
10 time that it might be permissible is if you were law
11 enforcement or if you had a permit. But go ahead.

12 MR. LEE: So, I would say that the act -- that act
13 in itself is an illegal act unless they can
14 demonstrate. So I think there's that. And I think it
15 is, again, is a prior bad act, number one; is improper
16 character evidence because it is going to let the jury
17 make that decision based upon something else that
18 happened earlier. I don't believe it's relevant and
19 certainly under 403, especially because it is such an
20 important piece of evidence, Your Honor, I think she's
21 the only one, the witness that's going to testify.

22 THE COURT: I was advised by the solicitor, right,
23 that this is the only witness you have in proximity to
24 the event that will testify concerning the Defendant's
25 possession of a gun?

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1 MS. JONES: Yes, Your Honor.

2 THE COURT: She has testified it was a pistol and
3 it was black.

4 MR. LEE: Yes, sir.

5 THE COURT: So, tell me why 403 prohibits it,
6 Mr. Lee?

7 MR. LEE: Because -- because it is so highly
8 prejudicial, Your Honor. The fact that someone earlier
9 had a gun, which has only been described today as --
10 quite frankly -- well, I'll back up as far as my
11 knowledge of this.

12 When I was speaking with Ms. Jones either last
13 Monday or Tuesday we were talking about the pretrial
14 motions that we were going to submit to Your Honor,
15 pursuant to -- to your request. And I was going
16 through mine and reading them to her before I sent
17 them, and I said, "I'm going to move to keep the
18 testimony out about the guns" and I wrote down -- here
19 it is. And I said, you know, as to two witnesses,
20 Shaquella Gardner and Brenda Byerson, Ms. Jones told me
21 Robin Simmons also said that there was -- he was in
22 possession of a gun. I didn't get chapter. I didn't
23 get verse. I didn't --

24 THE COURT: You had a statement from her.

25 MR. LEE: I did have a statement from her. But at

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1 that point I didn't say where is it. I had a statement
2 from her and the SLED agent's report which there's no
3 mention of a gun.

4 THE COURT: But there is in the statement.

5 MR. LEE: No, sir, there's not. I mean, I'll --

6 THE COURT: No, I'll take your word for it --

7 MR. LEE: Yes, sir.

8 THE COURT: -- being an officer of this court.

9 MR. LEE: Yes, sir. So, the statement from
10 November 17, 2014, to Special Agent Johnson, there is
11 no mention of a gun.

12 THE COURT: When did you learn the testimony that
13 she was going to purport to say that there was a gun,
14 because we certainly discussed this in the pretrial
15 conference before we began this trial. And you were
16 aware that there was going to be testimony attempted to
17 be elicited concerning possession of a gun.

18 MR. LEE: But I had no idea where it was coming
19 from. Nothing I had discovery wise or anything else
20 says anything about a gun. My understanding --

21 THE COURT: But your motion that you drew -- that
22 she sent to me included Ms. Simmons, Shaquella Gardner
23 and Brenda Byerson.

24 MR. LEE: That is the line of Ms. Jones telling
25 me --

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1 THE COURT: You are relying on the solicitor?

2 MR. LEE: I am, Your Honor. And so in an
3 abundance of caution to get it out, I said, I'm going
4 to put that in there. I'll figure out what they're
5 talking about later on. Well, I never have seen it
6 because it's not there.

7 THE COURT: Very well. Anything else?

8 MR. LEE: No, sir. But I would just point out the
9 significance of this --

10 THE COURT: I don't know where you got from your
11 motion, Mr. Lee, the quote that you put in your motion,
12 if you'll look at it with me, that the Defendant
13 allegedly, quote, always carries a handgun. Then you
14 put in parentheses Latanya Singleton; does that tell me
15 who you think's going to say that?

16 MR. LEE: Yes, ma'am, that's based on the
17 discovery.

18 THE COURT: That objection is sustained. There
19 will be no testimony in this trial from Latanya
20 Singleton about always carrying a handgun.

21 Now, give me a moment. Let me take a minute
22 before I rule on this.

23 Come on, Skyler. Okay, puppies. Come on. Y'all
24 get to be a judge for a minute.

25 (Whereupon, a brief recess was taken.)

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1 THE COURT: Do you wish to be heard on his motion?
2 I've listened carefully to Mr. Lee.

3 MS. JONES: I would, Your Honor.

4 THE COURT: All right. Let me hear from you.

5 MS. JONES: Thank you, Your Honor.

6 Briefly, I think that it squarely falls within 401
7 as relevant evidence. It shows the means by which this
8 murder occurred. It shows --

9 THE COURT: Why don't you characterize this
10 testimony for me. You heard me ask Mr. Lee a lot of
11 questions, because he wanted to draw the clothing into
12 this. And, of course, I fully understand that Mr. Lee
13 has got every right to cross-examine this witness,
14 which I know he will do. He tried to get me to answer
15 the question of whether or not a gun was still present
16 on the Defendant when -- because as I understood her
17 testimony, they left, came back and then left again.

18 WITNESS: No, sir.

19 THE COURT: Just one time?

20 WITNESS: They left -- well, they left two times
21 earlier and they came back. I never said I saw them
22 left the last time.

23 THE COURT: Okay. Characterize what you believe
24 this testimony shows insofar as the State is concerned.

25 MS. JONES: It shows that the Defendant had the

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1 means to follow through with the murder. I would agree
2 that had this victim been --

3 THE COURT: And what do you think it shows in so
4 far as proximity to the event which is alleged in the
5 indictment?

6 MS. JONES: Ms. Simmons said she saw it about
7 8:00 p.m. and --

8 THE COURT: This was the day alleged in the
9 indictment which was November the 12th, 2014?

10 MS. JONES: Yes, Your Honor. And the State
11 alleges that the murder itself happened at 9:37 p.m.

12 THE COURT: But I haven't heard that testimony
13 yet.

14 MS. JONES: Not yet.

15 THE COURT: All I heard is that witnesses heard
16 gunshots at about 9:00 and that EMS came at around 9:00
17 to 9:30, I think. If I'm characterizing -- something
18 like that.

19 MS. JONES: They came the next morning, Your
20 Honor.

21 THE COURT: That was the next morning. I'm sorry.
22 You're right. Okay.

23 So, we heard gunshots around 9:00. Isn't that the
24 only testimony that's been elicited so far?

25 MS. JONES: So far, regarding the time and those

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1 are the only gunshots heard that night.

2 THE COURT: I think you did ask the witness
3 whether or not they heard any other gunshots that night
4 and the answer was no. All right.

5 What else do you want to tell me? You think it's
6 relevant and Mr. Lee says he doesn't think it's
7 relevant. He thinks it's a prior bad act under Lyle,
8 and he believes under 403, that even if it's relevant,
9 if the probative value is substantially outweighed by
10 the danger of unfair prejudice, that it still should
11 not be admitted. What's your position?

12 MS. JONES: Your Honor, I don't believe it's a
13 prior bad act, first of all.

14 THE COURT: I think it could be inferred to be and
15 I think that the question there is whether or not it is
16 or it isn't. The question now is admissibility and not
17 the weight of it. Because all kinds of questions could
18 be asked to determine that, which hadn't been done
19 during this proffer, but go ahead and tell me what your
20 position is.

21 MS. JONES: Your Honor, I believe if the Court
22 finds it is a prior bad act, it goes to res gestae.
23 That this finalizes the complete story. The jury is
24 going to be left wondering the question whether or not
25 the Defendant had the means to follow through with this

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1 murder and Ms. Simmons' testimony showed that he had.
2 That an hour or so, give or take before the murder, he
3 had a pistol on him and we have already heard testimony
4 that he was shot. He was a gunshot victim.

5 THE COURT: Anything else?

6 MS. JONES: Your Honor, I have a couple of cases
7 regarding res gestae. I'm sure you've seen them.

8 THE COURT: Could you bother to hand them to me?

9 MS. JONES: I certainly can.

10 THE COURT: How can I be able to look at them if
11 you don't give them to me?

12 MS. JONES: The first would be the State vs.
13 Wood --

14 THE COURT: Have you given Mr. Lee copies of them?

15 MS. JONES: I have copies right now for everybody.

16 THE COURT: All right. Solicitor, hand them up.
17 It should have already been done. Tell me what you
18 think these cases show.

19 MS. JONES: Well, Your Honor, all of these three
20 cases are cases where prior bad acts were held
21 admissible. State v. Wood gives a good definition of
22 the res gestae and why courts are inclined to let this
23 particular evidence in. And it tells the full story
24 for the witness and -- or for the jury, Your Honor, and
25 absent this -- absent this testimony, they are left

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1 wondering. State v. Wood allows in testimony of a
2 prior incident. It's -- actually a state trooper was
3 shot and killed prior to the ultimate charges that the
4 defendant was tried on in that case. They were not
5 allowed to say that he shot and killed a state trooper,
6 but they were allowed to say that there was an incident
7 that led to a chase.

8 Multiple domestic violence cases have let it in.

9 State v. King lets it in with a prior -- prior
10 charges. I think you just have to go to the core of
11 what res gestae is and why courts recognize this
12 evidence as necessary. We need a full picture here.
13 The Defense is going to love to say that I didn't give
14 the jury everything that they need to know. That is
15 his job to say that. And this is one more piece of
16 evidence that they need to know that this -- Terrance
17 Johnson was shot and killed and Rohaime Hopkins had the
18 weapon in order to do this shooting.

19 THE COURT: All right. For the record, Mona,
20 she's handed me State versus Wood, W-O-O-D, 608 S.E.2d
21 435. She's handed me State versus King, K-I-N-G, 514
22 S.E.2d 578. She's handed me State versus Jackson, 217
23 S.E.2d 794.

24 She's told me what she thinks each of these cases
25 show which have not been previously provided to the

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1 Court.

2 Anything else, Solicitor? I have got a jury
3 waiting.

4 MS. JONES: Nothing further for the State, Your
5 Honor.

6 THE COURT: Since it isn't fair, Mr. Lee, I'll
7 give a reply since you weren't given these cases nor
8 was the court before I heard argument.

9 Anything else you want to tell me?

10 MR. LEE: My first position would be this is not
11 what res gestae is. I don't think it's even -- it
12 needs to be analyzed. But if you were to do so, after
13 speed reading these cases of State versus Jackson,
14 September 3rd, 1975, of page three of four, down at the
15 bottom, I would --

16 THE COURT: Were you born in 1975, Mr. Lee?

17 MR. LEE: Oh, yeah, I was -- I was in school.

18 THE COURT: Congratulations.

19 MR. LEE: Yes, sir.

20 Yeah, the last paragraph says, "The facts and
21 circumstances surrounding the discovery of the pistol
22 or wallet were sufficient to allow an introduction into
23 evidence. There was competent evidence, unobjected to
24 by the appellant, identifying the wallet as the one
25 stolen and the pistol is the one used in the robbery."

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1 That's the connection that they cannot make.

2 Okay. Black gun, we don't know if it was a black
3 gun, a silver gun, a blue gun or a pink gun. Number
4 one. We don't know what caliber she's claiming that it
5 is. We arguably know what caliber was used in the
6 murder because they have the casings. But there's
7 absolutely no connection there, Judge, which is the
8 main problem of this.

9 And I would submit to the Court that the
10 definition of res gestae says that if you need to put
11 the -- a crime in the proper context -- that's like
12 somebody, armed robbery and then they -- they're
13 running from the cops and they -- they, you know,
14 failure to stop for a blue light and then they kill
15 somebody, the armed robbery, even though it was a prior
16 bad act, clearly is res gestae. And that's what that
17 is about.

18 It doesn't mean that the solicitor has problems in
19 her case and their theory really, really needs this
20 inadmissible fact to come in. That's not res gestae.
21 So I don't think it is even a res gestae issue. I
22 think it's strictly under the Rules of Evidence and,
23 you know, specifically, there's -- you don't usually
24 talk about the danger of confusion of the issues to the
25 jury under 403. But that also, besides the undue

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1 prejudice, clearly is evident, and it's just kind of
2 telling the jury, to say, well, he's a bad dude because
3 he had a gun. So close enough is close enough. We
4 know he had a gun and somebody got shot. But they
5 can't put anything together with what she claims she
6 saw, which just came up, and because it's such an
7 important part of the evidence. I would submit that
8 403 keeps it out.

9 THE COURT: Thank you very much. Thank you both
10 for being prepared and thank you for your arguments.

11 While I certainly agree with Mr. Lee that the
12 shotgun approach of always carrying a handgun is not
13 admissible nor would you put up anyone to testify. But
14 if you do, you and I will be dealing with each other,
15 Solicitor.

16 I disagree, Mr. Lee, with you this. I think this
17 evidence from this witness is relevant. The question
18 becomes whether the probative value, if any, is
19 substantially outweighed by the danger of unfair
20 prejudice. And although any evidence that comes in
21 that is not favorable can be described as prejudicial,
22 the question is whether or not this is unfair legal
23 prejudice. In this case I have a witness who says that
24 she was at -- I think she said a grandmother's wake; is
25 that right?

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 WITNESS: Grandmama.

2 THE COURT: Grandmama?

3 WITNESS: Yes, sir.

4 THE COURT: And that both the Defendant and the
5 deceased were there. Although her first testimony was
6 7:00 to 8:00 p.m. She then said 8:00 p.m. I have
7 witnesses who have testified that they heard shots at
8 approximately 9:00 on November the 12th, 2014. I do
9 not believe that you have convinced me that I believe
10 the witness -- the evidence is relevant, and I do not
11 believe that it is substantially outweighed by the
12 danger of unfair prejudice. I don't believe it's
13 character evidence, and for that reason, I think it is
14 admissible and I would allow the testimony as to what
15 she saw.

16 Now, Mr. Lee, there are a number of questions
17 here, some of which you've raised to me as if I were a
18 witness in the trial of this case, which you will be
19 allowed to elicit from this witness when I bring the
20 jury back.

21 But you will be able, Solicitor, to elicit at
22 least what she saw on November the 12th, 2014, at
23 8:00 at her grandmother's wake. And that is my ruling.

24 Bring us the jury.

25 (Jury enters the courtroom at 5:06 p.m.)

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 THE COURT: Margaret, this witness has not been
2 sworn in in the presence of the jury.

3 Madam foreman, ladies and gentlemen of the jury,
4 just so you know, I told you during a trial sometimes
5 we have matters of law -- the reason we had to stop is
6 entirely on me. I had to take up a matter of law and I
7 actually had to do a little research in order to rule
8 on a matter of law. That's going to happen during the
9 trial. I apologize for the delay, but it's necessary
10 in order that I can try to make sure that my rulings on
11 the law are correct to the best of my ability.

12 Solicitor, call your next witness in the presence
13 of the jury, please.

14 MS. JONES: Thank you, Your Honor.

15 The State calls Robin Simmons.

16 THE COURT: Madam clerk, please swear the witness.

17 If you will stand and raise your right hand and
18 put your left hand on the Bible.

19 Thereupon,

20 ROBIN SIMMONS

21 was called as a witness, having been first duly sworn, was
22 examined and testified as follows:

23 THE COURT: Please be seated. State your full
24 name. Use the microphone and spell your last name for
25 the court reporter.

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 WITNESS: Robin Simmons, S-I-M-M-O-N-S.

2 THE COURT: Your witness, Counselor. Direct
3 examination. Consistent with my ruling.

4 MS. JONES: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY MS. JONES:

7 Q. Ms. Simmons, where do you live?

8 A. 230 Rice Shire Road, Ridgeland, South Carolina.

9 Q. Right. And is that area called something?

10 A. Simmons Hill.

11 Q. Why is it called Simmons Hill?

12 A. Because we are all Simmons that live on it.

13 Q. Okay. It is all family that live there?

14 A. Yes.

15 Q. Did you know Terrance Johnson?

16 A. Yes, I did.

17 Q. How did you know him?

18 A. He was dating my sister.

19 Q. What is your sister's name?

20 A. Angel Simmons.

21 Q. Simmons Hill, is that -- is that a gathering place
22 for people?

23 A. Yes.

24 Q. Okay. And do you remember November 12th of 2014?

25 A. Yes.

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 Q. And what do you remember about that day?

2 A. That our family was around because my grandmother
3 had passed.

4 Q. Where was everybody?

5 A. To my mother's house.

6 Q. Is that at Simmons Hill?

7 A. Simmons Hill.

8 Q. That's actually near where you live?

9 A. Yes, ma'am.

10 Q. Okay. Do you remember seeing Terrance Johnson
11 that day?

12 A. Yes, ma'am.

13 Q. And do you remember seeing a man named Rohaime
14 Hopkins that day?

15 A. Yes, ma'am.

16 Q. How do you know Rohaime?

17 A. Rohaime is a family member.

18 Q. How long have you known him?

19 A. All of my life.

20 Q. Do you -- and did you see Mr. Hopkins there that
21 day?

22 A. Yes, ma'am.

23 Q. Do you see something on Mr. Hopkins?

24 A. Yes, ma'am.

25 Q. What is that?

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 A. I saw a gun.

2 MR. LEE: Just for the record I'm going to note my
3 objection to -- to that testimony.

4 THE COURT: Your objection is noted as
5 contemporaneous with the record, subject to my ruling.

6 MR. LEE: Thank you.

7 THE COURT: Proceed, Solicitor.

8 MS. JONES: Thank you, Your Honor.

9 MS. JONES:

10 BY MS. JONES

11 Q. Ms. Simmons, where was this gun?

12 A. His pants.

13 Q. Okay. You motioned to your side?

14 A. Yes, down in his pants, I guess, tucked in the
15 pants.

16 Q. Okay. What color was it, do you remember?

17 A. Black.

18 Q. Okay. And did you see how big it was?

19 A. No, ma'am.

20 Q. Okay. Do Mr. -- Mr. Johnson, Terrance Johnson and
21 Rohaime Hopkins, do they stay at Simmons Hill all day?

22 A. Well, I saw them left a couple of times, but they
23 came back.

24 Q. They came back?

25 A. Yes, ma'am.

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 Q. When they came back, had Mr. -- had the
2 Defendant's appearance changed in any way?

3 A. He had changed clothes.

4 Q. What was he wearing now?

5 A. I believe it was a black T shirt and black jogging
6 pants.

7 Q. Okay. Was he wearing anything else?

8 A. No, ma'am.

9 Q. Okay. If I showed you -- you wrote a statement
10 back in 2014, didn't you?

11 A. Yes, ma'am.

12 MS. JONES: Permission to approach the witness,
13 Your Honor?

14 THE COURT: You may.

15 BY MS. JONES

16 Q. If you saw your statement, would it help refresh
17 your memory a little bit?

18 A. Yes.

19 Q. If you would read that to yourself.

20 THE COURT: Step back, Solicitor.

21 MS. JONES: Permission to approach, Your Honor.

22 THE COURT: You may.

23 BY MS. JONES

24 Q. Does that help you remember a little better?

25 A. Yes, ma'am.

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 Q. Okay. What else was Mr. Hopkins wearing when he
2 changed his clothes?

3 A. Black shoes and a black hat.

4 Q. While at Simmons Hill, do you hear the Defendant
5 ask Terrance Johnson to do anything?

6 A. He asked him to take him -- take him to make a
7 play. So he can make a play.

8 Q. What does that mean?

9 A. Meaning, I guess, just a little hustling, selling
10 some weed.

11 Q. Okay. Did he say -- did he ask where to take him?

12 A. He called the name of the person and he said
13 Roseland.

14 Q. Okay. And this is what the Defendant said?

15 A. Yes.

16 Q. Okay. So, wanted to go to Roseland?

17 A. For Terrance Johnson to make a play.

18 Q. Okay. From who?

19 A. From who or to who?

20 Q. Who were they going to see in Roseland?

21 A. I believe her name was Latanya or Tutu.

22 Q. Tutu?

23 A. Yes.

24 Q. And about what time do you think this was?

25 A. Around 8:00. That's all that I can remember.

DIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 Q. All right. Did you ever see either of them again
2 that night?

3 A. No, I never saw them left. But no, no, ma'am.

4 MS. JONES: Ms. Simmons, I have no further
5 questions for you. Thank you.

6 WITNESS: Thank you.

7 THE COURT: Just a moment, Counselor.

8 (Pause.)

9 THE COURT: Cross examination.

10 CROSS EXAMINATION

11 BY MR. LEE:

12 Q. Hello, Ms. Simmons.

13 A. Hello.

14 Q. Terrance Johnson and Rohaime were -- were thick
15 weren't they? They were tight with each other?

16 A. Yes. Yes, every day.

17 Q. Every day together?

18 A. Yes, sir.

19 Q. So, they were BFFs, as my young girl -- my young
20 daughter likes to say, right?

21 A. (Nods in the affirmative).

22 Q. They were -- they were buddies?

23 A. Yes, sir.

24 Q. Together every day?

25 A. Yes, sir.

CROSS EXAMINATION OF ROBIN SIMMONS BY MR. LEE

1 Q. Now, this -- and you see -- you said -- and you
2 said that -- that Mr. Hopkins put on some jogging pants.
3 You're talking about just like the elastic-waisted ones; is
4 that what you're talking about when you say jogging pants,
5 the elastic jogging pants?

6 A. Yes, sir.

7 Q. Okay. They had like an elastic waist and then big
8 pockets or pockets on the side?

9 A. Yes, sir.

10 Q. And your testimony is that he had a gun tucked
11 into his waistband?

12 A. Prior before he changed clothes.

13 Q. Oh, okay.

14 A. He had on the Army fatigue pants then.

15 Q. Okay. And you say that he had a gun on him in his
16 Army fatigue pants?

17 A. Yes, sir.

18 Q. Okay. Do you -- do you remember giving a
19 statement to Special Agent Johnson on November 17th
20 regarding this matter?

21 A. Yes, sir.

22 Q. Okay. And did Agent Johnson tell you that, hey,
23 write down everything that -- that you can remember that is
24 important about that night and -- and asked you to do a
25 written statement?

CROSS EXAMINATION OF ROBIN SIMMONS BY MR. LEE

1 A. Yes, sir.

2 Q. And did you in fact do that?

3 A. Yes, sir.

4 Q. And you wrote down everything that was important
5 and everything that you remembered and everything that had
6 to do with this case?

7 A. Everything that I could remember.

8 Q. Okay. Now that was on November 17th, right?

9 A. Yes, sir.

10 Q. So it was five days after the shooting?

11 A. Yes, sir.

12 Q. Okay. Now, have you given any other interviews or
13 statements to Special Agent Johnson since this November 17,
14 2014 statement?

15 A. No, sir.

16 Q. No, sir. Okay. Have you given any other
17 interviews or statements to anybody else?

18 A. I spoke with the solicitors.

19 Q. You did?

20 A. Yes, sir.

21 Q. And when did you speak to the solicitor?

22 A. About two weeks ago.

23 Q. About two weeks ago getting ready for this case?

24 A. Yes, sir.

25 Q. Okay. In between November 17th and when you

CROSS EXAMINATION OF ROBIN SIMMONS BY MR. LEE

1 talked to the solicitor two weeks ago, did you talk to
2 anybody else, law enforcement, solicitor, anybody about this
3 case?

4 A. No, sir, not as I could recall.

5 Q. Okay. All right. Now, this statement five days
6 afterwards, the 17th of November, that's what the solicitor
7 handed you earlier to refresh your recollection about the
8 black shoes, right?

9 A. Yes, sir.

10 Q. Okay. And so you've had a chance to look at this?

11 A. Yes, sir.

12 Q. Okay. And you say this -- that this thing
13 includes all of the important information that you knew on
14 November 17th, 2014?

15 A. That I can remember.

16 Q. Okay. Would you agree that nowhere in this
17 statement is there anything saying anything about a gun;
18 would you agree with that?

19 A. Yes, sir, I can agree.

20 Q. And you don't need to read it again to refresh
21 your recollection, that nothing is in there about it,
22 correct?

23 A. I don't need to read it again.

24 Q. Because it's not in there?

25 A. Yes, sir.

CROSS EXAMINATION OF ROBIN SIMMONS BY MR. LEE

1 Q. And you never told Agent Johnson about a gun, did
2 you?

3 A. I did mention it to him.

4 Q. You did?

5 A. Yes, sir.

6 Q. So his -- his notes from your interview on the
7 17th should reflect that you told him about a gun?

8 A. My notes?

9 Q. His notes?

10 A. Yes, sir.

11 Q. Okay. All right. And he was right there when you
12 wrote this statement?

13 A. Yes, sir.

14 Q. Okay. And it looks like you signed it right
15 there, the first time, Robin Simmons, at the top. Okay.
16 And then down here it looks like you signed it again?

17 A. Yes, sir.

18 Q. Okay. Was that because Agent Johnson told you to
19 include something else in there?

20 A. No, sir, that's what I remember.

21 Q. Well, I understand that's what you remember. But
22 I'm asking, why did you sign it twice?

23 A. Because I remember and I wrote something else
24 under it.

25 Q. Okay. Did -- did -- do you remember, was that

CROSS EXAMINATION OF ROBIN SIMMONS BY MR. LEE

1 prompted by Agent Johnson saying, "Hey, make sure if there's
2 anything else, you need to put it -- put it now"?

3 A. No, sir.

4 Q. You just remembered it?

5 A. Uh-huh. (Indicating affirmatively.)

6 Q. Okay. And so, did you not remember the thing
7 about the gun five days after when you wrote this?

8 A. I guess I didn't.

9 Q. You guess, okay. But then two weeks ago would be
10 the first of May. And this happened -- so, two and a half
11 years later, you all of a sudden remembered about this gun;
12 is that right?

13 A. Yes, sir, because I played it back in my head from
14 that day.

15 Q. Okay. And that was because you were going to meet
16 with the solicitor?

17 A. No, sir.

18 Q. Okay. You just played it back, okay.

19 Now, when you say Mr. Hopkins was wearing
20 black elastic pants, did he have a gun on him right then?

21 A. I didn't see a gun then.

22 Q. You didn't see a gun?

23 A. No.

24 Q. And if he had a gun in the waistband of his pants,
25 it might pull the pants down, right, considering all things?

CROSS EXAMINATION OF ROBIN SIMMONS BY MR. LEE

1 Is that right?

2 A. Yes, sir.

3 Q. Okay. Were his pants pulled down as if he had a
4 gun in his -- in his waistband?

5 A. Well, he was sagging.

6 Q. He was sagging.

7 A. Uh-huh. (Indicating affirmatively.)

8 Q. Well, that would make it -- that would make it
9 even -- even more likely for the pants to be pulled all the
10 way down if he doesn't have them up around his waist, right?

11 MS. JONES: Your Honor, objection.

12 THE COURT: Just a moment.

13 MS. JONES: Objection.

14 THE COURT: Objection?

15 Counsel approach.

16 (Off-the-record discussion held.)

17 THE COURT: Rephrase the question consistent with
18 my ruling, Counsel.

19 MR. LEE: Yes, sir.

20 BY MR. LEE

21 Q. You said that at the time this happened that
22 Mr. Terrance Johnson was dating your sister, Angel?

23 A. Yes, sir.

24 Q. Angel Simmons?

25 A. Yes, sir.

CROSS EXAMINATION OF ROBIN SIMMONS BY MR. LEE

1 Q. Okay. Do you know whether Angel Simmons was ever
2 seen or going out with a guy named Antoine Drake?

3 A. No, sir, not as I know of.

4 Q. You don't know?

5 A. No, but he used to be around the house every day.

6 Q. Antoine Drake?

7 A. Yes.

8 Q. Okay. Are you familiar with an altercation
9 between Terrance Johnson and Antoine Drake that involved
10 your sister, Angel Simmons, over at Michael Taylor's house
11 and a knife was involved?

12 A. I heard about it.

13 THE COURT: Hold on.

14 MS. JONES: Objection.

15 THE COURT: Counsel approach.

16 (Off-the-record discussion held.)

17 THE COURT: Move along. The objection's
18 sustained. Rephrase the question.

19 BY MR. LEE

20 Q. Your sister, Angel, was dating Terrance Johnson
21 around this time?

22 A. Yes, sir.

23 Q. Okay. Did you ever in the two and a half years
24 since this statement was made, did you ever contact anyone,
25 yourself or the law enforcement, stating that you wished to

CROSS EXAMINATION OF ROBIN SIMMONS BY MR. LEE

1 change or add to that statement?

2 A. No, sir.

3 MR. LEE: That's all I have, Your Honor.

4 THE COURT: Redirect?

5 REDIRECT EXAMINATION

6 BY MS. JONES:

7 Q. Ms. Simmons, you didn't touch Mr. Hopkins' gun
8 when he was wearing his clothes, the second outfit he
9 changed into?

10 THE COURT: Just a moment. Speak up for me now so
11 the witness and I can hear you.

12 Rephrase it.

13 BY MS. JONES

14 Q. The second time Mr. Hopkins changed, you didn't
15 search him for a gun, did you?

16 A. No, ma'am.

17 MS. JONES: I have no questions, Your Honor.

18 THE COURT: Recross limited to redirect.

19 MR. LEE: No questions.

20 THE COURT: As to the witness.

21 MS. JONES: She may be excused.

22 THE COURT: Mr. Lee, any objection to this witness
23 being excused?

24 MR. LEE: No, sir.

25 THE COURT: Ms. Simmons, you may step down from

REDIRECT EXAMINATION OF ROBIN SIMMONS BY MS. JONES

1 the witness stand and you're excused from the trial of
2 this case and you may leave the courtroom.

3 WITNESS: Thank you.

4 THE COURT: Counsel approach.

5 (Off-the-record discussion held.)

6 THE COURT: Madam foreperson, ladies and gentlemen
7 of the jury, I see from the clock that it's 5:25. I
8 promised you I would get you home in a timely fashion.
9 I'll continue to see that I do so.

10 Over the overnight recess tonight please do not
11 discuss this case with anyone. Just tell them you're
12 on the jury; you can't talk about it as I instructed
13 you. We will continue in the morning at 9:00 a.m.
14 because I'm going to push to try to get you home in a
15 timely fashion.

16 Please, if you would, be on time. Report to your
17 jury room. Do not come to the courtroom. Be in your
18 jury room prior to 9:00. I'd like to start as close to
19 9:00 a.m., but I can't start until all of you are
20 present. So, please be -- we'll have something for you
21 to drink and a snack when you get here; so feel free to
22 come a little earlier so we can try to start at 9:00.

23 I want to thank you for your patience today. We
24 are going to try to move the trial right along as
25 expeditiously as we possibly can. You may leave the

COURT EXCUSING THE JURY FOR THE DAY

1 courtroom at this time.

2 Everyone else remain seated while the jury is
3 leaving.

4 (Jury exits the courtroom at 5:25 p.m.)

5 THE COURT: Mr. Wheeler, I'm adjourning for the
6 day. It is 5:26. I will see you at 9:00 a.m. right
7 where you're seated right now in the morning. You may
8 leave at this time. Be back at 9:00 a.m. in the
9 morning.

10 MR. WHEELER: All right.

11 THE COURT: I want to see my lawyers in chambers.
12 This court stands adjourned until 9:00 a.m. tomorrow
13 morning.

14 (Whereupon, the Court was adjourned for the day.)

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TITLE PAGE

1 In the Court of General Sessions for the
2 State of South Carolina, County of Jasper

3

4

5

6 Case No.: 2015GS2700144

7 State of South Carolina,

8 Plaintiff(s),

9 vs. Transcript of Record

10 Rohaime Hopkins,

11 Defendant(s).

12

13

14 TRIAL TRANSCRIPT

15

16

17

18 May 16, 2017

19 Ridgeland, South Carolina

20

21 BEFORE:

22 The Honorable Perry M. Buckner

23

24

25

TITLE PAGE

1

2 (The following proceedings were held on May 16,
3 2017.)

4 (The following proceedings held outside of the
5 presence of the jury:)

6 THE COURT: Let the record reflect the jury is not
7 in the courtroom. The Solicitor and counsel for the
8 Defendant, as well as the Defendant, are present. I've
9 been advised this morning in a pretrial conference that
10 the State intends to elicit an alleged statement
11 through the testimony of SLED Agent Johnson. And
12 because of that, obviously, a Jackson Denno hearing is
13 required, in-camera, outside the presence of the jury
14 before the Court can make a determination as to the
15 admissibility of any alleged statement.

16 Solicitor, with that in mind, we decided to deal
17 with that so that we don't have to start and stop so
18 much with the jury.

19 Please call your witnesses for the purposes of the
20 Jackson Denno hearing.

21 MS. JONES: Thank you, Your Honor. The State
22 calls Agent Richard Johnson.

23 Thereupon,

24 RICHARD JOHNSON

25 was called as a pretrial witness, having been first duly

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 sworn, was examined and testified as follows:

2 THE COURT: Good morning, Richard.

3 THE WITNESS: Good morning, Judge.

4 THE COURT: You know what to do. Make yourself
5 comfortable. State your full name and spell your last.

6 THE WITNESS: Richard Johnson, J-O-H-N-S-O-N.

7 THE COURT: Your witness, Counsel.

8 MS. JONES: Thank you, Your Honor.

9 DIRECT EXAMINATION

10 BY MS. JONES:

11 Q Agent Johnson, where do you work?

12 A South Carolina Law Enforcement Division, commonly
13 known as SLED.

14 Q And in what capacity do you work with SLED?

15 A I'm a special agent, responsible for conducting
16 investigation on almost every type of crime except drugs.

17 Q Were you the agent assigned to the case against
18 Rohaime Hopkins?

19 A Yes, ma'am.

20 Q And during that investigation did you have an
21 opportunity to speak with Mr. Hopkins?

22 A Yes, I did.

23 Q When was the -- how many times did you speak with
24 Mr. Hopkins?

25 A Twice.

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 Q And what was the date of the first time you spoke
2 with him?

3 A The first one was December 8th, 2014.

4 Q Okay. And what was the date of the second time?

5 A February 5th of 2015.

6 Q Okay. When you were speaking with him during both
7 of these interviews, is he in custody?

8 A Yes, ma'am.

9 Q Not on this charge, on unrelated charges?

10 A That's correct, unrelated charge.

11 Q At any time did he appear to be under the
12 influence of drugs or alcohol?

13 A No, ma'am.

14 Q Did he appear to have any mental or physical
15 defect that would affect his ability to understand?

16 A No, ma'am.

17 Q Did he -- can you describe the surroundings during
18 both of the interviews?

19 A The first interview on December 8th was at the
20 Chatham County Detention Center in Savannah, Georgia. It
21 was an interview room, one way in, one way out. Mr. Hopkins
22 was positioned close by the door. There was nothing
23 obstructing his ability to walk out of the door, but he
24 couldn't leave the facility. But he certainly could have
25 left the interview room.

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 Q Okay. And how about in February?

2 A In February, we were in an office space in which
3 still there was nothing obstructing between the entry door
4 and Mr. Hopkins. He could have left out of the interview
5 room, but not the facility.

6 Q At any time was he denied access to food, water,
7 or the bathroom?

8 A No, ma'am.

9 Q How long were these interviews?

10 A I think the first one may have been about 30
11 minutes, and the second one was a little bit longer, if I'm
12 not mistaken. I don't have the exact time, length of all --
13 both the interviews, but I'm certain the first one was about
14 30 minutes long.

15 Q Was the second one less than an hour or more than
16 an hour?

17 A Probably less than an hour.

18 Q All right. And during both of these interviews,
19 he was subjected to your interrogation?

20 A Yes, ma'am.

21 Q Did you -- during both of these interviews, did
22 you go to request to speak with Mr. Hopkins, or did he
23 request you to come speak with him?

24 A The first one, I went to him after learning that
25 he was in custody in Savannah, Georgia.

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 Q And --

2 A And on the second one, through information through
3 other officers, Major Donald Hipp, which information came
4 from, I think it was ATF Agent Schubert, or something to
5 that effect, said that he had information he wanted to talk
6 with us.

7 Q And when you spoke with Mr. Hopkins the second
8 time, did he confirm that he, in fact, wanted to speak with
9 you?

10 A That's correct.

11 Q When you're speaking with him, did you advise him
12 why you were speaking with him?

13 A Yes, ma'am.

14 Q Okay. And what was that reason?

15 A Well, it was because of this -- the investigation
16 for the day, just wanted to see if he had any information
17 pertaining to it.

18 On the second interview, I initially started
19 out by wanting just to let him know, asking, did you not
20 call us and ask, you know, if we wanted to talk with you or
21 not.

22 Q Okay.

23 MS. JONES: Permission to approach, Your Honor?

24 THE COURT: Yes.

25 BY MS. JONES:

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 Q Agent Johnson, I'm going to show you what has been
2 marked as Court's 2 and Court's 4. Can you identify those?

3 A Yes, ma'am. These are Miranda rights forms that
4 were used each time that I met with Mr. Hopkins.

5 Q Okay. And does Mr. Hopkins indicate on those
6 forms that he understands his rights?

7 A Yes, ma'am, he did.

8 Q How does he do so?

9 A On each line, as I read the rights, he placed his
10 initials by each line, acknowledged that he understood
11 those. And at the bottom, where it's entitled, "Waiver of
12 Rights," he signed his name, acknowledging that he was
13 willing to freely waive his rights to an attorney.

14 Q And are those fair and accurate copies of the
15 Miranda forms that you had Mr. Hopkins fill out?

16 A Yes, ma'am.

17 Q Did they appear to be altered in any way?

18 A No, ma'am.

19 Q And is that your signature on the witness line as
20 witness to the interrogation?

21 A Yes, ma'am.

22 MS. JONES: Your Honor, at this time, we move
23 Court's 2 and 4 into --

24 THE COURT: Please identify what -- by date,
25 what's two and what's four, for the record, please,

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 Agent Johnson.

2 THE WITNESS: Yes, ma'am.

3 Exhibit Court 2 is for the Miranda rights for the
4 date of December 8th, 2014. My start time was
5 2:30 p.m. And Exhibit Court 4 is Miranda rights dated
6 February 5th, 2015. And my start time was 12:33 p.m.

7 THE COURT: As to Court's 2 and 4, for purposes of
8 this hearing, Mr. Lee?

9 MR. LEE: No objection.

10 THE COURT: All right. Have they been marked?

11 MS. JONES: Yes, Your Honor.

12 THE COURT: Court's Exhibits 2 and 4 will be
13 admitted for purposes of this hearing, without
14 objection.

15 You may proceed, Solicitor.

16 MS. JONES: Thank you, Your Honor.

17 *(Whereupon, Court's Exhibit No(s). 2 & 4 marked*
18 *for identification and received in evidence.)*

19 BY MS. JONES:

20 Q Agent Johnson, what does that December 8th form
21 read?

22 A December 8th form reads, "Before we ask a
23 question, you must understand your rights. You have the
24 right to remain silent. Anything you say can be used in
25 court as evidence against you. You are entitled to talk to

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 a lawyer now and have him present now or at any time during
2 questioning. If you cannot afford an attorney, one will be
3 appointed for you without cost. If you decide to answer
4 questions now without a lawyer present, you will still have
5 the right to stop answering at any time. You also have the
6 right to stop answering at any time until you talk to a
7 lawyer. Do you understand these rights? Do you wish to
8 talk to us at this time?"

9 The Waiver of Rights reads, "I have read the
10 statement of my rights and I understand what my rights are.
11 I am willing to talk now without a lawyer present. I
12 understand and know what I am doing. No promises or threats
13 have been made to me, and no pressure or coercion of any
14 kind has been used against me."

15 Q And Mr. Hopkins initialed next to each of those
16 indicating he understood?

17 A Yes, ma'am.

18 Q And did he sign indicating he wished to waive his
19 rights?

20 A Yes, ma'am.

21 Q While going through these rights, did he appear to
22 understand what each right meant?

23 A Yes, ma'am.

24 Q Did his answers appear rational when he's speaking
25 with you?

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 A Yes, ma'am.

2 Q And the rights form, Court's 4, the rights form
3 for February 5th, is it identical to the December 8th one?

4 A Yes, ma'am.

5 Q And does he initial and indicate on that form that
6 he does wish to speak with you as well?

7 A Yes, ma'am, that's correct.

8 Q And he waived having his attorney present?

9 A That's correct.

10 Q Okay. And again on February 5th, does he appear
11 to understand what you're asking him?

12 A Yes, ma'am.

13 Q And he gives rational responses to your questions?

14 A Yes, ma'am.

15 Q At any point in any of those interviews, does he
16 appear to have any difficulty in answering or understanding
17 your questions?

18 A No, ma'am.

19 Q Did he ever ask for an attorney?

20 A No, ma'am.

21 Q What did he say in -- on the December 8th
22 interview?

23 A On December 8th, he told us -- he said that he was
24 at Ms. Simmons -- at the house of the Simmons' to pay
25 respect for the death of the family member. Himself and

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 others were out in the yard. At some point, or actually
2 right about 6:00 p.m., Terrance Johnson came and took him to
3 Roseland community to get some clothes. I think he said,
4 may have took them about 20 minutes or so just to go to
5 Roseland and get back. But when they came back, it would
6 have been around 6:30, 7:00 p.m., where Terrance Johnson
7 dropped him off at Janeika Taylor's house. And that was the
8 last time he saw Terrance Johnson.

9 Q Okay. Was this statement recorded?

10 A It was audio recorded.

11 Q Did he also memorialize it to a writing?

12 A Say that again?

13 Q Did he also give you a written statement that day?

14 A Yes, ma'am.

15 MS. JONES: Permission to approach?

16 THE COURT: Yes.

17 BY MS. JONES:

18 Q Agent Johnson, I'm showing you what has been
19 marked Court's Exhibit 3. Can you please identify that?

20 A It's a SLED voluntary statement form that was
21 provided to Mr. Hopkins so that he can write his own
22 information in his own writing.

23 Q And is that a copy of the statement he filled out
24 on December 8th?

25 A Yes, ma'am.

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 Q Does he sign that statement?

2 A Yes, he does.

3 Q Do you sign it as a witness?

4 A Yes, ma'am.

5 Q And is that a fair and accurate copy of the
6 statement he wrote that afternoon?

7 A Yes, ma'am.

8 MS. JONES: Your Honor, at this time, State moves
9 Court's 3 into evidence.

10 THE COURT: As to Court's 3, Mr. Lee.

11 MR. LEE: For the purpose of this hearing, no
12 objection. For the purposes of this hearing, I have no
13 objection to the introduction.

14 THE COURT: We're only in this hearing at this
15 point, Mr. Lee.

16 As to Court's 3 for purposes of this hearing?

17 MR. LEE: No objection.

18 THE COURT: Court's Exhibit No. 3 will be admitted
19 into evidence for purposes of this Jackson Denno
20 hearing without objection.

21 It's now in evidence. Proceed, Solicitor.

22 *(Whereupon, Court's Exhibit No(s). 3 marked for*
23 *identification and received in evidence.)*

24 MS. JONES: Thank you, Your Honor.

25 BY MS. JONES:

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 Q And Agent Johnson, what does that statement say?

2 A It says, "Around 4:00 p.m., on the day of Ms.
3 Simmons' death, we were located in the yard with family
4 members. T.J. arrived, we talked in the yard. T.J. is
5 Terrance Johnson. He took me to get some clothes and took
6 me back to Janeika DuPont house and dropped me off. I did
7 not talk back with him or seen him any more that night.
8 T.J. took me to get clothes from Roseland around 6:00 p.m,
9 and that took about 20 minutes. Then he dropped me off at
10 Janeika DuPont house when we was finished, which was around
11 6:30 to 7:00 p.m. And Janeika drop me off around 11:30 to
12 11:45 in Baytree apartment. I did not go back to the
13 Simmons Hill anymore that day."

14 Q Okay. Thank you.

15 Moving on to the February 5th interview, what
16 did he say during that interview?

17 A Now, he provided a little bit more information.

18 But it says, "A couple days before Johnson
19 was killed, Johnson and Drake pulled knives on each other.
20 They had a falling out over Latanya Singleton. They were at
21 Michael Taylor's house at 3334 Riceshire Road in Ridgeland,
22 South Carolina. And during the altercation, Drake almost
23 stabbed Michael Taylor in the face with his knife. Drake
24 called his brother to the area to kill Johnson. Johnson's
25 biological father, who is currently incarcerated, supposedly

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 placed a hit on Drake for calling his brother to kill
2 Johnson. Drake had to get out of town and needed money. He
3 had heard that Trey from Garnet, South Carolina, and who is
4 one of the biggest drug dealer that side of Jasper County,
5 placed a hit on Johnson for being a snitch. The hit was
6 supposed to be for \$15,000, and Drake accepted the job. On
7 November 13th, 2014, Drake killed Johnson around 6:00 a.m.
8 Drake killed Johnson by himself in Roseland. No one was
9 with Drake when he killed Johnson."

10 Q And that concludes the information he gave you
11 that day?

12 THE COURT: Solicitor, I can't hear you.

13 MS. JONES: I'm sorry.

14 BY MS. JONES:

15 Q That concludes the information he gave you that
16 day?

17 A He provided additional hearsay information, but I
18 guess I can't go any further with it.

19 Q Okay. At any point, did you ask him about his
20 phone number?

21 A At one of the interviews, I asked which phone --
22 what was his actual number? And I gave him a number, and he
23 said that that was his older number, he no longer had that
24 number.

25 Q What was this number you asked him about?

PRE-TRIAL DIRECT EXAMINATION OF RICHARD JOHNSON BY
JONES

1 A It was the 470 number. I have to look through
2 this to get that actual number. Wait a second.

3 Q Could it have been (407) 725-9329?

4 A Yes, ma'am.

5 Q Okay. And that was the number he indicated an old
6 -- that was his old number.

7 A That was his old number.

8 Q At any time during these statements, or to the
9 best of your recollection, was his statements, both on the
10 8th of December and February 5th, freely and voluntarily
11 given?

12 A Yes, ma'am.

13 MS. JONES: I have no further questions.

14 THE COURT: Cross examination.

15 CROSS EXAMINATION

16 BY MR. LEE:

17 Q Mr. Hopkins cooperated with you both times you
18 spoke to him?

19 A Yes, sir.

20 Q You didn't force him to say anything?

21 A No, sir.

22 Q And as a matter of fact, on February 5th, meaning
23 he actually called you saying I want to talk to you, right?

24 A Not directly. That was through other law
25 enforcement he got the message to me, yes.

PRE-TRIAL CROSS EXAMINATION OF RICHARD JOHNSON BY
LEE

1 Q So he got a message to you that he wanted to talk
2 to you.

3 A Yes, he did.

4 Q Even though he didn't have to?

5 A That's correct.

6 Q And the information that he provided about the
7 T.J. and Drake pulling the knives on each other, did you
8 follow up with that information?

9 A Yes, sir.

10 Q Okay. Did you follow up with the statement that
11 Drake had to get out of town and needed money?

12 A Yes, sir.

13 Q Okay. Because those obviously could be two pretty
14 important pieces of information, right?

15 A That's correct.

16 Q And you took it seriously and you looked into it?

17 A Yes, sir.

18 Q Okay.

19 MR. LEE: That's all I have, Your Honor.

20 THE COURT: Redirect.

21 MS. JONES: None, Your Honor.

22 THE COURT: Anything further from the State for
23 purposes of this hearing?

24 MS. JONES: No, Your Honor.

25 THE COURT: Does the Defendant wish to present any

PRE-TRIAL CROSS EXAMINATION OF RICHARD JOHNSON BY
LEE

1 evidence for purposes of this hearing?

2 Richard, you can step down.

3 MR. LEE: No, Your Honor. No, sir.

4 THE COURT: Very well.

5 Solicitor, I understand you seek to introduce this
6 statement to Mr. Lee? I don't need to hear from you,
7 Solicitor. Be seated.

8 Mr. Lee, is there any objection?

9 MR. LEE: I, of course, would object to the
10 introduction of the actual statement as hearsay. The
11 substance of it, I think she is allowed to get into.

12 THE COURT: Well, of course, that's a matter for
13 who, Mr. Lee?

14 MR. LEE: Your Honor.

15 THE COURT: No, I don't think necessarily. It's a
16 matter of whether or not it's admissible for me. But
17 the accuracy of it, of course, is the credibility, Mr.
18 Lee, and that's a matter for the jury.

19 MR. LEE: Yes, sir.

20 THE COURT: Let the record reflect the Court has
21 carefully considered all the evidence which has been
22 offered by the State. The Defendant, having chosen not
23 to present any evidence for purposes of this Jackson
24 Denno hearing, the Court is convinced by a
25 preponderance of the evidence, and I so find that

PRE-TRIAL CROSS EXAMINATION OF RICHARD JOHNSON BY
LEE

1 before the alleged statement was obtained from the
2 Defendant, the Defendant was fully advised of his
3 rights under the Fifth and Sixth Amendment to the
4 Constitution of the United States, and that the
5 Defendant was advised of the constitutional safeguards
6 required by Miranda versus Arizona.

7 The Defendant was advised prior to any
8 interrogation. He had the right to remain silent, and
9 he was advised prior to any interrogation. And if
10 waived his right to remain silent and made a statement,
11 that such statement could and would be used against him
12 in a court of law. And the Defendant was advised prior
13 to any interrogation that he had the right to employ a
14 selected attorney of his own choice, and that if he did
15 not have the money, funds, or resources to afford an
16 attorney, that the Court would appoint and provide an
17 attorney for him if he so desired, without cost or
18 expense to him, and he had the right to have his
19 attorney present with him at all times during the
20 interview or interrogation, and the Defendant was
21 advised prior to any interrogation that he had the
22 right to consult with his attorney before interrogation
23 and he was advised prior to any interrogation that he
24 had the right to interrupt and terminate the
25 interrogation at any time, and the further right to

PRE-TRIAL CROSS EXAMINATION OF RICHARD JOHNSON BY
LEE

1 stop answering questions at any time during the
2 interrogation. And he was advised prior to any
3 interrogation, that if during the interrogation he
4 desired an attorney, the interrogation would cease
5 until an attorney was provided for him, and he would be
6 given an opportunity to consult with his attorney prior
7 to the interrogation.

8 It is this Court's finding by the greater weight
9 and preponderance of the evidence that the Defendant
10 knowingly and intelligently waived his rights under the
11 Fifth and Sixth Amendments of the Constitution of the
12 United States and the constitutional safeguards
13 required by Miranda versus Arizona; that the alleged
14 statement obtained from the Defendant was freely and
15 voluntarily given without duress, without coercion,
16 without undue influence, without reward, without
17 promise or hope of reward, without promise of leniency,
18 without threat of injury, and without compulsion or
19 inducement of any kind; and that such alleged statement
20 was the voluntary product of the free and unconstrained
21 will of the Defendant.

22 This Court makes all of those foregoing findings
23 and conclusions by a preponderance of the evidence, and
24 I, therefore, find that the statement is admissible
25 into evidence.

PRE-TRIAL CROSS EXAMINATION OF RICHARD JOHNSON BY
LEE

1 All right. You are going to have to recall
2 Richard when you decide to do it. We've now taken --
3 you told me ten minutes, you took 30. We're behind
4 schedule. Let's move along. Bring me the jury.

5 (Jury enters the courtroom at 9:34 a.m.)

6 THE COURT: Good morning.

7 JURORS: Good morning.

8 THE COURT: There you are, Madam Foreperson. Good
9 morning, ladies and gentlemen. Thank you for your
10 patience. I had a matter of law. We got here about
11 8:30, started working, and the matter of law took -- I
12 know you sat in that -- I know the clerk told you to be
13 here at 9:00 o'clock, and I did, and we were all here.
14 Because I checked on you before 9 o'clock. I knew you
15 were all here.

16 But a matter came up that required that I listen
17 to some matters in order to rule on a matter of law.
18 So the time you waited is entirely on me.

19 I had planned today around not having to start and
20 stop any more than is absolutely necessary, ladies and
21 gentlemen. I'm going to be mindful of your time. We
22 will now continue with the testimony in the trial of
23 this case.

24 Call your next witness, Solicitor.

25 MS. JONES: Thank you, Your Honor. The State

COMMENTS BY THE COURT

1 calls Daytron Simmons.

2 THE COURT: Daytron Simmons.

3 Thereupon,

4 DAYTRON SIMMONS

5 was called as a witness, having been first duly sworn,

6 was examined and testified as follows:

7 THE COURT: Have a seat. Make yourself at home.

8 Pull your chair up and adjust the microphone to your

9 height. That microphone is going to amplify your

10 voice. Speak up so everybody on this jury can hear

11 you. Begin by stating your full name and spelling your

12 last name for the court reporter.

13 THE WITNESS: Daytron Simmons, S-I-M-M-O-N-S.

14 THE COURT: Your witness, Solicitor.

15 MS. JONES: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MS. JONES:

18 Q Mr. Simmons, where do you live?

19 A Spring Hill.

20 Q Okay. What is your address?

21 A 200 Riceshire Road.

22 Q Is that also known as Simmons Hill?

23 A Yes, ma'am.

24 Q And did you live there back in November of 2014?

25 A Yes, ma'am.

DIRECT EXAMINATION OF DAYTRON SIMMONS BY JONES.

1 Q Do you remember the day of November 12th, 2014?

2 A Yes, ma'am.

3 Q And what do you remember about that day?

4 A We had a set-up for my mom -- grandmom that had
5 passed. That's it.

6 Q Okay. And what does that mean?

7 A How do you mean?

8 Q I mean, did people come over to Simmons Hill that
9 day?

10 A Yes, ma'am. Yes, ma'am.

11 Q Okay. Do you remember if a man named Terrance
12 Johnson was there?

13 A Yes, ma'am.

14 Q What did you call Terrance Johnson? Did you know
15 him as "T.J."?

16 A Yes, ma'am.

17 Q Thank you. Was also a man named Rohaime Hopkins
18 there?

19 A Yes, ma'am.

20 Q Okay. Do you know Rohaime Hopkins?

21 A Yes, ma'am.

22 Q And how long have you known him?

23 A Probably about -- I don't remember. I can't
24 remember.

25 Q A couple years, or longer than that?

DIRECT EXAMINATION OF DAYTRON SIMMONS BY JONES.

- 1 A Probably about a year.
- 2 Q Okay. Back in 2014, it was about a year?
- 3 A Yes, ma'am.
- 4 Q Okay. Did you remember seeing him that day?
- 5 A Yes, ma'am.
- 6 Q And did you ever see them together?
- 7 A Yes, ma'am.
- 8 Q Okay. Did you stay at Simmons Hill that whole
- 9 night?
- 10 A No, ma'am.
- 11 Q When you left Simmons Hill, were the victims --
- 12 were Mr. Johnson and Rohaime Hopkins still there?
- 13 A No, ma'am.
- 14 Q Where were they?
- 15 A They were gone.
- 16 Q How did they leave?
- 17 A In T.J.'s car.
- 18 Q Did they leave together?
- 19 A Yes, ma'am.
- 20 Q Was anybody else with them?
- 21 A No, ma'am.
- 22 Q Who was driving?
- 23 A T.J.
- 24 Q What kind of car did T.J. drive?
- 25 A It's a -- it's a Camry.

DIRECT EXAMINATION OF DAYTRON SIMMONS BY JONES.

1 Q Okay. A Toyota Camry.

2 Do you know about what time this was?

3 A No, ma'am.

4 Q Do you remember speaking with Agent Johnson right
5 here on March 24th of 2015?

6 A I don't recall.

7 Q Okay. Do you remember something that you -- that
8 you witnessed that happened a couple weeks before the
9 murder?

10 A I don't recall.

11 Q Okay. Do you have problems with your memory?

12 A Yes, ma'am.

13 Q What is the -- what are your problems with your
14 memory?

15 A I got shot in my eye in '06.

16 Q Okay. Is that the injury I see right now?

17 A Yes, ma'am.

18 Q Okay. You were shot?

19 A (Indicates.)

20 THE COURT: You have to say "yes" or "no." Don't
21 shake your head.

22 THE WITNESS: Yes, ma'am.

23 BY MS. JONES:

24 Q How does that affect your memory?

25 A Short term memory.

DIRECT EXAMINATION OF DAYTRON SIMMONS BY JONES.

1 Q Okay. You can remember things for a short time,
2 but then a long time you can't remember them?

3 A Yes, ma'am.

4 Q So are you telling me right now, you don't
5 remember speaking with Agent Johnson on March 24th of 2014?

6 A I don't recall.

7 Q At 200 Riceshire Road in Ridgeland.

8 A Yes, ma'am.

9 Q Around the afternoon time?

10 A Yes, ma'am.

11 Q Did it happen, or you don't remember?

12 A I don't remember.

13 Q Okay. Do you remember telling him that you were
14 at Michael Taylor's house with the Defendant, Rohaime
15 Hopkins, yourself and Antoine Drake, about two weeks before
16 the murder?

17 A No, ma'am.

18 Q Do you remember telling him that Hopkins, the
19 Defendant, said -- told you he was waiting on "them boys,"
20 meaning Trey Graves, to sign the contract?

21 A No, ma'am.

22 Q Do you remember telling him that Mr. Hopkins said
23 this while looking -- said this to you while looking at
24 Terrance Johnson?

25 A No, ma'am.

DIRECT EXAMINATION OF DAYTRON SIMMONS BY JONES.

1 Q Do you remember telling him that Trey Graves had a
2 hit on Terrance Johnson because Terrance Johnson was
3 snitching?

4 A No, ma'am.

5 Q You don't remember saying any of that?

6 A No, ma'am.

7 Q And you say today that it is because you have long
8 term memory loss because of your gunshot wound?

9 A Yes, ma'am.

10 Q Okay. But you do remember that they left together
11 on November 12th?

12 A Yes, ma'am.

13 Q You just don't remember saying that to Richard
14 Johnson?

15 A Yes, ma'am.

16 Q Do you remember that happening?

17 A I can't recall.

18 Q You just don't remember?

19 A No, ma'am.

20 Q Okay.

21 MS. JONES: Beg the Court's indulgence.

22 Mr. Simmons, I have no further questions.

23 THE COURT: Cross examination.

24 CROSS EXAMINATION

25 BY MR. LEE:

CROSS EXAMINATION OF DAYTRON SIMMONS BY LEE

1 Q When did you get shot in the eye?

2 A 2006.

3 Q Before all this?

4 A Yes.

5 Q And the thing we're talking about happened
6 November 12th, 2014. Your statement that she's asking about
7 was in March of 2014, right? Five months later; does that
8 sound right?

9 A I don't recall.

10 Q Do you recall going to the -- to Club Pluto the
11 night of the shooting with Antoine Drake and Javare Shuler?

12 A I don't recall.

13 Q You don't recall?

14 A No.

15 Q Did you write a statement for the officer?

16 A I don't recall.

17 Q You don't recall?

18 A I can't read, so how am I going to write a
19 statement?

20 Q So then you can't read or write, can you?

21 A No.

22 Q So any statement would have been written by Agent
23 Johnson and then read to you and you signed; but you
24 wouldn't have done it yourself, right?

25 A Yes, sir.

CROSS EXAMINATION OF DAYTRON SIMMONS BY LEE

1 Q Now, Rohaime Hopkins and T.J. were buddies, right?

2 A Yes, sir.

3 Q And they hung out pretty much everyday?

4 A Yes, sir.

5 Q And so they would be considered friends, right?

6 A Yes, sir.

7 Q And are you buddies with Antoine Drake, aka

8 Hollywood?

9 A Yes, sir.

10 Q Okay. How about Tutu?

11 A No, I don't know her.

12 Q But you knew Hollywood?

13 A Yes.

14 THE COURT: You have to say "yes" or "no."

15 THE WITNESS: Yes, sir.

16 MR. LEE: That's all I have, Your Honor.

17 THE COURT: Redirect.

18 MS. JONES: Briefly, Your Honor.

19 THE COURT: Speak up.

20 REDIRECT EXAMINATION

21 BY MS. JONES:

22 Q Mr. Simmons, do you see the man you know as

23 Rohaime Hopkins who left with the victim that day in the

24 courtroom?

25 A Yes, ma'am.

REDIRECT EXAMINATION OF DAYTRON SIMMONS BY JONES

1 Q And where is he?

2 A Sitting right there (indicating).

3 Q Can you describe what he has on?

4 A A blue-colored shirt.

5 MS. JONES: May the record reflect the witness
6 identified the Defendant.

7 THE COURT: Proceed.

8 MS. JONES: No further questions.

9 THE COURT: Recross limited to redirect.

10 MR. LEE: No further questions.

11 THE COURT: As to this witness, Solicitor?

12 MS. JONES: He may be excused.

13 THE COURT: Any objection, Mr. Lee?

14 MR. LEE: No, sir.

15 THE COURT: Mr. Simmons, you may step down from
16 the witness stand. You're excused from the trial of
17 this case. You may leave the courtroom.

18 Call your next witness.

19 MS. JONES: The State calls Antoine Drake.

20 Thereupon,

21 ANTOINE DRAKE

22 was called as a witness, having been first duly sworn,
23 was examined and testified as follows:

24 THE COURT: Step up. Watch your step there. Have
25 a seat, Mr. Drake. And you're going to need to slide

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 up a little bit, I want you to get to the microphone.
2 You adjust the microphone to your height, Mr. Drake. I
3 need you to speak into that microphone. It's to
4 amplify your voice, and I want everybody on this jury
5 to be able to hear you. Start by stating your full
6 name, spelling your last name for the court reporter.

7 THE WITNESS: First name is Antoine; middle name,
8 is Durrell, Drake, D-R-A-K-E.

9 THE COURT: You don't have to get right on top of
10 it, but get close to it and speak up.

11 Your witness, Counsel, direct examination.

12 MS. JONES: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MS. JONES:

15 Q Good morning, Mr. Drake.

16 A Good morning.

17 Q Can't help but notice what you're wearing. Where
18 are you staying these days?

19 A Right now?

20 Q Right now.

21 A Beaufort County jail.

22 Q Okay. And you're arrested on something?

23 A Yes, ma'am.

24 Q What are you in jail on?

25 A Criminal domestic violence.

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 Q Okay. And who is the alleged victim in that case?

2 A Latanya Singleton.

3 Q Does she have a nickname?

4 A Yeah.

5 Q Okay. What's her nickname?

6 A Tutu.

7 Q How do you know Tutu?

8 A My kid's mother.

9 Q How many kids do you have with her?

10 A One now, but one on the way.

11 Q She's pregnant right now with your child?

12 A Yeah.

13 Q Were y'all living together?

14 A Something like that, yeah.

15 Q And has she spoken to you since you've been in
16 jail?

17 A Yeah.

18 Q How?

19 A Visit, on the phone.

20 Q Okay. She has come in and talked to you?

21 A Yeah.

22 Q Okay. Has myself or anybody else from the
23 Solicitor's office promised you anything with this pending
24 charge you have right now?

25 A No, ma'am.

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 Q Okay. We're not helping you at all with what you
2 have going on right now, are we?

3 A No, ma'am.

4 Q In fact, you're still in jail on it? It's still
5 pending?

6 A Yes, ma'am.

7 Q Did you know a man named Terrance Johnson?

8 A Yes, ma'am.

9 Q And how did you know him?

10 A He was a friend of mines, and I met him through --
11 I met him really through Angel and Daytron and them, other
12 friends.

13 Q Okay. Did you call him T.J.?

14 A I called him T.J.

15 Q Okay. How long had you known T.J.?

16 A I probably only know T.J. for probably like, two
17 months, three months tops.

18 Q Y'all were friends?

19 A Yeah, we were friends.

20 Q Do you know a man named Rohaime Hopkins?

21 A Yes.

22 Q And how did you know Rohaime?

23 A I know Rohaime since I was a kid, since I was
24 younger.

25 Q Did y'all grow up together? Go to school?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 A No, ma'am. No, we didn't grow up together.

2 Q But you just known him forever?

3 A Yeah.

4 Q Are y'all family?

5 A No, ma'am.

6 Q Y'all just friends?

7 A Yes, ma'am.

8 Q Okay. Do you remember -- you know why we're here
9 today.

10 A Yes, ma'am.

11 Q Okay. Do you remember being with T.J. and the
12 Defendant the night before T.J. was killed?

13 A Yes, ma'am.

14 Q Can you tell me about that?

15 A We was on the way going on -- we was on the way
16 going to Hardeeville. We was on going to see somebody to
17 pick up something.

18 Q What were y'all going to pick up?

19 A Drugs.

20 Q What kind of drugs?

21 A Coke, marijuana.

22 Q Okay. Coke, is that cocaine?

23 A Yeah.

24 Q And you've actually been convicted in 2015 of
25 possession of cocaine, haven't you?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 A Yes, ma'am.

2 Q Okay. So you were going with them to get some
3 cocaine?

4 A Yeah.

5 Q Okay. And what happens?

6 Who's driving y'all? I'm sorry to interrupt
7 you. Who's driving y'all?

8 A T.J. was driving, Angel was in the front seat, and
9 me and Mr. Hopkins was in the back seat.

10 Q Okay. And whose car were y'all in?

11 A T.J.

12 Q And tell me about this trip to Hardeeville.

13 A We was just going to Hardeeville and basically,
14 T.J. was tripping over gas. He wanted gas money. I paid
15 him the gas money, him and Roh had some had some words --
16 him and Mr. Hopkins had words over gas money. But Hopkins
17 gave him gas money. And we was in the back seat, we was
18 going to Hardeeville. Mr. Hopkins repeatedly said that he
19 wanted to kill T.J.

20 Q Okay. You're sitting next to Mr. Hopkins at this
21 point?

22 A I'm sitting across, over.

23 Q In the car, are you sitting next to him?

24 A Yes.

25 Q Okay. And what does he say?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 A He just say, "I'm going to kill him, I'm going to
2 kill him."

3 Q Talking about who?

4 A T.J.

5 Q Does he say it just one time?

6 A Nah.

7 Q How many times did he say it?

8 A He said it repeatedly, like over and over.

9 Q Okay. But he doesn't kill him that night?

10 A Nah.

11 Q Okay. So what happens the next day?

12 A My friend grandmother died, she died. She had
13 died, and we was all up there at the sitting up. And --

14 Q And where is this y'all are at?

15 A We was at -- we was on the Simmons Hill. Spring
16 Hill. We was up there.

17 Q Okay. Who is there with you?

18 A It was like the whole Simmons Hill family, all of
19 them.

20 Q Was T.J. there?

21 A Yeah, he was there.

22 Q How about the Defendant?

23 A Yeah. Yeah, he was there.

24 Q Do you see T.J. and the Defendant talking to each
25 other that day and night?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 A Yeah, they was talking.

2 Q Tell me about that.

3 A We were just -- at the time, we were just talking,
4 and T.J. came through. He had some coke. So T.J. opened
5 the door and --

6 Q Opened the door to what?

7 A To his car.

8 Q Okay.

9 A To his car. Me and T.J. was talking, and I sit
10 like in between his driver's door. And he had gave me a --
11 he had gave me a line of coke. So Rohaime came and, like,
12 he got to go home, he got to go do something, he got to get
13 some clothes or whatever. He wanted to take him to his
14 mother house. So I basically asked Mr. Hopkins, you know,
15 can I go?

16 He was like, no, he had to go take care of
17 some business, he'll be right back. But he was going to
18 bring us some coke and weed back.

19 Q So he left saying he had to go take care of some
20 business?

21 A Yeah.

22 Q And he asked T.J. to take him?

23 A Um-hmm.

24 Q And he wouldn't let you go?

25 A Nah, he didn't let me go.

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 Q Okay. After they leave, what do you do?

2 A I stayed up there at Simmons Hill for a while.

3 But then I got my cousin to come -- my cousin came up there
4 and then he took me -- he took me to Wagon Branch, to a
5 friend of mine's house, Quan.

6 Q How far away is Wagon Branch from Simmons Hill?

7 A It's a long ways.

8 Q Ten minutes? 15 minutes?

9 A Probably you doing like the speed limit, probably
10 like ten, 15 minutes, yeah.

11 Q Why didn't you drive yourself over there?

12 A I didn't have a car.

13 Q Okay. And -- whose house did you go to?

14 A Quan.

15 Q What's her real name?

16 A Quan Chaneyfield.

17 Q And who is she? Was she your girlfriend at the
18 time?

19 A At the time, she my girlfriend.

20 Q Okay. But not anymore?

21 A Not anymore.

22 Q How late do you stay at her house?

23 A Honestly, I ended up staying until around, like, I
24 want to say 12.

25 Q In the morning? Midnight?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

- 1 A Probably something like that.
- 2 Q And how did you leave her house?
- 3 A My friend came and picked me up, Javare.
- 4 Q Javare, what's his last name?
- 5 A Javare Shuler.
- 6 Q And was he driving?
- 7 A No, he wasn't even driving.
- 8 Q Who was driving to pick you up?
- 9 A Brittany Patterson.
- 10 Q Okay. And her and Javare come together, to Quan's
- 11 house?
- 12 A Yes.
- 13 Q And you -- what time do you think this was?
- 14 A I want to say around about -- I want to say around
- 15 about 12, 12:30, something like 12, 12:30.
- 16 Q Okay. So they pick you up from Wagon Branch?
- 17 A Yeah.
- 18 Q And take you where?
- 19 A We went to, that evening, to Pluto for a while. I
- 20 actually, I sat out in the parking lot for a second. And
- 21 then I went back onto Simmons Hill.
- 22 Q Okay.
- 23 A So what is Pluto?
- 24 Q Pluto, that's a strip club. It's a club? A strip
- 25 club?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 A Well, a club.

2 Q A club? And where is that?

3 A It's on, like, 17. It's on 17 going out towards
4 Ridgeland toward Hardeeville.

5 Q Okay. But still in Ridgeland?

6 A Still in Ridgeland.

7 Q And who is at the club with you?

8 A It be Brittany and Javare, because I never got
9 out. I never went in.

10 Q Okay. You stayed in Brittany's car?

11 A Yeah.

12 Q And then from there, where do you go?

13 A I go to Simmons Hill.

14 Q And how do you get to Simmons Hill?

15 A Brittany and Javare.

16 Q Okay. And whose house do you go into at Simmons
17 Hill?

18 A Latran and Durrell (phonetic) Simmons.

19 Q Okay. They live together?

20 A Yeah, they live together.

21 Q And what do you do when you get back to this
22 house?

23 A When I get back to that house, me and Durrell just
24 laid down and went to sleep.

25 Q What time was this?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 A It's probably like one-something in the morning,
2 something like that.

3 Q Okay. Could it have been later than that?

4 A Probably could have, but I'm not too sure. It was
5 pretty late.

6 Q Okay. And you had been doing cocaine, drinking,
7 at the club, at your girlfriend's house, at Simmons Hill,
8 all day and night?

9 A Yeah.

10 Q So you don't really know about your times, do you?

11 A No.

12 Q It was late though?

13 A It was late.

14 Q Now, we mentioned drinking, doing cocaine, smoking
15 weed -- you still remember that day?

16 A Yeah.

17 Q How? You were under the influence of at least
18 three things.

19 A You don't -- you don't got -- you don't do a lot
20 of it.

21 Q So you still remember what people said?

22 A Yeah.

23 Q What they wore? Who you were with?

24 A Yeah.

25 Q Do you eventually learn that T.J. has been found?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 A Yes, the next morning.

2 Q Okay. About what time; do you know?

3 A Well, Angel and her son came to wake me up. It
4 was like, maybe like 9:30, 10 o'clock.

5 Q Okay. And what do you do when you find out that
6 T.J. has been killed?

7 A We actually -- I got up. We got up. Because I
8 didn't believe it at first. We got up, and me, Angel, and
9 her son, we went down there, Knowles Island. He was down
10 there.

11 Q How far away was Knowles Island from Simmons Hill?

12 A About five minutes, seven, eight minutes.

13 Q Is that walking or driving?

14 A That's driving. It's longer walking.

15 Q Seven- to eight-minute drive?

16 A Yeah.

17 Q Knowles Island, is that in the Roseland area?

18 A That's in Roseland area.

19 Q And y'all go and y'all see that T.J. has been
20 killed?

21 A Um-hmm. (Indicating affirmatively.)

22 Q And what do you do the rest of the day?

23 A Really nothing. Just -- we just -- where I've
24 been, like, I was just thinking, like, what happened, stuff
25 like that. What really did happen.

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 Q Do you remember being at Phil Simmons' house later
2 that day?

3 A Yeah, I was at Phil Simmons' house.

4 Q And is he also in Simmons Hill?

5 A Yes.

6 Q Tell me about that. Someone named A.J. came to
7 you.

8 A Oh, yeah. They came to me because they tried to
9 sell me a gun.

10 Q Who is "they"?

11 A Oh, it was just A.J.

12 Q Who is A.J.?

13 A His last name is Singleton, A.J. Singleton.

14 Q Okay. And is he a friend? Who is he?

15 A He wasn't really my friend. He's just like -- the
16 Simmons Hill got a lot of people that comes up there, and he
17 was really just like an associate that I know him.

18 Q Okay. Do people often try to sell guns at Simmons
19 Hill?

20 A Yeah.

21 Q Yes?

22 A Yeah.

23 Q So A.J. came and tried to sell you a gun?

24 A He always sells guns, yeah.

25 Q He always sells gun?

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 A Yeah.

2 Q What kind of gun was it?

3 A I didn't even know.

4 Q Was it a shotgun? Was it a rifle? Was it a
5 handgun?

6 A It was, like, a handgun.

7 Q What color was it?

8 A It was black.

9 Q Did you touch it?

10 A Yeah.

11 Q Why?

12 A Because I wanted to look at the gun.

13 Q Why?

14 A It was a lot of stuff going on and I figured I
15 probably would need to get a gun.

16 Q Did you buy the gun?

17 A No, ma'am.

18 Q Why not?

19 A Because I just didn't feel like that gun was
20 right.

21 Q Okay. So when it clicked that that wasn't right,
22 what did you do?

23 A I gave him back the gun and wiped my fingerprints
24 off of it.

25 Q Antoine, you're in jail right now, you've been to

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 jail before, why do I believe what you're telling me?

2 A Because it's the truth. I have no reason to lie.

3 Q When did you -- did you tell the police all this?

4 A Did I tell the police all this?

5 Q Um-hmm. (Indicating affirmatively.)

6 A Yes.

7 Q And who did you tell at the police?

8 A Who did I tell --

9 MR. LEE: I'm going to object to --

10 THE COURT: Counsel approach.

11 (Off-the-record discussion held.)

12 THE COURT: Objection withdrawn. Proceed.

13 MS. JONES: Thank you, Your Honor.

14 BY MS. JONES:

15 Q Okay. Mr. Drake, you said you told -- you talked
16 to the police. Who did you talk to?

17 A Mr. Richard Johnson.

18 Q And where did you talk to him?

19 A On -- I think it was Darby -- Darby Road -- Darby?
20 Darby?

21 Q Could it have been Driggers?

22 A Driggers. Driggers, Driggers, Driggers, Driggers.
23 Driggers Lane.

24 Q What's on Driggers Lane?

25 A Like a bunch of woods and houses and in the woods.

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 that.

2 Q Do you live over there?

3 A Nah.

4 Q Did Mr. Johnson request you talk to him here?

5 A No.

6 Q Why did you talk to him on this road with woods
7 and houses?

8 A Because I didn't want anyone to see me talking to
9 him.

10 Q Okay. And why is that?

11 A Because I just didn't. I didn't want anyone to
12 see me --

13 Q Talking to the police.

14 A Yeah.

15 MS. JONES: Beg the Court's indulgence.

16 BY MS. JONES:

17 Q Mr. Drake, a couple more questions. Do you see
18 the man in the courtroom who told you, who you overheard
19 say, "Ima kill him," while speaking about Terrance Johnson?

20 A Yes.

21 Q Okay. And the man that insisted that Terrance
22 take him to Roseland?

23 A Yes.

24 Q And the man that wouldn't let you go with them?

25 A Yes.

DIRECT EXAMINATION OF ANTOINE DRAKE BY JONES.

1 Q Is this all the same man?

2 A Yes.

3 Q Okay. Can you point him out, please?

4 A (Pointing.)

5 Q All right. What's he wearing?

6 A A blue shirt.

7 Q I'm sorry?

8 A A blue shirt.

9 Q Okay. Are you okay, Mr. Drake?

10 A (Nods in the affirmative.)

11 MS. JONES: May the record reflect the witness did
12 identify the Defendant.

13 THE COURT: Proceed.

14 MS. JONES: And I have no further questions for
15 you, Mr. Drake.

16 THE COURT: Cross examination.

17 MR. LEE: Yes, sir.

18 CROSS EXAMINATION

19 BY MR. LEE:

20 Q The first question that the Solicitor asked you
21 after you put your hand on the Bible and went under oath is
22 what your name was, right?

23 A Yes.

24 Q And what was your response?

25 A Antoine Drake.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q Okay. Do you need to change that?

2 A No, sir.

3 Q Do you need to amend it? Do you need to do
4 anything with that name?

5 A No, sir.

6 Q Do you ever use any other names?

7 A Yes, sir.

8 Q You have? You've used the name "Antoine DuPont;"
9 have you not?

10 A Antoine DuPont?

11 Q Yes, sir.

12 A Not -- not that I can recall.

13 Q You can't recall?

14 Okay. Can I refresh your recollection? Do
15 you remember getting arrested on April 24th, 2014 by Officer
16 Rodriguez with the Ridgeland Police Department?

17 A Oh, yeah.

18 Q Yeah. And that's when you got the cocaine charge,
19 right?

20 A Yes, sir.

21 Q Okay. And he asked you what your name was, and
22 you told him, "Antoine DuPont," right?

23 A Yes, sir.

24 Q And he charged you with providing false
25 information to the police, didn't he?

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 A Yes, sir.

2 Q Okay. Does that refresh your recollection?

3 A Yes, sir.

4 Q That was a lie.

5 A Yes, sir.

6 Q And you were trying to fool or scam the officer
7 into thinking you were somebody else?

8 A Yes, sir.

9 Q Okay. And the reason that you were doing that is
10 because you were wanted, right?

11 A Nah. I had cocaine in my car. I wasn't wanted at
12 the time.

13 Q Oh, okay. Now, are you a scammer?

14 A Yeah.

15 Q You're a scam artist?

16 A Yeah.

17 Q Have you ever described yourself as a scam artist?

18 A Yes.

19 Q Did you describe yourself to Agent Johnson as a
20 scam artist?

21 A Yes.

22 Q Did you all have a good little laugh about it in
23 his car that day on Driggers Road, when you're trying not to
24 let anybody see you?

25 A Yes.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q Y'all had a good little laugh?

2 And you had a -- and that was on

3 December 9th.

4 A Yeah.

5 Q You had a good little laugh with Agent Johnson
6 about you trying to scam Trey Graves, right?

7 A Yes.

8 Q Okay. And Trey Graves is the guy that you say had
9 a hit out on Terrance Johnson?

10 A Yes.

11 Q Right? Okay. And then, lucky for you, I guess,
12 the week after Terrance Johnson was killed, you happen to
13 run into Trey Graves at Club Pluto, right?

14 A Yes.

15 Q Okay. Now, that's the strip club you were talking
16 about, right?

17 A Yes, sir.

18 Q Now, did you go inside that time, or just hang out
19 in the parking lot like you did the other time?

20 A I went inside.

21 Q You went inside. And Trey Graves was there.

22 A Yes.

23 Q Okay. And you went up to Trey Graves --

24 A Yes.

25 Q -- and you said, "Hey, man, I killed Terrance

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Johnson," right?

2 A No, I didn't say it like that.

3 Q Okay. Well, tell us how you -- you tried to get
4 the money from the hit saying that you did it, right?

5 A No, it wasn't like that.

6 Q It wasn't like that. Okay. And this was less
7 than a week after T.J.'s death, you told him that you wanted
8 to collect the money.

9 A Yeah, something like that.

10 Q Something like that. And the money you're talking
11 about is the hit money for killing Terrance Johnson, right?

12 A Yes.

13 Q Okay. And you scammed, or tried to scam, Graves?

14 A Yes.

15 Q Okay. And you asked him where the money was,
16 "because I done put the work in," right?

17 A Yes.

18 Q And "the work in" is killing Johnson, right?

19 A Yes.

20 Q Okay. And there were people around that probably
21 heard you say that?

22 A Yes.

23 Q And actually it kind of worked, though, didn't it,
24 scamming Graves?

25 A Nah, I didn't get anything.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q You didn't get anything. Didn't you get a bottle
2 of *[]from him?

3 A He actually bought everybody a bottle of [].

4 Q So he brought you one?

5 A Nah, he just told me somebody did.

6 Q Did he give you some strippers?

7 A No.

8 Q He didn't? He didn't buy you a lap dance or
9 anything?

10 A No.

11 Q He bought you a drink, right?

12 A Yeah.

13 Q So it worked, but just not as good as you wanted?

14 A It ain't what -- I just really wanted to see what
15 really happened.

16 Q You wanted to see what would really happen?

17 A Yeah. Like, I wanted to see, like -- like, was it
18 true that Rohaime really did it? So that's the approach
19 that I took to him.

20 Q So you were, like, investigating the case?

21 A You could say that.

22 Q Okay. Because T.J. was your friend?

23 A Yes.

24 Q Okay. We'll get back to that in just a minute.

25 And the Solicitor asked, you have that 2015

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 conviction for cocaine, right?

2 A Um-hmm. (Indicating affirmatively.)

3 THE COURT: You have to say, "yes" or "no," Mr.

4 Drake.

5 THE WITNESS: Yes, sir.

6 BY MR. LEE:

7 Q Okay. And you were arrested on April 14th, 2014
8 for that, right?

9 A Yes.

10 Q And that was the same day that you gave the wrong
11 name to the police officer, right?

12 A Yes.

13 Q Okay. And you talked about doing cocaine on
14 November 12th, the night that T.J. was killed, right?

15 A Yes.

16 Q Okay. So is it safe to say that cocaine is a
17 popular pass-time of yours? You like the cocaine?

18 A Something like -- nah, I didn't really like it, it
19 was just my drug of choice.

20 Q Did you just like the smell of it?

21 A No.

22 Q You didn't like the drug? It wasn't your drug of
23 choice?

24 A Yeah, it was.

25 Q It was? Okay.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 A Yeah.

2 Q And sometimes you scam people to try to get
3 cocaine, right?

4 A Yeah.

5 Q Because at this time, you didn't have a job,
6 right?

7 A No.

8 Q You had one at Wendy's, but you lost the job?

9 A Yeah.

10 Q You didn't have a car?

11 A Nah.

12 Q You didn't really have any money? And the only
13 way you could make money was out scamming --

14 THE COURT: Hold on, Counsel. One at a time. Ask
15 him a question, don't shake your head. Say "yes" or
16 "no" so the court reporter to take it down.

17 Ask a question, Counsel, one at a time.

18 BY MR. LEE:

19 Q On November 12th --

20 A Yes, sir.

21 Q -- you did not have a job?

22 A Yes, sir.

23 Q On November 12th, you didn't have a car?

24 A Yes, sir.

25 Q That's correct?

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 A That's correct.

2 Q On November 12th, you didn't have any money to
3 speak of?

4 A No, sir.

5 Q The only way that you were supporting yourself was
6 through scamming people; is that safe to say?

7 A Yes, sir.

8 Q And you were pretty good at it, weren't you?

9 A Sometimes.

10 Q That's all you were surviving on, right?

11 A Yes.

12 Q Okay. And you were high on cocaine on
13 November 12th, right?

14 A Um-hmm, yes, sir.

15 Q And you wanted some cocaine so bad that you
16 actually couldn't wait, so you did it on the side door of
17 Mr. Johnson's car?

18 A Nah. He -- he just opened the door for me because
19 the back side of his car handle was broke. So you couldn't
20 get into it like that. So he just opened the door and just
21 told me to sit right there and do it.

22 Q Okay. But you did it on his car?

23 A Yeah. Like in, like, the door jamb of the
24 driver's door.

25 Q Okay. Is that a regular place to do cocaine? Is

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 that typical to do that?

2 A You can do it anywhere.

3 Q Anywhere. Because when you get it, you're going
4 to do it, right?

5 A Yeah.

6 Q All right. Let's just talk a little bit about
7 your situation. We already have on November 12th, 2014. No
8 car?

9 A Um-hmm. (Indicating affirmatively.)

10 Q No job?

11 A Yes, sir.

12 Q No money?

13 A Yes, sir.

14 Q And you're on the run?

15 A Yes, sir.

16 Q And you told Agent Johnson you were on the run
17 when you talked to him December 9th; did you not?

18 A Yes.

19 Q Okay. And on the run, the reason you were on the
20 run is because your April 2014 cocaine charge had been
21 called to trial in October, correct?

22 A Yes.

23 Q And you weren't there, correct?

24 A Yes.

25 Q You missed your trial?

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 A Yes.

2 Q That was October 13th, 2014?

3 A Yes.

4 Q Approximately a month before Mr. Johnson was
5 killed?

6 A Um-hmm. (Indicating affirmatively.)

7 THE COURT: You have to say "yes" or "no," Mr.
8 Drake.

9 THE WITNESS: Yes, sir.

10 BY MR. LEE:

11 Q And you found out that you were convicted in your
12 absence, correct?

13 A Yes, sir.

14 Q Okay. So you also found out that when that
15 happens, the judge goes ahead and does a sentence for you,
16 but it's called a sealed sentence, correct?

17 A Yes, sir.

18 Q Okay. So that means you don't know what your
19 sentence is, right?

20 A Yes, sir.

21 Q It's in some sealed envelope, right?

22 A Yes.

23 Q Okay. And you also were aware that you had a
24 bench warrant for your arrest for missing court, right?

25 A Yes, sir.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q All right. So you were on the run?

2 A Yes, sir.

3 Q And that's a phrase that you used with Agent
4 Johnson; is it not?

5 A Yes, sir.

6 Q And when you talked to him on December 9th, 2014,
7 you were on the run?

8 A Yes, sir.

9 Q And isn't it true that earlier that day, before
10 you talked to him in his car, you had actually seen
11 Detective Elvin Wright earlier; do you remember that?

12 A Yes, sir.

13 Q And he knew that you had a warrant, right?

14 MS. JONES: Objection, speculation.

15 THE COURT: Sustain. He can't testify to what
16 someone else knew. Rephrase your question. Cross
17 examination.

18 BY MR. LEE:

19 Q Detective Elvin Wright is with Jasper County
20 Sheriff's Office; is that correct?

21 A Yes.

22 Q Okay. Did Detective Wright run you in on the
23 bench warrant?

24 A I can't recall.

25 Q Well, did he take you to jail that morning before

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 you talked to Johnson?

2 A No.

3 Q Okay. So it's safe to say that Wright did not
4 arrest you on a bench warrant prior to you talking to
5 Johnson, right?

6 A No.

7 Q Is that correct?

8 A Yes.

9 Q As a matter of fact, you and Johnson somewhat
10 joked about the fact that you were on the run and had an
11 active warrant, right? It was forced into the conversation?

12 A It wasn't joking.

13 Q It wasn't?

14 A He just -- just explained to me that he really,
15 you know -- he was trying to get his job done.

16 Q But he explained to you that he knew you had an
17 active warrant, right?

18 A Yes.

19 Q At the end of the conversation, after you spoke
20 with him, after you drove around the corner so nobody would
21 see you, and had a discussion about that warrant, did you go
22 to jail right after that on the warrant?

23 A No, because the officer that was already on that
24 case, that was already on that case, I already talked to
25 that officer, and they was just waiting for me to turn

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 myself in.

2 Q Oh, okay.

3 A Yes.

4 Q Okay. And when did you turn yourself in?

5 A I didn't. I got caught at the club.

6 Q You got caught at Club Pluto?

7 A Yeah.

8 Q With a gun?

9 A With a gun.

10 Q Went to jail.

11 A Yes.

12 Q December 27th of 2014?

13 A Um-hmm. (Indicating affirmatively.)

14 THE COURT: You have to say "yes" or "no." No.

15 "um-hmm."

16 THE WITNESS: Yes, sir.

17 BY MR. LEE:

18 Q Before you had a chance to turn yourself in?

19 A Yes, sir.

20 Q Same caliber gun that was used to shoot Terrance
21 Johnson?

22 A No, sir.

23 MS. JONES: Objection.

24 THE COURT: Counsel approach.

25 (Off-the-record discussion held.)

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 THE COURT: Objection sustained.

2 BY MR. LEE:

3 Q That was December 27th, 2014?

4 A Yes.

5 Q At Club Pluto?

6 A Yes.

7 THE COURT: What's your question, Counsel? Ask a
8 complete question, not just a date, so the record's
9 clear. Ask to the date.

10 BY MR. LEE:

11 Q The date that we're talking about, at Club Pluto,
12 that I just asked you about, when you were arrested, was
13 December 27th, 2014; is that correct?

14 A Um-hmm, yes. Yes.

15 Q And that is approximately six weeks after Terrance
16 Johnson was shot?

17 A Yes, sir.

18 Q Now, let's go back to -- okay.

19 Now, let's go back to your cocaine charge.
20 When you got arrested on the 27th, they served you with that
21 bench warrant, right?

22 A Yes, sir.

23 Q For the cocaine charge, right?

24 A (Nods head in the affirmative.)

25 Q Okay. And then when you -- after you went into

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 jail, you then provided information on another case; is that
2 correct?

3 A Yes, sir.

4 Q Okay. Something that happened on October 1st,
5 2014?

6 A Yes, sir.

7 Q But you -- and you actually were at the scene when
8 that happened, right?

9 A Yes, sir.

10 Q But you didn't talk to the police until December
11 29th of 2014?

12 A Yes.

13 Q After you got arrested?

14 A Yes, sir.

15 Q And for providing that help on that case, the
16 Solicitor's office, or the jail, agreed to move you to
17 Orangeburg Detention Center, right?

18 A Nah, I got in a fight. That's why I got moved to
19 Orangeburg County.

20 Q Okay. But you were in Orangeburg County shortly
21 after that?

22 A Yes.

23 Q Okay. And then you're sitting in jail, you have a
24 bond on a gun charge you haven't paid, correct?

25 A Um-hmm, yes.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q You have this unsealed sentence that needs to be
2 shown to you, correct?

3 A Yes, sir.

4 Q So on February 15th of 2015, you go to court for
5 the unsealing of your sentence on the cocaine conviction,
6 right?

7 A Yes, sir.

8 Q Okay. And at court, did you learn that the
9 original sentence on that, on the day you were convicted,
10 was three years in prison?

11 A Yes, sir.

12 Q You did. All right.

13 But you didn't get three years in prison, did
14 you?

15 A No, sir.

16 Q And the reason you didn't get three years in
17 prison is because the Solicitor's office told the judge you
18 were helping them on a case, and they wanted you to get
19 probation?

20 A Yes, sir.

21 Q And you got probation?

22 A Yes, sir.

23 Q Okay. And also, you couldn't make the
24 2,000-dollar bond on the gun charge, they agreed to have the
25 judge amend that to a zero bond, correct?

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 A Yes, sir.

2 Q Okay. So you got out of jail that day?

3 A Yes, sir.

4 Q Okay. So is it safe to say you have a pretty good
5 relationship with the Solicitor's office?

6 A I don't think so.

7 Q You don't think so?

8 A (Shakes head in the negative.)

9 Q Okay. Now, let's talk about that.

10 You say that you're just here, you haven't
11 been promised anything, you don't have any expectations or
12 anything like that. You're just here, right?

13 A Yes, sir.

14 Q Are you here doing your civic duty?

15 A Yes, sir.

16 Q All right. Let's talk about civic duty. What
17 other civic duties do you do, Mr. Drake, or Mr. DuPont,
18 whichever one you want to go by. What other civic duties do
19 you want do on a regular basis?

20 A What other civic duties?

21 Q Yeah. I mean, do you do any volunteer work?

22 A For my grandmother, my grandfather, yes, sir.

23 Q You do. Okay.

24 Do you do Meals on Wheels for anybody? Do
25 you donate your time at the Salvation Army doing volunteer

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 work?

2 MS. JONES: Objection, Your Honor.

3 THE COURT: Counsel approach.

4 (Off-the-record discussion held.)

5 THE COURT: Objection overruled.

6 Hold on.

7 (Further off-the-record discussion held.)

8 THE COURT: Objection's overruled. Proceed with
9 cross examination.

10 BY MR. LEE:

11 Q Mr. Drake, I want to talk to you about the morning
12 after Terrance Johnson was killed. Okay? The next morning.

13 A Yes, sir.

14 Q You went to the scene where the car was and where
15 his body is, right?

16 A Yes, sir.

17 Q You and Tuto went?

18 A Nah. No, sir.

19 Q Tuto didn't go?

20 A No.

21 Q Just you?

22 A It was me and Angel and Tameika DuPont went. I
23 think her name Tameika Dupont, and one of Angel's sons.

24 Q You say Tuto wasn't there?

25 A She didn't go with me to --

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q Okay. But she was there, right? At the scene?

2 A Yeah.

3 Q Okay. And then later on, you went over to Phil
4 Simmons' house, right?

5 A Yes.

6 Q Okay. And according to you, Anthony Singleton was
7 there?

8 A Yes.

9 Q And he was -- he was trying to sell you a gun?

10 A Yes, sir.

11 Q Okay. And that gun was a short style black .9
12 millimeter with two magazines; was it not?

13 A I can't remember what kind of gun it was.

14 Q Okay. And then you say that you actually handled
15 the gun, and then you wiped your fingerprints off of it?

16 A Yes, sir.

17 Q Did anybody see you wipe your fingerprints off of
18 it?

19 A Phil Simmons was there.

20 Q Yeah, okay.

21 A Yeah.

22 Q And he saw you wipe your fingerprints off that
23 gun?

24 A Pretty sure he did, sir.

25 Q But you didn't want to buy that gun?

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 A No, sir.

2 Q Okay. Whatever happened to that gun?

3 A I gave it back to A.J. Never seen it again.

4 Q All right. A couple things.

5 Your testimony earlier was that you were
6 coked up, weeded up, drinking, and couldn't remember some
7 things, right?

8 A I don't think so, no. I was using drugs, but I
9 can remember stuff.

10 Q You can. You remember some things and not other
11 things, right?

12 A I mean, mostly all things.

13 Q Mostly all things. But time is kind of fuzzy,
14 right?

15 A Yes, sir.

16 Q All right. Your testimony was you were friends
17 with T.J.

18 A Yeah.

19 Q You were friends with T.J. Well, let's talk about
20 what -- about the definition of a friend.

21 A couple weeks before the shooting, during
22 that time, you were dating a few women, right?

23 A Yes, sir.

24 Q Tuto, who you got a young kid with, right?

25 A Yes, sir.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q And now is pregnant by you again?

2 A Yes, sir.

3 Q And y'all lived together in Port Royal, right?

4 A Yes, sir.

5 Q Okay. And then Angel Simmons was dating T.J.,
6 right?

7 A Yes, sir.

8 Q Okay. And I think he might have even been engaged
9 to her; is that right?

10 A Yes, sir.

11 Q Now, a couple weeks before this shooting, do you
12 remember an incident that happened in Michael Taylor's yard?

13 A Yes, sir.

14 Q Between you and T.J.?

15 A Yes, sir.

16 Q Okay. Y'all had an altercation, right?

17 A No, we just had words.

18 Q You had words. But the words were about -- was
19 about girls? Women?

20 A No.

21 Q No. It wasn't because you were messing around
22 with Angel, and he was messing around with Tutu?

23 A Nah. Me and Angel never did, we never messed
24 around. Mr. Hopkins and T.J. was messing with Angel, not
25 me.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q Okay. But you had an altercation with
2 Mr. Johnson?

3 A I won't call it an altercation, I just call it a
4 disagreement.

5 Q A disagreement?

6 A Yes.

7 Q Okay. Well, did the disagreement involve a knife?

8 A No.

9 Q It didn't?

10 A I ain't had a knife.

11 Q Michael Taylor was injured with the knife; was he
12 not?

13 A Michael Taylor?

14 Q Mike-Mike?

15 A Mike-Mike?

16 Q Mike-Mike.

17 A I can't remember.

18 Q You don't remember. Okay.

19 A No.

20 Q You don't remember sitting there holding a bag of
21 cocaine, smacking him on the hand and saying, "dare me to
22 keep that." You remember saying that?

23 A No, sir.

24 Q You don't. And shortly after that, there was an
25 incident where someone had a knife, and you got into an

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 altercation. You don't remember that?

2 A Me and T.J. didn't get into an altercation, we
3 just had some difference of words because --

4 Q Isn't it true that T.J. had a knife, threw it
5 down, then you picked it up and Michael Taylor and was
6 trying to break up the fight, and he gets cut on the face.
7 Do you remember that? Not with the blade, the handle of the
8 knife.

9 A No, sir.

10 Q You don't remember that.

11 Were you coked up that day and can't remember
12 certain things?

13 A No, sir.

14 Q But you had an altercation.

15 A Just -- it was just words.

16 Q And who else was there, Mike-Mike?

17 A Mike-Mike was there, yes.

18 Q And Angel?

19 A Yeah.

20 Q Anybody else?

21 A Mr. Hopkins was there.

22 Q All right. Now, you also said that you're friends
23 with Rohaime Hopkins, right?

24 A Yeah.

25 Q Okay. Let's talk about your relationship with

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Rohaime Hopkins.

2 You've never liked Rohaime, have you?

3 A I used to live by Rohaime one time. We was just
4 like -- he was like -- I mean, I watched him grow up in the
5 neighborhood, but I didn't have any problems with him.

6 Q Didn't have any problems with him?

7 A Not at this point, no.

8 Q Okay. Did you and Rohaime get along?

9 A Yeah, at times.

10 Q Okay. All right. Were you ever asked by Agent
11 Johnson a question, "You and Rohaime don't get along"?

12 A I can't remember that.

13 Q Okay. Do you remember what your response was to
14 that?

15 A No, sir.

16 MR. LEE: Your Honor, may we approach?

17 (Off-the-record discussion was held.)

18 THE COURT: Let's proceed.

19 BY MR. LEE:

20 Q Mr. Johnson, do you remember being asked by Agent
21 Johnson that you and Rohaime don't get along?

22 A That's what I said?

23 Q No, he asked you that.

24 A I can't remember.

25 Q You can't remember. Do you remember your

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 response?

2 A No, sir.

3 Q Something about, "can't stand him"?

4 A I don't think so.

5 Q You don't think so? Okay.

6 THE COURT: Let the record reflect that the
7 Solicitor has advised me in a bench conference, she has
8 no objection to the Defendant introducing evidence
9 during the State's case; is that correct, Solicitor?

10 MS. JONES: It is, Your Honor. If we may
11 approach, I do have one question about this. My
12 apology.

13 THE COURT: Come on. I'm tired of this traffic.

14 (Off-the-record discussion held.)

15 THE COURT: Ladies and gentlemen of the jury, I'm
16 going to ask that you step to your jury room while I
17 take up a matter of law. Please do not discuss the
18 case.

19 (Jury exits the courtroom at *10:31 a.m.)

20 THE COURT: Mr. Drake, we're going to take a
21 break. Solicitor's got to listen to a -- Counsel, be
22 seated. Be seated.

23 This idea that y'all going to run up and down like
24 this and keep interrupting this trial is going to stop.
25 I'm going to start ruling from the bench, instead of

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 y'all rushing up and want to approach on every
2 objection, unless I request it. And I don't
3 necessarily need any argument. And I don't intend to
4 ask for any more.

5 During this break, if you need to use the
6 restroom, you can. You can't talk to anybody about
7 your testimony. You understand? You're in the middle
8 of your cross examination.

9 The Solicitor has requested she'd be allowed to
10 hear a tape that she has no objection to the Defendant
11 introducing evidence during the State's case. She
12 thinks she's heard it, but she's not sure. That's the
13 reason for the break, and this will be the only break
14 we take this morning. Ten minutes. Move along.

15 (The Court was in recess from *10:33 a.m. to
16 *10:58 a.m.)

17 THE COURT: Let's come to order, please. Take
18 your seats.

19 Please be seated. All right. Let the record
20 reflect that I took a break so that the Solicitor could
21 listen to an audio, right, Mr. Lee?

22 MR. LEE: That's correct, Your Honor.

23 THE COURT: Audio tape of an alleged conversation
24 in which this witness and another -- this was Agent
25 Johnson?

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 MS. JONES: Yes, Your Honor.

2 THE COURT: Agent Johnson had, without objection
3 by the State, which Mr. Lee intends to mark with the
4 court reporter and introduce as Defendant's Exhibit No.
5 1, which has now been reviewed by the Solicitor.

6 Has it been marked?

7 MR. LEE: It's actually in there, Your Honor.

8 THE COURT: You got a disc in there?

9 MR. LEE: Yes, sir.

10 THE COURT: You pull it out and give it to Mona.

11 MR. LEE: Can I use one of the copies I have?

12 THE COURT: Absolutely, as long as the Solicitor
13 is satisfied it's a copy.

14 MS. JONES: I'm satisfied.

15 THE COURT: Let her mark it and then you can put
16 it back in. But it's staying with us. Because I want
17 the appellate court to be able to hear it.

18 MR. LEE: Absolutely.

19 Judge, this has -- this thing actually has five
20 clips. I'm playing two of them. So, if I need to --

21 THE COURT: Hang on a second.

22 Solicitor, stop talking. Listen. Mr. Lee is
23 advising me that the proposed Defendant's Exhibit No. 1
24 has five clips. He only intends to play two of them.

25 Once again, here we go, State versus Jackson.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 MS. JONES: He can't admit all of them if he's not
2 going to --

3 MR. LEE: I'm just saying --

4 THE COURT: How long is this tape?

5 MR. LEE: One is --

6 THE COURT: Richard, how long is it?

7 MR. JOHNSON: Depending on which interview it is.

8 MR. LEE: One's 11 seconds, and one is two
9 seconds.

10 THE COURT: That you're playing.

11 MR. LEE: Yes, sir.

12 THE COURT: How long are the five clips?

13 MR. LEE: Forty seconds, 11 seconds, 30 seconds,
14 and two seconds, and there's -- one hour and four
15 minutes --

16 THE COURT: All right. I'll allow you to do that
17 on enter that on redirect if you so desire. But he
18 gets to publish what you're doing without your
19 objection in his case what he wants.

20 You understand, Solicitor?

21 MS. JONES: I understand, Your Honor.

22 *(Whereupon, Defendant's Exhibit No(s). 1 marked*
23 *for identification and received in evidence.)*

24 THE COURT: All right. Give it to Mona.

25 Defendant's No. 1 will be admitted into evidence

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 without objection, which is a disc of conversations
2 between this witness, Mr. Drake, and Special Agent
3 Richard Johnson. It has five clips, two of which will
4 be published as Defendant's Exhibit No. 1. You'll have
5 to identify for the record which clips you're going to
6 publish.

7 MR. LEE: Yes, sir.

8 THE COURT: Can you do that?

9 MR. LEE: I can. Clip No. 3 is 11 seconds, and
10 Clip No. 5 is just two seconds.

11 THE COURT: All right. Three and five. And the
12 Solicitor will be allowed on redirect, under State
13 versus Jackson -- and let me pull that case. I gave it
14 to one of y'all.

15 The Solicitor in chambers provided me with State
16 versus Jackson, and the cite on the case, Mona, is 217
17 SE.2d 794. In that case, the court said, "when part of
18 a conversation is put into evidence, an adverse party
19 is entitled to prove the remainder of the conversation,
20 so long as it is relevant, particularly when it
21 explains or gives new meaning to the part initially
22 recited. All statements made in a conversation in
23 relation to the same subject or matter or to be
24 supposed to have been intended to explain or qualify
25 each other, and, therefore, the Plaintiff's principals

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 of justice require that if one of the statements is to
2 be used against the party, all of the other statements,
3 tending to explain it or to qualify this use should be
4 shown and considered in connection with it."

5 I might add, just for the record, that that is a
6 direct quote from the Jackson case on -- I don't have
7 the page number with the copy that I have, but I've
8 given you the cite.

9 All right. Solicitor, you understand my ruling
10 now? Because I'm ready to bring the jury. We've
11 already taken 35 minutes.

12 MS. JONES: Yes, Your Honor, I understand.

13 THE COURT: Please be seated. Bring me the jury.

14 (Jury enters the court room at 11:02 a.m.)

15 THE COURT: All right. Madam Foreperson, ladies
16 and gentlemen of the jury, sometimes during a trial, I
17 not only have to rule on matters of law, but I have to
18 listen to proposed exhibits and I have to have the
19 equipment in the courtroom in order to listen to an
20 exhibit. That's what's occurred during this break.

21 This witness is under oath and is still subject to
22 cross examination.

23 During the break, counsel for the Defendant has
24 requested that the Defendant be allowed to introduce an
25 exhibit, which has been marked as Defendant's Exhibit

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 No. 1, without objection. In Defendant's Exhibit No.
2 1, it requires the equipment in the courtroom.
3 Normally, we let you take exhibits in the jury room,
4 but this is a disc, and obviously you don't have that
5 equipment in your jury room.

6 Therefore, Defendant's Exhibit No. 1, in part,
7 will be published to you during this cross examination
8 as the Defendant's exhibit. The remaining part of
9 Defendant's Exhibit No. 1 may also be published later
10 on in this trial. I don't know whether it will or it
11 will not.

12 However, I wanted you to know that that's the
13 reason we had to take this time and break, in order to
14 straighten this matter out and to utilize the
15 equipment.

16 Since it will be in part used in evidence, should
17 you want to ever listen it to, it will require that you
18 come back into the courtroom so that I can see you have
19 the equipment that I had to utilize during the break in
20 order to listen to it.

21 You may proceed, Counsel.

22 MR. LEE: Thank Your Honor.

23 BY MR. LEE:

24 Q Before the break, we were talking about your
25 relationship with Rohaime Hopkins, right?

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 A Yes.

2 Q And I asked you about Agent Johnson asking you
3 about that, correct?

4 A Yes, sir.

5 Q Okay. I'm going to play something for you to
6 refresh your recollection regarding your response to Agent
7 Johnson.

8 (Audio played.)

9 THE COURT: Can you turn that up?

10 MR. LEE: I was just trying to, Your Honor. I
11 think it's on max that I have.

12 Your Honor, that is as loud as my computer could
13 play it. I can -- could you hear that?

14 THE COURT: You have to say "yes" or "no."

15 THE WITNESS: Yes, sir.

16 MR. LEE: I'll be glad to play it again, Your
17 Honor, if the jury would like it.

18 THE COURT: The witness has indicated that he
19 could hear what you played on your computer, Counsel.
20 Proceed.

21 BY MR. LEE:

22 Q And that's your friend Rohaime you're talking
23 about?

24 A Yes, sir.

25 Q Okay. I'll play you another clip to refresh your

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 recollection.

2 (Audio played.)

3 BY MR. LEE:

4 Q "I just want Rohaime gone." Do you remember
5 saying that?

6 A Nah, I don't remember saying that.

7 Q You don't? Is that your voice?

8 A Yeah, it sounds like me.

9 Q Okay. It sounds like you?

10 A Yeah.

11 Q Okay. And the other one, you heard that one?

12 A Yes, sir.

13 Q Saying, "I can't stand that motherfucker."

14 A Yes, sir.

15 Q And you said twice you were going to kill him?

16 A Yes, sir.

17 Q You would kill him yourself?

18 A Yes, sir.

19 Q And that's from your interview with Johnson?

20 A Yes, sir.

21 Q The Solicitor, when they first brought you in,
22 commented on your clothes and said you'd been arrested in
23 Port Royal for domestic violence with Tutu, right?

24 A Yes.

25 Q Okay. Now, Tutu wasn't there when you got

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 arrested, was she?

2 A No, sir.

3 Q You were there with the kids, correct?

4 A Yes, sir.

5 Q And isn't it true that the Port Royal police found
6 a .9 millimeter High Point underneath your mattress?

7 A I don't know.

8 Q You don't know?

9 A I don't know.

10 Q Doesn't Tutu own a .9 millimeter High Point that
11 she keeps at the house?

12 A Sir?

13 Q Doesn't Tuto own a .9 millimeter High Point that
14 she keeps at the apartment?

15 A Yeah.

16 Q Okay. Didn't you tell the police something about
17 that gun during your statement on the domestic violence?

18 A What, she pulled it on me?

19 Q Yeah.

20 A Yeah.

21 Q That gun, that .9 millimeter High Point, right?

22 A Yeah, pulled that one.

23 Q And that was April of 2017, it was in your
24 apartment, right?

25 A That's not -- yeah.

CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q Okay.

2 THE COURT: Exhibit to the court reporter.

3 MR. LEE: I'm handing Defendant's Exhibit No. 1 to
4 the court reporter.

5 That's all the questions I have for Mr. Drake.

6 THE COURT: Redirect.

7 MS. JONES: Briefly, Your Honor. Thank you.

8 REDIRECT EXAMINATION

9 BY MS. JONES:

10 Q Antoine, you're a scam artist?

11 A Yes.

12 Q You try to scam people for money?

13 A Yes.

14 Q You don't work?

15 A No.

16 Q You just try to take what's not yours from other
17 people?

18 A No.

19 Q You try to take other people's money.

20 A That's if they give it to me.

21 Q Okay. So you don't forcibly take it, you -- they
22 give it to you?

23 A Yes.

24 Q You trick them into doing this?

25 A Yes.

REDIRECT EXAMINATION OF ANTOINE DRAKE BY JONES

1 Q And that's what you were doing with Trey Graves at
2 Club Pluto, weren't you?

3 A Yes.

4 Q You went up to him and you said, "I put in the
5 work."

6 A Yes.

7 Q Okay. What did you mean with that statement?

8 A I put in the work.

9 Q I don't know what that means.

10 A Like, I did the job.

11 Q Okay. What job are we talking about?

12 A T.J.

13 Q And you're having this conversation with Trey
14 Graves?

15 A Yes.

16 Q He responds to you?

17 A Yes, ma'am, he did.

18 Q Does he pay you the money?

19 A No, ma'am.

20 Q Okay. He doesn't pay you \$15,000?

21 A No, ma'am.

22 Q Because he says he's already paid somebody else?

23 A Yes, ma'am.

24 Q He actually says, "Hopkins told me he did it
25 alone."

REDIRECT EXAMINATION OF ANTOINE DRAKE BY JONES

1 A Yes, ma'am.

2 Q And he's already been paid?

3 A Yes, ma'am.

4 Q So that's why you only got a free drink, isn't it?

5 A Yes, ma'am.

6 Q Because you didn't do it?

7 A No, ma'am.

8 Q Rohaime Hopkins did it, and Trey told you that?

9 A Yes, ma'am.

10 Q Trey Graves, the man that put the 15,000-dollar
11 hit, is serving a 28-year prison sentence for being a big
12 bad drug dealer, told you Rohaime Hopkins did it alone?

13 A Yes, ma'am.

14 MS. JONES: No questions. No further questions.

15 THE COURT: Recross limited to redirect.

16 RE-CROSS EXAMINATION

17 BY MR. LEE:

18 Q After talking to Trey Graves at Club Pluto, isn't
19 it true that you left town and went to Philadelphia?

20 A After talking to Trey Graves?

21 Q Yeah.

22 A No, sir.

23 Q Sometime after. Hadn't you been in Philadelphia
24 before you talked to Johnson? You left town, didn't you?

25 A After talking to Trey Graves?

RE CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Q Well, sometime after, not as a result of.

2 A I didn't go to Philadelphia until after my cousin
3 trial.

4 Q After your cousin's trial. You went to
5 Philadelphia before you talked to Johnson on December 9th,
6 didn't you?

7 A Nah, I never went to Philadelphia then.

8 Q You didn't?

9 A No.

10 Q But you were trying to get out of town, weren't
11 you?

12 A Well, I was trying to get out of town?

13 Q Yeah. This time, about all this time?

14 A Not that I can recall.

15 Q Not you. Okay. Are you scamming this jury?

16 A No.

17 MR. LEE: No further questions.

18 THE COURT: As to this witness.

19 MS. JONES: He may be excused, Your Honor.

20 THE COURT: Any objection?

21 MR. LEE: No objection.

22 THE COURT: Mr. Drake, you may step down. You're
23 excused from the trial of this case.

24 Call your next witness.

25 MS. JONES: State calls Shaquandulynn Chaneyfield.

RE CROSS EXAMINATION OF ANTOINE DRAKE BY LEE

1 Thereupon,

2 SHAQUANDULYNN CHANEYFIELD

3 was called as a witness, having been first duly sworn,

4 was examined and testified as follows:

5 THE COURT: Have a seat. Adjust that chair and
6 adjust the microphone to your height. This is going to
7 amplify and make your voice louder. Speak into the
8 microphone. You don't have to get right on top of it,
9 speak up like I'm doing so my jurors at the end of the
10 row can hear you. Begin by stating your full name and
11 spelling your last name for the court reporter.

12 THE WITNESS: Shaquandulynn Taylor Chaneyfield.
13 C-H-A-N-E-Y-F-I-E-L-D.

14 THE COURT: Your witness, Counsel.

15 MS. JONES: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MS. JONES:

18 Q Ms. Chaneyfield, where do you live?

19 A 167 Dogwood Street, Ridgeland, South Carolina.

20 Q Okay. And is that in an area called Wagon Branch?

21 A Yes, ma'am.

22 Q Who do you live there with?

23 A My mother and father.

24 Q And is that where you lived back in November --

25 November 12th of 2014?

DIRECT EXAMINATION OF SHAQUANDULYNN CHANEYFIELD BY
JONES.

1 A Yes, ma'am.

2 Q And dodo you know a man by the name of Antoine

3 Drake?

4 A Yes, ma'am.

5 Q Who is he?

6 A At the time, he was a friend.

7 Q Was he ever more than just a friend?

8 A A long time ago, yes.

9 Q Do you remember speaking with him the night of
10 November 12th?

11 A Yes, ma'am, he was at my house.

12 Q Okay. What time did he come over to your house?

13 A I can't remember the time he came over, but it was
14 late. Because he left around 11.

15 Q Okay. Do you remember writing a statement when
16 you were interviewed by this agent, Richard Johnson?

17 A Yes, ma'am.

18 Q And you wrote that statement at your house on
19 Dogwood Street?

20 A Yes, ma'am.

21 Q And you wrote it back on March 12th of 2015?

22 A Yes, ma'am.

23 Q So just a couple months after November?

24 A Yes, ma'am.

25 Q Okay.

DIRECT EXAMINATION OF SHAQUANDULYNN CHANEYFIELD BY
JONES.

1 MR. LEE: I don't understand the purposes for her
2 standing up.

3 THE COURT: I don't either, yet.

4 MS. JONES: I'm going to refresh her recollection
5 about the time.

6 THE COURT: Would you like to approach the
7 witness?

8 MS. JONES: Yes, Your Honor.

9 THE COURT: Is there any objection?

10 MR. LEE: No, sir.

11 THE COURT: Please be seated.

12 You may approach.

13 MS. JONES: Thank you, Your Honor.

14 BY MS. JONES:

15 Q Ms. Chaneyfield, I'm going to show you her
16 statement. If you could read that, so that would refresh
17 your memory.

18 A Okay. "Antoine --

19 Q I'm sorry. If you could read it to yourself.

20 A Okay. (Witness complies.)

21 Q Okay. Does that help you remember better?

22 A Yes, ma'am.

23 Q Thank you. I'll take that from you.

24 Do you remember about what time he left?

25 A It was about 11.

DIRECT EXAMINATION OF SHAQUANDULYNN CHANEYFIELD BY
JONES.

1 Q Okay. Could it have been 12? Your statement says
2 12.

3 A It could. To be honest, it was so long ago, I
4 really don't remember. But it did say around 12.

5 Q Okay. And so -- and in March 2015, you would have
6 better remembered November than you do today?

7 A Yes, ma'am. Yes, ma'am.

8 Q Okay. So he -- so your statement says midnight?

9 A It says 12.

10 Q Okay. How does he leave your house?

11 A Var and Brittany Patterson came to pick him up.

12 Q And how does he get in touch with Var, you were
13 saying?

14 A He used my phone.

15 Q Did you provide a picture of a text message to
16 police?

17 A Um-hmm, yes.

18 THE COURT: You have to say "yes" or "no," please.

19 No "uh-huhs."

20 THE WITNESS: Yes, ma'am.

21 MS. JONES: Permission to approach.

22 THE COURT: You may.

23 BY MS. JONES:

24 Q Ms. Chaneyfield, I'm going to show you what's been
25 marked as State's Exhibit 6. Can you identify that, please?

DIRECT EXAMINATION OF SHAQUANDULYNN CHANEYFIELD BY
JONES.

1 A Yes, ma'am. That's a text message from my phone.

2 Q And how do you know that's a text message from
3 your phone?

4 A That's my Sprint phone that I gave the detective.

5 Q Okay. And that's a fair and accurate copy of that
6 text message?

7 A Yes, ma'am.

8 MS. JONES: Your Honor, at this time, State moves
9 State's 6 into evidence.

10 THE COURT: As to State's 6?

11 MR. LEE: No objection to it.

12 THE COURT: Ladies and gentlemen of the jury,
13 State's Exhibit No. 6 will be admitted into evidence in
14 the trial of this case without objection.

15 State's 6 in evidence. You may publish,
16 Solicitor.

17 MS. JONES: Thank you, Your Honor.

18 *(Whereupon, State's Exhibit No(s). 6 marked for*
19 *identification and received in evidence.)*

20 BY MS. JONES:

21 Q Ms. Chaneyfield, this is what you're looking at
22 correct? State's 6?

23 A Yes, ma'am.

24 Q Do you know whose number that is at the top?

25 A I'm not sure if it's Brittany's phone or if it's

DIRECT EXAMINATION OF SHAQUANDULYNN CHANEYFIELD BY
JONES.

1 Var phone, but he text -- he was texting to come pick him
2 up.

3 Q Okay. So this is the number he was texting to
4 pick him up.

5 A Yes, ma'am.

6 Q And it says, "Ima get Brittany to bring me, call
7 me, call me, call me."

8 A Yes, ma'am.

9 Q And are those texts that he is sending, or that
10 they are sent to your phone to Antoine?

11 A That was what he text on my phone.

12 Q Okay. And this is at 11:14 the night of November
13 12th?

14 A Yes, ma'am.

15 Q Okay.

16 MS. JONES: I have no further questions for this
17 witness.

18 THE COURT: Cross examination.

19 CROSS EXAMINATION

20 BY MR. LEE:

21 Q Who sent that text?

22 A I'm not sure if it was Brittany or Var. I think
23 that's Brittany phone, but I'm not sure who phone it is.

24 Q Well, how do you know it's either one of them?

25 A Because that's who picked him up.

CROSS OF SHAQUANDULYNN CHANEYFIELD BY MR. LEE

1 Q Is that what Hollywood Drake told you that's who
2 it was from?

3 A No. He just said who he was calling to come pick
4 him up.

5 Q Okay. And so this text says, "Ima get Brittany to
6 bring me. Call me," right?

7 A Yes, sir.

8 Q Bring him where? To your house, right?

9 A No, he was at my house. Twan was at my house.
10 Where is the person he was texting, I don't know where he
11 was.

12 Q And bring him where; do we know?

13 A No.

14 Q So you don't know who sent it or who --

15 A No. Who was texting, I don't know.

16 Q Okay.

17 MR. LEE: No further questions, Your Honor.

18 THE COURT: Redirect.

19 REDIRECT EXAMINATION

20 BY MS. JONES:

21 Q But Antoine was at your house until about
22 midnight, when whoever he was texting picked him up?

23 A Yes, ma'am.

24 MS. JONES: No further questions.

25 THE COURT: Recross limited to redirect?

REDIRECT EXAMINATION OF SHAQUANDULYNN CHANEYFIELD BY
JONES

1 MR. LEE: None, Your Honor.

2 THE COURT: As to this witness, Solicitor?

3 MS. JONES: She may be excused.

4 THE COURT: Any objection, Mr. Lee?

5 MR. LEE: No, sir.

6 THE COURT: Ms. Chaneyfield, you may step down
7 from the witness stand. You're excused from the trial
8 of this case. You may leave the courtroom.

9 Call your next witness.

10 MS. JONES: The State calls Javare Shuler.

11 Thereupon,

12 JAVARE SHULER

13 was called as a witness, having been first duly sworn,
14 was examined and testified as follows:

15 THE COURT: Have a seat in the chair, make
16 yourself comfortable. Pull the chair up to the
17 microphone, adjust the microphone to your height just
18 to amplify your voice. Speak up so everybody in the
19 jury and parties can hear you. State your full name,
20 spell your last name for the court reporter.

21 THE WITNESS: Javare Shuler, S-H-U-L-E-R.

22 THE COURT: Your witness, Counsel.

23 MS. JONES: Thank you, Your Honor.

24 DIRECT EXAMINATION

25 BY MS. JONES:

DIRECT EXAMINATION OF JAVARE SHULER BY JONES.

1 Q Mr. Shuler, where are you from?

2 A Ridgeland, Jasper County.

3 Q Okay. And where do you live in Ridgeland?

4 A Spring Hill.

5 Q Is that near Simmons Hill?

6 A Yes, ma'am.

7 Q Are you familiar with an area of town called Wagon
8 Branch?

9 A Yes, ma'am.

10 Q How far away -- how far apart is the two, driving
11 wise?

12 A About ten minutes, 15 minutes.

13 Q Do you remember the night of November 12th, 2014?

14 A Kind of, sort of.

15 Q Okay. What were you doing that day leading into
16 the night?

17 A If I remember, I was at my mother house. My aunt
18 just had passed, so I was on Simmons Hill. I was at my
19 mother house chilling with a friend of mine.

20 Q Do you have an opportunity that night to see a man
21 named Antoine Drake?

22 A Yes, ma'am.

23 Q And where did you see him?

24 A I went to pick him up at Wagon Branch.

25 Q And you talked to him before this?

DIRECT EXAMINATION OF JAVARE SHULER BY JONES.

1 A Oh, yes, through a number I didn't recall, but
2 yes, ma'am, I did.

3 Q You remember him just calling or texting?

4 A He was texting at first, then he called. But then
5 I called him.

6 Q Okay.

7 MS. JONES: Permission to approach, Your Honor?

8 THE COURT: You may.

9 BY MS. JONES:

10 Q Okay. Mr. Shuler, I want to show you what's been
11 admitted as State's 6. Do you recognize that?

12 A Yes, ma'am.

13 Q And what is that?

14 A A text message.

15 Q And that number up at the top, what is that?

16 A My phone number.

17 Q Okay. So these are text messages that you sent?

18 A Yes, ma'am.

19 Q And whose phone are you sending them to?

20 A It had to been Hollywood, or Antoine, friend. I
21 didn't recognize the number until I called him -- until he
22 called me and I talked to him.

23 Q Okay. And why are you sending him these texts?

24 A I was about to go pick him up. He asked me to
25 come pick him up.

DIRECT EXAMINATION OF JAVARE SHULER BY JONES.

1 Q Okay. And you pick him up after these texts?

2 A Yes, ma'am.

3 Q Okay. And these texts were sent at 11:14 the
4 night of November 12th?

5 A Yes, ma'am.

6 Q And do you pick him up?

7 A Yes, ma'am. Me and Brittany went to go get him.

8 Q And what do you all do when y'all leave Wagon
9 Branch?

10 A We took him and dropped him off on Simmons Hill.

11 Q Okay. And then what?

12 A I left. Me and Daytron left and went to the club,
13 got dropped off at the club. We left him at Day-Day house
14 -- at Daytron house.

15 Q Okay. What time do you go to the club?

16 A I can't recall.

17 Q Do you remember speaking with Special Agent
18 Richard Johnson on March 16th of 2015?

19 A Yes, ma'am.

20 Q At your home?

21 A Yes, ma'am.

22 Q And do you remember talking to him about this
23 night?

24 A Yes, ma'am.

25 Q And you remember telling him that -- you said that

DIRECT EXAMINATION OF JAVARE SHULER BY JONES.

1 after Patterson picked up Drake, she dropped them off at
2 Day-Day's house in Simmons Hill. That's what you just told
3 us, right?

4 A Yes.

5 Q And then Drake -- is that Antoine Drake?

6 A Um-hmm.

7 THE COURT: You have to say "yes" or "no", not
8 "um-hmm."

9 THE WITNESS: Yes.

10 BY MS. JONES:

11 Q Yourself and Daytron Simmons went to Club Pluto in
12 Ridgeland.

13 A I don't recall.

14 Q Okay. But that's what you said to him on
15 March 16th of 2015?

16 A Okay.

17 Q Okay. And then you say y'all got back to
18 Daytron's house about 4:30 or 5:00 a.m. Do you remember
19 telling him that?

20 A I don't recall.

21 Q All right. And then that you leave Daytron and
22 Drake -- or I'm sorry, you leave Drake and Durrell Simmons
23 sleeping about 5:00 a.m.?

24 A Okay. Yes, ma'am.

25 Q Okay. That's what you told Agent Johnson?

DIRECT EXAMINATION OF JAVARE SHULER BY JONES.

1 A Yes, ma'am.

2 Q Okay. And then you learned the next day that, in
3 fact, T.J. had been killed?

4 A Yes, ma'am.

5 Q Okay. So you pick up Antoine Drake from Wagon
6 Branch about midnight?

7 A Yes, ma'am.

8 Q And then y'all are at the club until about 4:30 or
9 five?

10 A Yes, ma'am.

11 Q And then y'all come back and essentially pass out
12 until the next morning?

13 A Yes, ma'am.

14 MS. JONES: I have no further questions for you.

15 Thank you.

16 CROSS EXAMINATION

17 BY MR. LEE:

18 Q Was Hollywood coked up that night?

19 A Hollywood?

20 Q Yeah.

21 A No, sir.

22 Q He wasn't?

23 A I guess not. I don't know.

24 Q Were you?

25 A I don't do coke.

CROSS EXAMINATION OF JAVARE SHULER BY LEE

1 Q You don't use coke?

2 A No, sir.

3 Q How about Daytron?

4 A No, sir. He don't use that neither.

5 Q Okay. Anybody drinking that night?

6 A Not that I can recall.

7 Q At the club, nobody was drinking?

8 A Possibly; I can't recall.

9 Q And you stayed until 5:00 o'clock in the morning,
10 you said?

11 A Well, until the club closed, yes, sir.

12 Q You closed the club? Okay. Who drove?

13 A Well, we had got dropped off. We didn't drive.

14 Q How did you get home?

15 A Brittany.

16 Q At 5:00 o'clock in the morning, Brittany came
17 picked you up?

18 A Sir -- yes, sir.

19 MR. LEE: No more questions.

20 THE COURT: Redirect.

21 MS. JONES: None, Your Honor.

22 THE COURT: As to the witness.

23 MS. JONES: He may be excused.

24 THE COURT: Any objection, Mr. Lee?

25 MR. LEE: No, sir, Your Honor.

CROSS EXAMINATION OF JAVARE SHULER BY LEE

1 THE COURT: Very well. Mr. Shuler, you may step
2 down. You're excused from the trial of this case. You
3 may leave the courtroom.

4 Call your next witness.

5 MS. JONES: The State calls Latanya Singleton.

6 Thereupon,

7 LATANYA SINGLETON

8 was called as a witness, having been first duly sworn,
9 was examined and testified as follows:

10 THE COURT: All right. Adjust that chair for your
11 comfort, and adjust that microphone. It's going to
12 amplify your voice. Pull it down to your height. I
13 want you to begin by stating your full name and
14 spelling your last name for the court reporter.

15 THE WITNESS: Okay. Latanya Singleton,
16 S-I-N-G-L-E-T-O-N.

17 THE COURT: Now, speak up for me, Ms. Singleton.
18 Okay?

19 THE WITNESS: Okay.

20 THE COURT: Your witness, Counsel.

21 MS. JONES: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MS. JONES:

24 Q Ms. Singleton, do you go by another name, other
25 than Latanya?

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 A Tutu.

2 Q Is that what everybody tends to call you?

3 A Um-hmm.

4 THE COURT: Don't say "um-hmm. "Yes" or "no."

5 THE WITNESS: Yes.

6 BY MS. JONES:

7 Q And back in November of 2014, November 12th, where
8 were you living?

9 A Knowles Island.

10 Q Okay. Do you remember that address?

11 A 474 Knowles Island.

12 Q Do you remember November 12th of 2014?

13 A No.

14 Q You don't remember it at all?

15 A No.

16 Q Okay. Do you remember talking to Richard Johnson
17 on February 1st of 2015?

18 Well, let me backtrack for a second. Do you
19 remember being at the murder scene the next morning?

20 A I was outside of my house.

21 Q Because you lived right next door. Well, a ways
22 away, but close?

23 A Yeah.

24 Q Do you remember speaking with Agent Shaun Harley
25 that morning?

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 A Yeah.

2 Q All right. And -- but you didn't want to talk to
3 him that day?

4 A No, because he was asking me -- he was already
5 ask -- he was asking me questions already.

6 Q Why didn't you want to talk to him that day?

7 A Because the first thing he came, he came straight
8 to me, and then he asked me if I know Rohaime. That was the
9 first thing he said.

10 Q Okay. But you told him -- you gave him your phone
11 number to call you later?

12 A No. He asked for my number and I said okay. And
13 I said, "What do you need it for?" And he said, "I just
14 need to ask you a question."

15 Q So what number did you give him; do you remember?

16 A No. I done had a hundred numbers since then.

17 Q Okay. How about (843)226-9189? Was that one of
18 your numbers?

19 A Probably.

20 Q Okay. You had a bunch of phone numbers?

21 A Yeah.

22 Q Okay. So you don't talk to him that day?

23 A No. I think he gave me his card.

24 Q Okay. Do you remember later speaking with him and
25 this agent, Agent Johnson?

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 A They went to my mom's house. My mom called me.
2 He was saying I needed to come back, they got questions for
3 me. And if I don't come, they're going to send the U.S.
4 Marshals for me, so I drove up there.

5 Q Okay. And where did you drive up to?

6 A Walterboro.

7 Q What is in Walterboro?

8 A They office.

9 Q Okay. So go there and talk to them, you remember
10 that?

11 A Um-hmm. (Indicating affirmatively.)

12 Q On February 1st, 2015?

13 A All right.

14 Q Is anybody else in there besides you and the two
15 SLED officers?

16 A Inside the office?

17 Q Um-hmm, when you're being spoken to.

18 A No. When I was being spoken to, just me and the
19 two officers.

20 Q Okay. What did you tell them?

21 A I don't want to lie, I really don't remember
22 because I was high then.

23 Q You were high on November 12th, or you were high
24 on February 1st?

25 A To be honest, I'm high almost everyday.

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 Q Are you high right now?

2 A No, I'm clean.

3 Q Okay. Because you're pregnant?

4 A Um-hmm.

5 THE COURT: You have to say "yes."

6 THE WITNESS: Yes.

7 BY MS. JONES:

8 Q Who's the father of that child you're pregnant
9 with?

10 A Antoine Drake.

11 Q And you've actually gone to visit him in jail,
12 right?

13 A Yeah.

14 Q Okay. I want to get back to this interview you
15 don't remember. You don't remember anything you said to
16 them?

17 A I remember -- I remember certain things.

18 Q Can you tell me what you remember?

19 A I remember he asked me on -- what did he ask me?
20 He asked me who did I text that morning, like five-something
21 in the morning about a murder. But there was two murders
22 happened that same day.

23 Q Okay. Do you remember telling him on
24 November 12th at about 8:20 or 8:30 p.m. Rohaime Hopkins
25 called you and said he was coming over to your house and he

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 had some weed?

2 A He -- he probably did call me. Because I know I
3 talk to him everyday.

4 Q You talk to him everyday. Okay.

5 Do you remember telling the two agents that
6 when Rohaime Hopkins got to your house, T.J. was with him?

7 A I don't want to lie, I don't remember. But
8 nothing new, you know, because T.J. did drop him off a
9 couple of times or whatever.

10 Q So it's common to see them together. You would
11 often see them together?

12 A Yeah. He'd drop him off at home.

13 Q Okay. Do you remember telling this agent that
14 Hopkins went in the house and got a soda while Johnson
15 remained outside and showed you some marijuana?

16 A No.

17 Q You don't remember saying that?

18 Do you remember telling them you didn't
19 purchase any because you didn't have any money?

20 A No.

21 Q Do you remember saying that Hopkins and Johnson
22 then left?

23 A No.

24 Q Do you remember saying, "about 20 minutes later,
25 Hopkins walked back to your house, but Johnson was not with

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 him"?

2 A No, I don't remember half of this stuff right now.

3 And I didn't write that.

4 Q Okay. Well, you didn't write a statement, did
5 you?

6 A No.

7 Q You didn't want to?

8 A I didn't know nothing about anything.

9 Q You don't want to be here right now, do you?

10 A No, I don't. Because I wasn't -- I wasn't out
11 there.

12 Q When the murder happened, right?

13 A I was not there.

14 Q Okay. That's fine.

15 I want to get back to what you told the two
16 agents. You know Hopkins -- you said, you know Hopkins
17 walked back to your house because where your room is
18 located, you would have seen the lights from a car when it
19 pulled up. You didn't see any headlights, so you know he
20 walked?

21 A He walked to my house plenty of times.

22 Q Okay. But 20 minutes before that, he rode in the
23 car with Terrance Johnson?

24 A I don't know.

25 Q That's what you told the agent.

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 A You can't say I told them that.

2 Q I'm looking at their report right now. That's
3 what they say you said. So you're denying that right now?

4 A (Nods in the affirmative.)

5 Q You let Hopkins in, and you did not see a car; do
6 you remember saying that?

7 A Plenty of times he walked to my house, I let him
8 in.

9 Q Okay. Do you remember telling the agents once he
10 got inside you went back to your room?

11 A I normally do that.

12 Q Okay. When you got back to your room, Hopkins was
13 on his cell phone; do you remember saying that?

14 A He probably was, I don't know.

15 Q Okay. About five minutes later, someone picked
16 him up. Do you remember saying that?

17 A I do not really remember. And I don't want to say
18 any lie.

19 Q Do you remember talking to these agents a couple
20 weeks ago, like two weeks ago?

21 A They keep coming to my house.

22 Q They came to your house?

23 A More than once.

24 Q And you don't live in Ridgeland anymore, do you?

25 A No.

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 Q You moved over to Port Royal?

2 A Yes.

3 Q Do you remember telling them you knew too much?

4 A No.

5 Q You don't remember telling them --

6 A They keep saying that I know more than what I'm
7 saying. The agents say that.

8 Q Okay. But you never said that?

9 A No.

10 Q Okay. You remember telling them when the
11 Defendant came back to your house, after he walked up on
12 foot, no T.J., that he asked for bleach?

13 A Nope.

14 Q You don't remember saying that?

15 A No.

16 Q You're saying under oath right now you did not say
17 that?

18 A I'm telling you, you can't make me lie and say
19 that.

20 Q Okay. But, again, you don't want to be here right
21 now, do you?

22 A I don't get your point.

23 Q I'm asking you a question.

24 A I don't remember any of this.

25 Q No, no, no, no. Do you want to be testifying

DIRECT EXAMINATION OF LATANYA SINGLETON BY JONES.

1 right now?

2 A (No verbal response.)

3 MS. JONES: I have no further questions, Your
4 Honor.

5 MR. LEE: Real quick, to check it.

6 CROSS EXAMINATION

7 BY MR. LEE:

8 Q Do you remember if you were at the scene where the
9 car was the next morning; do you remember?

10 A My little boy went to the window, and I seen
11 peoples -- it was already cars and cops out there already.
12 And I came out.

13 Q Okay. That was the next morning.

14 All right. Did you ask any of the agents or
15 anybody there if fingerprints could be taken off of a soda
16 bottle?

17 A No. Why would I ask that?

18 Q I'm just asking you if you said that.

19 And you said around this time, it was kind of
20 a bad time, you were high most of the time when all this
21 stuff happened?

22 A You asked me were I high?

23 Q Yeah.

24 A Yes.

25 Q And then isn't it true, Ms. Singleton, that

CROSS EXAMINATION OF LATANYA SINGLETON BY LEE

1 shortly after this, that you went to Philadelphia with the
2 kids?

3 A Yeah, but I always go in November.

4 Q Okay. But you left right -- around when this
5 thing --

6 A Yeah.

7 Q Okay. And did Hollywood go up there, too?

8 A In November, no.

9 Q When did he go? December?

10 A I think he was already locked up.

11 Q He didn't get locked up until December 27th. Did
12 he go before he got locked up?

13 A No.

14 Q Okay. And so which agents went to your house and
15 were bugging you in Port Royal?

16 A Him and Shaun.

17 Q Oh, him and Shaun Harley?

18 A Uh-huh. (Indicating affirmatively.)

19 Q So they were at your house a couple weeks ago?

20 A A couple of times.

21 Q Okay. And that's that apartment on the south
22 side?

23 A Yeah.

24 Q Same place where the domestic violence happened
25 with Hollywood?

CROSS EXAMINATION OF LATANYA SINGLETON BY LEE

1 A Yeah.

2 Q Same place where they found the .9 millimeter High
3 Point underneath the mattress when they went to arrest him?

4 A Yes. That's mine.

5 Q Okay. I'm just saying it's the same place.

6 A How do you know that?

7 Q I can't answer questions, but --

8 THE COURT: You're under oath, ma'am. You answer
9 the questions.

10 A I said "yes."

11 THE COURT: Anything further?

12 MR. LEE: No, sir.

13 THE COURT: Redirect.

14 REDIRECT EXAMINATION

15 BY MS. JONES:

16 Q Ms. Singleton, when did you get that gun?

17 A I think February or March of this year.

18 Q So, it's a new gun?

19 A Um-hmm. (Indicating affirmatively.)

20 Q You didn't have it in November of 2014, did you?

21 A No.

22 MS. JONES: No further questions.

23 THE COURT: Recross limited to redirect.

24 RE-CROSS EXAMINATION

25 BY MR. LEE:

RECROSS EXAMINATION OF LATANYA SINGLETON BY LEE

1 Q Did you bring anything here today showing when you
2 bought that gun?

3 A It's registered to me.

4 Q Did you bring any paperwork with you today?

5 A No. I didn't know I had to.

6 MR. LEE: Nothing further.

7 THE COURT: As to this witness, Solicitor?

8 MS. JONES: She may be excused, Your Honor.

9 THE COURT: Any objection?

10 MR. LEE: No objection.

11 THE COURT: All right. Ms. Singleton, you may
12 step down. You're excused from the trial of this case.
13 You may leave the courtroom.

14 Call your next witness.

15 MS. JONES: The State calls Lieutenant Shaun
16 Harley.

17 **Thereupon,**

18 SHAUN HARLEY

19 was called as a witness, having been first duly sworn,
20 was examined and testified as follows:

21 THE COURT: Pull your chair up, adjust it, pull
22 the microphone to your height. State your full name
23 and spell your last name for the court reporter.

24 THE WITNESS: Shaun Harley, H-A-R-L-E-Y.

25 THE COURT: Your witness, Counsel. Direct

DIRECT EXAMINATION OF SHAUN HARLEY BY JONES.

1 examination.

2 MS. JONES: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MS. JONES:

5 Q Lieutenant Harley, where do you work?

6 A South Carolina Law Enforcement Division, better
7 known as SLED.

8 Q And what is your role at SLED?

9 A I'm a lieutenant supervisor in the Lowcountry
10 region.

11 Q What are some of your duties?

12 A Supervise several of the field agents. And I also
13 assist them with various investigations.

14 Q Okay. Did you help Agent Johnson in the case that
15 we're here for today?

16 A Yes, ma'am.

17 Q Did you respond to the scene, the morning of
18 November 13th of 2014?

19 A Yes, ma'am, I did.

20 Q Okay. And when you got there, what did you do?

21 A Normally when I got there, wait for crime scene,
22 make sure that the area was secure for a crime scene. We
23 then canvass the area and see if anybody had known anything
24 or seen anything.

25 Q Did you have an opportunity to speak with a

DIRECT EXAMINATION OF SHAUN HARLEY BY JONES.

1 Latanya Singleton, also known as Tutu?

2 A Yes, ma'am, I did.

3 Q And did you speak with her that morning?

4 A Yes, ma'am, I did.

5 Q Was it a long conversation?

6 A No, ma'am, it wasn't.

7 Q What did you ask her?

8 A During that time, there was so many people out
9 there, spoke with her and asked her did she see anything or
10 know anything. She said she did, but she couldn't talk at
11 that time. And she kind of like, you know, motion like,
12 because there was a lot of people out there, like she wasn't
13 wanting to talk to the police out there at the time.

14 Q What kind of motion was she making?

15 A She kept looking over towards the house next to
16 the house next door to her residence. I didn't know if she
17 was looking for the house or a female. It was like she was,
18 but she just didn't want to talk at the time. So I provided
19 her my card with my phone number, you know.

20 Q Do you know who the female was that she was
21 looking at?

22 A If I remember correctly, I think it was the
23 Defendant's mother who lived next door to her.

24 Q Okay. And what house was she motioning to?

25 A Towards the trailer right next to her trailer,

DIRECT EXAMINATION OF SHAUN HARLEY BY JONES.

1 where she lived at.

2 Q Would that also be where the Defendant lived?

3 A Yes, ma'am.

4 Q You gave her your number?

5 A Yes, ma'am. Yeah, I gave out several of my cards,
6 went out to everybody I seen in the area. And I think I
7 received her telephone number also.

8 Q Do you remember her phone number?

9 A Not right offhand.

10 Q Could it have been (843)226-9189?

11 A Yes, ma'am, it could have been. Because I
12 recorded it, then I provided it to Agent Johnson.

13 Q Okay. Okay. Do y'all talk at a later date?

14 A Yes, ma'am, we did.

15 Q And when is that?

16 A I believe it was February the 1st of 2015.

17 Q And where is this?

18 A We spoke with her, interviewed her at the SLED
19 Lowcountry office, which is in Walterboro, South Carolina.

20 Q Why did y'all interview her in Walterboro?

21 A She did not want to be talked or be interviewed in
22 Jasper County because she was afraid.

23 Q She was afraid?

24 A Yes, ma'am.

25 Q Okay. So y'all speak in Walterboro?

DIRECT EXAMINATION OF SHAUN HARLEY BY JONES.

1 A Yes, ma'am.

2 Q Okay. And what does she tell you?

3 A She stated around -- between 8:20 and 8:30 the
4 Defendant, Mr. Hopkins, had called her, stated that he was
5 going to come over to her house, I guess to sell her some
6 marijuana or say he had marijuana. He then showed up. The
7 victim, Terrance Johnson, was also with him, the Defendant,
8 Mr. Hopkins.

9 The Defendant came in -- from what she said,
10 the Defendant came into her house, got a soda. She didn't
11 know the victim, Terrance Johnson, was outside, so she went
12 outside and talked to him for a minute, and bought
13 marijuana.

14 Mr. Hopkins then left her house and they
15 drove off together. Her, him, and the victim, Terrance
16 Johnson.

17 Q In whose car?

18 A I believe it was the victim's vehicle, Terrance
19 Johnson.

20 Q Okay. What does she say happens after they drive
21 off?

22 A About 20 minutes later, the Defendant, Hopkins,
23 came back to her -- walked back to her house. And she
24 opened the door, she looked out, but she did not see the
25 victim, Terrance Johnson, with him. So he stayed there

DIRECT EXAMINATION OF SHAUN HARLEY BY JONES.

1 approximately about five minutes and somebody came to pick
2 her up -- pick him up, I'm sorry.

3 Q Okay. Did she say any car when Rohaime Hopkins
4 walked back?

5 A No, she did not. She stated she didn't see a car
6 because where her room was located, she couldn't see no
7 headlights or reflector from a car.

8 Q Do you remember speaking with her a couple of
9 weeks ago as well?

10 A Yes.

11 Q And this was at her new apartment in Port Royal?

12 A Yes, ma'am.

13 Q And she added that when Rohaime came in by himself
14 the second time, he asked for bleach? You remember that?

15 A Yes, ma'am.

16 Q Did she say she had told y'all that earlier?

17 A I feel and think she did, but I can't recall.

18 Q It's not in your report, is it?

19 A No, ma'am.

20 Q And why isn't it in your report?

21 A Agent Johnson prepared memorandum of interview, so
22 ...

23 Q Okay. What's her demeanor when she's talking to
24 y'all in Walterboro?

25 A She was very skittish, like didn't really want to

DIRECT EXAMINATION OF SHAUN HARLEY BY JONES.

1 be involved. Because she came there with her mother, I
2 think, I'm not sure, but with her kids. So they came all
3 together to the SLED Walterboro office, and she really
4 didn't want to be there.

5 Q Okay.

6 MS. JONES: Beg the Court's indulgence?

7 Mr. Harley, I have no further questions for you.

8 THE COURT: Cross examination.

9 CROSS EXAMINATION

10 BY MR. LEE:

11 Q Was Ms. Singleton high when she came to
12 Walterboro; do you know?

13 A Not to my recollection.

14 Q Okay.

15 A Now, if she was, I didn't pick it up.

16 Q You didn't know?

17 A Yeah.

18 Q And she was at the scene that next morning, right?

19 A Talking the day when we arrived?

20 Q Yeah.

21 A Yes, sir. She was not at the scene, but, you
22 know, in the roadway because several a lot of people was out
23 there. Bystanders.

24 Q Did she ask you at some point whether fingerprints
25 could be taken off of a soda bottle?

CROSS EXAMINATION OF SHAUN HARLEY BY LEE

1 A I don't know if she asked me. It could have been,
2 or if she asked Major Donald Hipp of the sheriff department.
3 I can't remember.

4 Q Okay. In your experience, would that be a weird
5 question for someone to ask that wasn't involved?

6 A It all depends. People looking at TV, on the CSI
7 show, they ask for anything.

8 Q Okay. What happens if you put bleach on black
9 clothes; do you know?

10 A I guess, they turn white, to me. They just turn
11 white.

12 Q Are you aware that Tutu, Ms. Singleton, left for
13 Philadelphia shortly after this?

14 A Yes, sir.

15 Q Would it be fair to say that she left abruptly?

16 MS. JONES: Objection, that calls for speculation.

17 THE COURT: Sustained. Rephrase the question,
18 Counsel.

19 BY MR. LEE:

20 Q Do you know the circumstances upon which she left?

21 A No, sir. The only thing we know she was in
22 Philadelphia.

23 Q Do you know when she came back?

24 A She came back sometime in February. That's the
25 day we talked to her. I can't remember. I don't know exact

CROSS EXAMINATION OF SHAUN HARLEY BY LEE

1 date she came back.

2 Q Do you know who -- do you know if Antoine Drake
3 also went to Philadelphia?

4 A I do not know that.

5 Q You don't know that?

6 A No, sir.

7 Q Do you know who paid for Ms. Singleton to go to
8 Philadelphia?

9 A No, sir, I don't.

10 Q Did she have a job at the time that you're aware
11 of?

12 A Not that I know of. Not that I'm aware of.

13 Q Did she have a car?

14 A She drove down there, I don't know who car it was,
15 when she met with us at the interview.

16 Q But you said she went with her mom, though, right?

17 A Right.

18 Q Was Ms. Singleton high on the morning that you
19 talked to her, the day after the shooting?

20 A I couldn't recognize -- she didn't appear to be
21 high to me. I don't know.

22 Q Did she appear to be the same way that morning, as
23 she did when she came to talk?

24 A She was the same to me.

25 Q Okay. Did you go to her house in Port Royal two

CROSS EXAMINATION OF SHAUN HARLEY BY LEE

1 weeks ago?

2 A Along with Agent Johnson.

3 Q And that's an apartment on Southside Boulevard,
4 right?

5 A Yes, sir.

6 Q And that's where the domestic violence occurred
7 with Hollywood, correct?

8 A I know nothing about that.

9 Q Hollywood's in jail. I mean, did you investigate
10 why he was in jail?

11 A This is Agent Johnson case. I was there to assist
12 him.

13 Q Okay. I'll ask him that then.

14 MR. LEE: No further questions. Thanks,
15 Lieutenant Harley.

16 THE COURT: Redirect.

17 MS. JONES: No, Your Honor.

18 THE COURT: As to the witness.

19 MS. JONES: He may be excused.

20 THE COURT: Any objection?

21 MR. LEE: No, sir.

22 THE COURT: Mr. Harley, you may step down. You're
23 excused from the trial of this case. You can leave the
24 courtroom.

25 Call your next witness.

CROSS EXAMINATION OF SHAUN HARLEY BY LEE

1 MS. JONES: The State calls Angel Simmons.

2 Thereupon,

3 ANGEL SIMMONS

4 was called as a witness, having been first duly sworn,
5 was examined and testified as follows:

6 THE COURT: Have a seat, make yourself comfortable
7 on the chair. Adjust the chair, adjust the microphone
8 which is going to amplify your voice. I need you to
9 speak up so everybody can hear you. Use the
10 microphone. State your full name, spell your last name
11 for the court reporter.

12 THE WITNESS: Angel Monique Simmons,
13 S-I-M-M-O-N-S.

14 THE COURT: Your witness, Counsel.

15 MS. JONES: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MS. JONES:

18 Q Ms. Simmons, where do you live?

19 A On 214 Riceshire Road.

20 Q Is that area called something?

21 A Spring Hill.

22 Q And do y'all also call it Simmons Hill?

23 A Well, Simmons Hill, that's way out of the thing.

24 It's back off -- you come down the dirt road to go to
25 Simmons Hill, yes.

DIRECT EXAMINATION OF ANGEL SIMMONS BY JONES.

1 Q Okay. That's where you live?

2 A Yes.

3 Q So the memorial everyone was talking about was in
4 your yard essentially?

5 A Yes. My grandma had passed the day before.

6 Q Okay. Now, Ms. Simmons, before we get to talking
7 about that day and what happened afterwards, you've been in
8 trouble before?

9 A Yes.

10 Q You have. 2009, you got in trouble for seven
11 counts of bad checks?

12 A Yes.

13 Q 2011, you did it again, four more times?

14 A Yes.

15 Q And then 2013, you got in trouble for two times
16 for shoplifting?

17 A Yes.

18 Q All of those are pretty deceitful?

19 A Yes.

20 Q Okay. But you're here to tell the truth today?

21 A Yes.

22 Q Okay. Why is that?

23 A Well, he -- T.J. was -- well, Terrance Johnson was
24 my fiance. We applied for our marriage license. So I mean,
25 rightfully -- rightfully, tell the truth, like no one has

DIRECT EXAMINATION OF ANGEL SIMMONS BY JONES.

1 the right to take someone's life.

2 Q Okay. How long had you known T.J.?

3 A I had known him for a year.

4 Q And y'all were engaged?

5 A Yes.

6 Q Were you with him the night before he was killed?

7 A Yes.

8 Q Okay. Tell me about that.

9 A The night before he was killed, well, my grandma
10 had passed, so he was there with me. We all was there in
11 the yard. So that evening, he wanted to go to Hilton Head
12 and Bluffton. So I kind of like forced myself to go with
13 him. He didn't want me to go, but I got in the car anyway
14 and I left with him. We went to Bluffton, and when we got
15 to Bluffton, a friend of his asked him would he go give a
16 guy a ride who wrecked his truck. So he went and picked up
17 a guy that wrecked his truck, and he wanted to be taken to
18 Savannah.

19 During the time we was in the car riding, and
20 the guy wanted T.J. to find him a female friend. So we
21 stopped in Hardeeville and picked up a female friend for the
22 guy, and then they went to the hotel in Savannah, and we was
23 there for a few hours, and I asked T.J., I told him I wanted
24 to go home because my sister and them were all coming,
25 because my grandma had passed.

DIRECT EXAMINATION OF ANGEL SIMMONS BY JONES.

1 So T.J., he brought me back to Ridgeland to
2 the house, and he picked one of my cousin up, and he headed
3 back out, and I didn't talk to him like none the following
4 next day at all.

5 Q Tell me about -- I want to get back to this man in
6 the wreck. Describe him for me.

7 A He was African-American.

8 Q Okay.

9 A I really can't remember exactly how he looked or
10 anything, but I know he was a like a foreign.

11 Q Okay. Was he injured?

12 A Yes. His hand -- one of his hand was injured, it
13 was like a cut or a gash from where he wrecked the truck.

14 Q Did you see that it was bleeding?

15 A Yes. Because he put a towel on it and also, when
16 we got to the hotel, he was like rinsing it off and wrapping
17 it with a towel.

18 Q And where was he sitting in the car?

19 A He wasn't -- well, we were pretty much moving
20 around in the car. He was in the back seat, but he was
21 reaching over, talking to T.J., and he was also talking to
22 me.

23 Q Okay. And he was bleeding?

24 A Yes.

25 Q Okay. Angel, I want to go now to November 12th of

DIRECT EXAMINATION OF ANGEL SIMMONS BY JONES.

1 2014.

2 A Okay.

3 Q Are you outside Simmons Hill this day?

4 A Nope, not at all.

5 Q Why not?

6 A Because me and T.J. was up all night the night
7 before.

8 Q So you're --

9 A So I was in the house resting up. My sister and
10 family was there, and I was in the house.

11 Q Okay. So all day long, you were resting in the
12 house?

13 A Yes.

14 Q You were sleeping off the night before?

15 A Yes.

16 Q Okay. Do you talk to T.J. on the phone that
17 night?

18 A Yes. I called T.J. several times that night. He
19 answered twice.

20 Q Okay. Do you remember about what time he
21 answered?

22 A It was like nine, nine-something, close to ten.

23 Q Okay. What number would you have called him from?

24 A It was our house phone at the time.

25 Q Okay. Was it (843)480-5976?

DIRECT EXAMINATION OF ANGEL SIMMONS BY JONES.

1 A Yes.

2 Q And what was T.J.'s number?

3 A At that time, it was (843)405-3979.

4 Q Okay. And that's the number you called?

5 A Yes.

6 Q Do you remember the last conversation you had with
7 T.J.?

8 A Yes.

9 Q Can you tell me about that?

10 A Yeah. I remember I called him, and he -- he
11 answered the phone. So I was like, "T.J., where are you?"
12 And I said, "T.J., where you at?" And I was like, "I love
13 you," like that. And I kind of hear like a little scuffle
14 and the phone hung up. And I kept calling.

15 Q When you kept calling, what happened to the phone?

16 A Voice mail. I called all that night. And that
17 morning I called, and it went straight to voice mail.

18 Q But after 9:30, it rang and then went to voice
19 mail.

20 A Um-hmm. (Indicating affirmatively.)

21 Q Then eventually it --

22 A It just -- like that morning. I called all
23 through the night. I keep waking up calling.

24 Q Okay. And then the next morning, you learn what
25 had happened?

DIRECT EXAMINATION OF ANGEL SIMMONS BY JONES.

1 A Yes.

2 Q And what do you do then?

3 THE COURT: Speak up, Counsel.

4 Q What did you do when you learned what happened?

5 A I went down there, to the area. I mean, I'm
6 from -- it was like two miles away. So I called -- when I
7 heard about it, I called my cousin and she came, she took me
8 down there.

9 Q Okay. So, just to be clear, you talked to him
10 close to ten?

11 A Yes.

12 Q And got disconnected, and he didn't answer?

13 A No more.

14 Q Okay.

15 MS. JONES: I have no further questions.

16 THE WITNESS: Okay.

17 THE COURT: Cross examination.

18 CROSS EXAMINATION

19 BY MR. LEE:

20 Q Good morning, Ms. Simmons.

21 A Hi.

22 Q I'm sorry about your loss of your fiance.

23 Are you aware of a -- something that occurred
24 the morning after the shooting at Phil Simmons' house?

25 A Yes.

CROSS EXAMINATION OF ANGEL SIMMONS BY LEE

1 Q And is Phil your brother?

2 A Yes.

3 Q Okay. And did you talk -- did you give that
4 information to law enforcement during the course of your
5 statements?

6 A Did I talk to someone about that?

7 Q Yeah.

8 A Yes.

9 Q You provided that information to law enforcement,
10 correct?

11 A Yes.

12 Q Okay. And the information involved a --

13 MS. JONES: Objection, Your Honor.

14 THE COURT: Counsel approach.

15 (Off-the-record discussion held.)

16 THE COURT: Objection sustained.

17 Ask another question, Counsel.

18 MR. LEE: Okay.

19 BY MR. LEE:

20 Q Ms. Simmons, were you present a couple weeks
21 before the shooting at Michael Taylor's house, where there
22 was a dispute between T.J. and Antoine Drake?

23 A It wasn't no -- you said -- can you repeat that
24 question?

25 Q Were you at Michael Taylor -- Mike-Mike's house a

CROSS EXAMINATION OF ANGEL SIMMONS BY LEE

1 couple of weeks before the shooting when there was a
2 confrontation between Antoine Drake --

3 A Yes.

4 Q -- and T.J.?

5 A Yes.

6 Q Okay. You were there?

7 A Yes.

8 Q Saw it with your own eyes?

9 A Yes.

10 Q Okay. And there was -- did you hear any threats
11 that day?

12 A No, but I saw that they had actions among each
13 other. I didn't hear no threats, no.

14 Q Did you hear a threat from Antoine Drake to
15 Terrance Johnson?

16 MS. JONES: Objection, hearsay.

17 MR. LEE: I'm asking what she perceived with her
18 own --

19 MS. JONES: What she heard.

20 THE COURT: Counsel approach.

21 (Off-the-record discussion held.)

22 THE COURT: Proceed.

23 BY MR. LEE:

24 Q Ms. Simmons, you were present at Michael Taylor's
25 house -- Mike-Mike's, a couple weeks before this happened,

CROSS EXAMINATION OF ANGEL SIMMONS BY LEE

1 correct?

2 A Yes.

3 Q Did you observe a fight involving a knife between
4 T.J. and Antoine Drake?

5 A It wasn't a fight.

6 Q It wasn't a fight?

7 A No.

8 Q Was a knife involved?

9 A Yes.

10 Q Was Michael Taylor injured trying to break it up?

11 A Yes.

12 Q Okay. Do you know what the dispute was about?

13 A Yes.

14 Q Was it about girls?

15 A No.

16 Q It wasn't?

17 A No.

18 Q Okay. Were you at Phil Simmons' house the day
19 after the shooting?

20 A No.

21 Q You were not?

22 A No.

23 Q Okay.

24 MR. LEE: That's all I have, Your Honor.

25 THE COURT: Redirect.

REDIRECT EXAMINATION OF ANGEL SIMMONS BY JONES

1 REDIRECT EXAMINATION

2 BY MS. JONES:

3 Q Angel, after that dispute with T.J. and Mr. Drake,
4 how did they act after that?

5 A Everyone walked away and, like, later, I'd say 30
6 minutes later, I mean, everything -- they're back to normal.

7 Q Back to being friends?

8 A (Nods in the affirmative.)

9 Q As if it didn't even happen?

10 A Like it didn't even happen.

11 MR. LEE: We object to leading question.

12 MS. JONES: No more questions, Your Honor.

13 THE COURT: Sustained.

14 MR. LEE: I'll ask it be struck from the record.

15 THE COURT: Sustained.

16 MS. JONES: No more questions, Your Honor.

17 THE COURT: Recross.

18 MR. LEE: No, sir.

19 THE COURT: As to the witness?

20 MS. JONES: She may be excused.

21 THE COURT: Any objection?

22 MR. LEE: No objection.

23 THE COURT: Ms. Singleton -- I mean, Ms. Simmons,
24 you may step down and you're excused from the trial of
25 this case. You may leave the courtroom.

REDIRECT EXAMINATION OF ANGEL SIMMONS BY JONES

1 Call your next witness.

2 MS. JONES: Your Honor, may we approach?

3 THE COURT: No. Call your next witness.

4 MS. JONES: The State calls Richard Johnson.

5 **Thereupon,**

6 RICHARD JOHNSON

7 was called as a witness, having been first duly sworn,

8 was examined and testified as follows:

9 THE COURT: You know what to do.

10 WITNESS: Yes, sir.

11 THE COURT: State your name and spell your last
12 name.

13 THE WITNESS: Richard Johnson, J-O-H-N-S-O-N.

14 THE COURT: Mr. Lee.

15 MR. LEE: Yes, sir.

16 THE COURT: Does this involve a matter that we
17 have discussed?

18 MR. LEE: Um --

19 THE COURT: Counsel approach.

20 (Off-the-record discussion held.)

21 THE COURT: Proceed. Move along, Counsel.

22 MS. JONES: My apologies, Your Honor.

23 DIRECT EXAMINATION

24 BY MS. JONES:

25 Q Good afternoon, Agent Johnson. How are you?

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 A Just fine. You?

2 Q Doing well. Thank you.

3 Where do you work?

4 A South Carolina Law Enforcement Division, also
5 known as SLED.

6 Q Okay. And how long have you been at SLED?

7 A Approximately 12 years. For combined years of
8 service, about 26, 27 years.

9 Q So you were in law enforcement prior to SLED?

10 A Yes, ma'am.

11 Q And what do you do at SLED?

12 A I'm a criminal investigation. I investigate all
13 crimes, other than drugs.

14 Q And you were actually the lead agent on this case?

15 A That is correct.

16 Q And why was SLED asked to investigate this case?

17 A Historically, Jasper County calls SLED for a lot
18 of their homicides to conduct investigation on.

19 Q Okay. And you got a call to come down to Jasper
20 County on November 13th of 2014?

21 A Yes, ma'am.

22 Q And where did you respond?

23 A I responded to the areas of Knowles Island Road.
24 I believe it was 350 Knowles Island Road.

25 Q Okay. And is that here in Jasper County?

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 A Yes, ma'am.

2 Q And when you got there, do you know what time it
3 was you got there?

4 A Not exactly, but approximately 9:30, 10 o'clock,
5 somewhere in that ballpark.

6 Q Okay. Can you describe Knowles Island area?

7 A It's a rural area. A few houses in the area.
8 No -- I guess no urban environment, just rural.

9 Q Okay. If I showed you a map, would that help you
10 describe it?

11 A Yes. Yes, ma'am.

12 Q I have to get it the right way.

13 MS. JONES: Permission to approach, Your Honor?

14 THE COURT: You may.

15 BY MS. JONES:

16 Q Agent Johnson, do you recognize this?

17 A Well, it's kind of glaring.

18 THE COURT: Why don't you hand it to the witness
19 so he can stop the glare.

20 THE WITNESS: Yes. Yes, ma'am.

21 BY MS. JONES:

22 Q Okay. And what is that?

23 A This is an aerial map of Knowles Island Road,
24 where the incident took place.

25 Q And does that fairly and accurately depict Knowles

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 Island?

2 A Yes, it does.

3 MS. JONES: Permission to re-approach, Your Honor?

4 THE COURT: Has it been premarked?

5 MS. JONES: It has.

6 THE COURT: Number?

7 MS. JONES: I need to look at it, Your Honor.

8 State's 11, my apologies.

9 THE COURT: Do you wish to introduce it?

10 MS. JONES: I do, Your Honor.

11 THE COURT: As to State's 11, Mr. Lee.

12 MR. LEE: No objection.

13 THE COURT: Ladies and gentlemen of the jury,

14 State's Exhibit No. 11 will be introduced in the trial

15 of this case without objection.

16 You may now publish to the jury.

17 *(Whereupon, State's Exhibit No(s). 11 marked for*
18 *identification and received in evidence.)*

19 MS. JONES: Thank you, Your Honor. May I ask this
20 witness to step down from the stand?

21 THE COURT: Margaret, you got a portable
22 microphone that works?

23 THE CLERK: Yes, sir.

24 THE COURT: That works?

25 You're going to have your back to my court

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 reporter. Put the exhibit on the easel so you don't
2 have to hold it and hold the microphone, but use the
3 microphone.

4 Counsel, you may come around outside the jury box
5 where you can view what the jury is seeing, if you so
6 desire.

7 MR. LEE: Okay.

8 THE COURT: Hold on a second. Let the attorney
9 for the Defendant move.

10 Richard, tap the mic for me.

11 THE WITNESS: (Complies.)

12 THE COURT: All right. Speak up.

13 BY MS. JONES:

14 Q Mr. Johnson, where was Mr. Terrance Johnson found?

15 A He was -- Mr. Johnson was found -- see, this is
16 just a dirt road that comes off of Knowles Island Road and
17 sort of goes back to a dead end. But this car was in this
18 area as it was facing toward the roadway here.

19 Q Okay. And who lives over here?

20 A That's Ms. Kesselring. Kesselring. She's the
21 individual that called in the incident.

22 Q Okay. Who lives in this trailer right here?

23 A Down here is -- the young lady's name Shadaisha --
24 I think her name is Shadaisha Singleton. She lived here.
25 She's the one that missed the school bus and end up seeing

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 the body.

2 Q And in that second trailer, who lived there?

3 A That's where Tutu, or Latanya Singleton, lived at.

4 Q And how about if we come down the road a little
5 ways, right there. Who lived there?

6 A Rohaime Hopkins lived in this area here, the
7 Defendant.

8 Q Okay. Agent Johnson, you can take a seat.

9 A (Witness complies.)

10 Q About how far away is Tutu's house from where Mr.
11 Johnson was ultimately found?

12 A Roughly, maybe 4-, 500 yards, if that.

13 Q Okay. When you get on scene, what do you do?

14 A Essentially, normally, just kind of visualize,
15 kind of see what we're dealing with, what we're working
16 with. Sort of do a visual scan of the area just to see if
17 there's any evidence or any indication of what might lead us
18 to who is responsible for this act. And if we can get
19 someone to talk with us, then obviously we take that
20 approach. But we pretty much end up waiting for crime scene
21 to respond and do what they need to do, point us in the
22 direction we need to go in.

23 Q Okay. So at this point, you're gathering
24 information?

25 A Yes, ma'am.

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 Q Okay. Are you able to talk to the people there
2 that morning?

3 A No, ma'am. The only person I briefly spoke with
4 was Angel Simmons.

5 Q And why didn't you speak with people that morning?

6 A Well, it was clear that a lot of them was distant,
7 didn't want to get involved. They didn't want to be seen
8 talking to the police. So we sort of met with a good bit of
9 resistance.

10 Q Do you get a list of names? Or how do you know
11 who to talk to at later dates?

12 A Well, as I'm on the scene and different officer
13 may comes up and say, hey, you might need to talk with this
14 person, without any reason of why, you need to talk to this
15 person so -- but still that's a name. Gives us somewhere to
16 go with and just see what they know. And so that sort of
17 just be our guide from that aspect of it.

18 Q Okay. At a later date, do you speak with Daytron
19 Simmons?

20 A Yes, ma'am.

21 Q And you speak with him at -- on March 24th at his
22 home on Simmons Hill?

23 A That's correct.

24 Q 200 Riceshire Road?

25 A Yes, ma'am.

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 Q Did he write a statement?

2 A No, ma'am, but he -- I did a memorandum of
3 interview.

4 Q What's in a memorandum of interview?

5 A What a memorandum of interview is, a lot of times
6 when individuals don't want to provide a written statement,
7 we take the notes that we take down to be written, as
8 they're telling the story as to what took place. And then
9 we pretty much surmise this information into a statement
10 form -- unsigned statement form by them. What SLED refer to
11 as a memorandum of interview. It just documenting
12 essentially everything that was said that that individual
13 provided to us.

14 Q Okay. And on March 24th, 2015, at his home at 200
15 Riceshire Road, what did Daytron Simmons tell you?

16 A Daytron Simmons shared with us that about two
17 weeks prior to the death of Terrance Johnson, he -- Antoine
18 Drake -- and when I say "he," I'm talking about Simmons --
19 he, Antoine Drake, Rohaime Hopkins, the Defendant, and
20 others that he didn't identify were at Michael Taylor's
21 house, which is also referred to as Mike-Mike.

22 When Hopkins stated to them that he was
23 waiting on "them boys," Daytron Simmons said he was
24 referring to Trey Graves to sign the contract. Hopkins was
25 telling them this while he was looking at Terrance Johnson,

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 and Simmons also informed us that Hopkins told them that
2 Trey Graves had, in fact, put the hit on Johnson because
3 Johnson was quote, unquote, "snitching."

4 So he commenced to tell us that the night of
5 the incident, on November 12th of 2014, that they all was at
6 the family gathering for the death of one of the family
7 members of the Simmons, and Hopkins was repeatedly trying to
8 get Terrance Johnson to take him to the Roseland area, which
9 the area of the incident is the Roseland community. But
10 Johnson did not want to take him.

11 In fact, Simmons told Johnson, "If you don't
12 want to take him, don't take him."

13 But nevertheless, Hopkins had cocaine, and
14 since Johnson liked the cocaine himself, he took Hopkins to
15 the Roseland area.

16 Q You mentioned somebody by the name of Trey Graves.

17 A Yes, ma'am.

18 Q Who is Trey Graves?

19 A Trey Graves is a known, I guess, significant drug
20 dealer in the Jasper County area, but he's currently doing
21 20 years in Federal prison at the time.

22 Q Okay. On drug charges?

23 A Yes, ma'am.

24 Q Federal prison?

25 A Yes, ma'am.

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 Q Okay. So you spoke with Mr. Simmons, and then
2 you -- you subsequently interviewed some other people. And
3 you've been in here this whole trial; a lot of these people
4 we've seen, those are who you interviewed?

5 A That is correct.

6 Q Okay. Were you given some phone numbers in this
7 case to get some records on?

8 A Yes, I was.

9 Q Okay. Whose phone numbers would those be?

10 MR. LEE: I'm going to object to hearsay.

11 MS. JONES: Okay. Did you --

12 THE COURT: Just a moment. Sustained. Proceed.

13 MS. JONES: Thank you, Your Honor.

14 BY MS. JONES:

15 Q Did you have an opportunity to speak with the
16 Defendant?

17 A Say again?

18 Q Did you have an opportunity to speak with Rohaime
19 Hopkins during this investigation?

20 A Yes, ma'am.

21 Q Okay. And you spoke to him on December 8th, 2014?

22 A That is correct.

23 Q Okay. When you are speaking with Mr. Hopkins,
24 where is he?

25 A He's in the Chatham County Detention Center in

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 Savannah.

2 Q And -- okay. And you go there to speak with him
3 about this case, correct?

4 A That's correct.

5 Q And you tell him why you're there?

6 A Yes, ma'am.

7 Q And do you speak with him?

8 A Yes, ma'am.

9 Q Prior to speaking with him, do you read him his
10 rights?

11 A Yes, ma'am.

12 MS. JONES: Permission to approach the witness,
13 Your Honor?

14 THE COURT: Yes, ma'am.

15 BY MS. JONES:

16 Q Agent Johnson, I'm going to show you what has been
17 marked as State's Exhibit 12. Can you identify that?

18 A This is the Miranda rights form that SLED provides
19 to everyone that we have to advise them of their rights.

20 Q Okay. And did you provide that form to
21 Mr. Hopkins that day?

22 A Yes, ma'am.

23 Q And is that, in fact, a copy of the form you gave
24 him that day?

25 A Yes, ma'am.

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 Q As indicated, is your signature on that form?

2 A Yes, ma'am.

3 Q As well as Mr. Hopkins?

4 A That is correct.

5 MS. JONES: Your Honor, at this time, State moves
6 State's 12 into evidence.

7 THE COURT: As to State's 12, subject to my
8 earlier ruling.

9 MR. LEE: No objection.

10 THE COURT: Ladies and gentlemen of the jury,
11 State's Exhibit No. 12 will be admitted into evidence
12 in the trial of this case without objection.

13 State's 12 in evidence. You may publish,
14 Solicitor.

15 MS. JONES: Thank you, Your Honor.

16 *(Whereupon, State's Exhibit No(s). 12 marked for*
17 *identification and received in evidence.)*

18 BY MS. JONES:

19 Q What is included on that form, if you can read it,
20 please?

21 A It reads as follows: "Before we ask you
22 questions, you must understand your rights. You have the
23 right to remain silent. Anything you say can be used in
24 court as evidence against you. You're entitled to talk with
25 a lawyer now and have him present now or at any time during

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 questioning. If you cannot afford an attorney, one will be
2 appointed for you without cost. If you decide to answer
3 questions now without a lawyer present, you will still have
4 a right to stop answering at any time. You also have the
5 right to stop answering at any time until you talk to a
6 lawyer. Do you understand these rights? Do you wish to
7 talk to us at this time?"

8 The next statement, which is a waiver of
9 rights, reads: "I have read this statement about my rights,
10 and I understand what my rights are. I am willing to talk
11 now without a lawyer present. I understand and know what
12 I'm doing. No promises or threat have been made to me or no
13 pressure or coercion of any kind has been used against me."

14 Q And does Mr. Hopkins indicate on that form that he
15 understands those rights?

16 A Yes, ma'am.

17 Q When you're speaking with Mr. Hopkins, does he
18 appear to understand what you're saying to him?

19 A Yes, ma'am.

20 Q Did his answers appear rational in his responses?

21 A Yes, ma'am.

22 Q Does he appear to be under the influence of any
23 drug or alcohol?

24 A No, ma'am.

25 Q Does he appear to have any mental or physical

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 defects that would affect his ability to understand?

2 A No, ma'am.

3 Q He understood what he was doing?

4 A That's correct.

5 Q Okay. I believe the second part you read was he
6 waived and decided to speak with you?

7 A That is correct.

8 Q At any point, does he ask for an attorney?

9 A No.

10 Q No?

11 A No.

12 Q Did he speak to you on his own free will?

13 A Yes, ma'am.

14 Q After signing those rights?

15 A Yes, ma'am.

16 Q And on December 8th, what did he say to you?

17 A On December 8th, he -- let me pull my note --
18 statement to be exact.

19 Q Mister -- actually, Agent Johnson, did he give you
20 a written statement that day?

21 A Yes, he did.

22 MS. JONES: Permission to approach the witness?

23 Permission to approach?

24 THE COURT: Counsel, you may approach.

25 BY MS. JONES:

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 Q Agent Johnson, I'm showing you what has been
2 marked as State's Exhibit 13. Do you identify that?

3 A Yes, ma'am. This is voluntary statement form that
4 we provide everyone that we're either interviewing or
5 interrogating to make a statement of their own accord.

6 Q And whose statement is that?

7 A Mr. Rohaime Hopkins.

8 Q Okay. And what's it dated?

9 A It's dated December 8th, 2014.

10 Q All right. And whose handwriting is that?

11 A Mr. Hopkins.

12 Q And do you witness him write this statement?

13 A Yes, ma'am.

14 Q And is that a fair and accurate copy of the
15 statement he wrote?

16 A Yes, it is.

17 MS. JONES: Your Honor, at this time, State moves
18 State's 13 into evidence.

19 THE COURT: As to State's 13?

20 MR. LEE: I would object to the actual written
21 statement being produced as hearsay.

22 THE COURT: On the same grounds that we earlier
23 discussed?

24 MR. LEE: Yes, sir.

25 THE COURT: The objection is overruled. State's

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 Exhibit No. 13 will be admitted into evidence in the
2 trial of this case over objection. State's 13 in
3 evidence. You may publish.

4 MS. JONES: Thank you, Your Honor.

5 *(Whereupon, State's Exhibit No(s). 13 marked for*
6 *identification and received in evidence.)*

7 BY MS. JONES:

8 Q Agent Johnson, can you read what Mr. Hopkins wrote
9 in his statement?

10 A Yes, ma'am. He says, Around 4:00 p.m. on the day
11 of Ms. Simmons' death, we were located in the yard with
12 family members. T.J. arrived. We talked in the yard. T.J.
13 is Terrance Johnson. He took me to get some clothes and
14 took me back to Janeika DuPont house and dropped me off. I
15 did not talk back with him or seen him any more that night.
16 T.J. took me to get clothes from Roseland around 6:00 p.m.,
17 and that took about 20 minutes. Then he dropped me off at
18 Janeika DuPont's house when we was finished, which was
19 around 6:30 to 7:00 p.m., and Janeika dropped me off around
20 11:30 to 11:45 in Baytree apartments. I did not go back to
21 the Simmons Hill anymore that day.

22 Q Okay. Did he -- did you ask him about a phone
23 number?

24 A Yes, ma'am.

25 Q And what did you ask him?

DIRECT EXAMINATION OF RICHARD JOHNSON BY JONES.

1 A I brought up the 470 number that I was provided
2 through Angel that belong to Rohaime. He said that was an
3 old number, he no longer had that number.

4 Q Do you know what that number is?

5 A I know the first three numbers is 470. Again, I
6 can look through my file and get the number.

7 Q If you could get the number for us, please.

8 A Yes, ma'am.

9 MS. JONES: Permission to approach the witness,
10 Your Honor?

11 THE COURT: You may.

12 BY MS. JONES:

13 Q Agent Johnson, if I hand you some phone records
14 you got from Verizon, will that help you with the phone
15 number?

16 A That would definitely help.

17 Q Okay. What is the phone number you received?

18 A (470) 725-9329.

19 Q Thank you. And in December, December 8th, when
20 you spoke to Rohaime, he told you that was his number?

21 A Yes.

22 MS. JONES: I have no further questions for this
23 witness, Your Honor.

24 THE COURT: Cross examination.

25 CROSS EXAMINATION

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 BY MR. LEE:

2 Q Special Agent Johnson, you were the lead
3 investigator on this case?

4 A That's correct.

5 Q And what that means is everything kind of goes
6 into and through you, and you organize the entire
7 investigation, right?

8 A I won't say "goes through" me, because I trust
9 greatly the folks that works with me. So my instruction has
10 always been, if you think we need to do it or get it, go at
11 it.

12 Q But you're the lead investigator.

13 A Yes, sir.

14 Q And would you agree that as a lead investigator
15 and as a SLED agent, that you have access to a vast variety
16 of resources in your job?

17 A Yes.

18 Q Okay. And you have access to local law
19 enforcement?

20 A Yes.

21 Q Correct?

22 A Correct.

23 Q Jasper County Sheriff's Office, Solicitor's
24 investigators, correct?

25 A Correct.

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 Q Work with them all the time? Other SLED agents?

2 A Correct.

3 Q And then SLED has its own forensic department and
4 scientists, as well, correct?

5 A Correct.

6 Q Just to list a few, fingerprints, DNA, ballistics,
7 et cetera.

8 A Yes.

9 Q You also, as a law enforcement agent, have some
10 special power to -- you're able to subpoena certain records
11 if you want to that the general public would not have access
12 to, right?

13 A Yes. I write a subpoena.

14 Q And you also have the power to have a search
15 warrant to get certain things that other people, non law
16 enforcement, would not have the ability to do, correct?

17 A Yes.

18 Q Now, would you agree with me that the job of an
19 investigator is to conduct a fair examination of all the
20 facts and the leads in a case?

21 A Yes, sir.

22 Q And what I mean "fair," fair to someone who's
23 charged, but also fair to people who may have nothing to do
24 with it?

25 A Yes, sir.

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 Q And isn't it true, Agent Johnson, it's just as
2 important to compile evidence against a suspect as it is to
3 work on evidence that may clear someone?

4 A Yes, sir.

5 Q And it's just as important to follow up on
6 inculpatory evidence, which means showing something
7 happened, as exculpatory evidence, showing something didn't
8 happen. Those are equally important, right?

9 A Yes, sir.

10 Q Now, talking about important evidence, a murder
11 weapon in this case was never found, was it?

12 A No, sir.

13 Q So there's no gun that you can give to the jury to
14 say, hey, here's the gun, and here's the casing we found at
15 the scene, and this gun fired these bullets.

16 A No, sir.

17 Q We don't know where the murder weapon is, right?

18 A No, sir, we don't.

19 Q Now, would you agree that in murder cases
20 particularly, that a gun, the murder weapon, is a key piece
21 of evidence?

22 A It should be. But in all my experience, I've only
23 had one case where I had a murder weapon.

24 Q But it would be nice to have it?

25 A Oh, yes.

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 Q Definitely. No question.

2 And if you had it, it would make your job a
3 lot easier?

4 A Hopefully.

5 Q So despite the fact whether you find it a lot or
6 not, you always are looking for the murder weapon?

7 A Say again?

8 Q You're always going to be looking for a murder
9 weapon.

10 A Yes.

11 Q You also, as part of the investigation, you did a
12 search warrant for certain phone records, correct?

13 A That's correct.

14 Q Okay. And you got DNA off of the car, I
15 understand?

16 A I'll need to look back at the DNA report to see
17 what came off the car. I didn't collect any of it.

18 Q Okay. But as lead investigator, DNA was collected
19 and was submitted to SLED?

20 A I'm certain it was.

21 Q Okay. And fingerprints were also collected and
22 sent to SLED forensic, correct?

23 A That's correct.

24 Q And all of those -- and then the people that do
25 those tests, they're going to send it back to you, are they

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 not, as lead investigator?

2 A We -- yes. I would eventually get a report what
3 their findings are.

4 Q And have you gotten those reports?

5 A Yes.

6 Q All right. Now, looking into -- let's talk about
7 witnesses a little bit.

8 Would you agree, in general, that if you have
9 a witness, or someone you're talking to, isn't it an
10 important investigator tool to look to see whether that
11 witness might have any motivation to say what they're
12 saying?

13 A Yes, sir, I would say that would be good to do.

14 Q Or bias or prejudice, or whatever word you want to
15 use.

16 A Yes, sir.

17 Q Because sometimes there's reasons that somebody
18 may say something and you need to look into that as an
19 investigator to see how credible or believable the statement
20 might be, right?

21 A That's correct.

22 Q See if they have an axe to grind?

23 A Yes, sir.

24 Q And so that would be part of a good investigation
25 to look into the background of certain witnesses to see if

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 they do have an axe to grind or any motivation to say what
2 they're saying.

3 A Yes, sir.

4 Q And would you also agree that good investigations
5 are a fluid process and kind of keep going, going, going --

6 A Yes, sir.

7 Q Because sometimes evidence comes up later on that
8 may be helpful that may help you in the case, correct?

9 A That is correct.

10 Q All right. Let me ask you about a few pieces of
11 information that you received as the lead investigator, and
12 then ask you what you did in response to them. Okay?

13 All right. I want to start with Latanya
14 Singleton, Tutu.

15 A Yes.

16 Q All right. She's never been charged with
17 anything, has she?

18 A No, sir.

19 Q Okay. And she has a baby with Antoine Drake, and
20 one on the way, correct?

21 A Yes, sir.

22 Q Okay. And your investigation determined, did it
23 not, that she was at the crime scene the next morning; is
24 that right?

25 A No, it didn't determine. But we did conclude that

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 she was in that area, but not at the scene.

2 Q She was in the area?

3 A Yes, sir.

4 Q And isn't it -- and don't you have some
5 information suggesting that she was around the area asking
6 law enforcement could fingerprints be --

7 MS. JONES: Objection.

8 MR. LEE: -- lifted off of --

9 THE COURT: Just a moment. Counsel approach.

10 (Off-the-record discussion held.)

11 THE COURT: Overruled. Re-ask the question.

12 BY MR. LEE:

13 Q Do you have any information for your investigation
14 that Tutu was around the scene asking whether fingerprints
15 could be lifted off a soda bottle?

16 A Yes. We heard some bits and pieces of that.

17 Q And, in fact, a soda bottle was found in the car;
18 was it not?

19 A I believe it was, yes, sir.

20 Q And speaking of Tutu, you got a search warrant for
21 her phone records; did you not?

22 A Yes, sir. I think her number was one of these
23 numbers as well.

24 Q Okay. And getting a search warrant, as in any
25 case, you have to -- as the officer trying to get the search

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 warrant for that, you have to submit an affidavit; do you
2 not?

3 A That is correct.

4 Q Okay. And that is -- an affidavit is a sworn
5 statement to the judge, saying judge, this is -- this is the
6 probable cause I have that why I need this stuff.

7 A Yes, that's correct.

8 Q All right. And you got a search warrant from
9 Verizon for the phone records for Tutu's phone number; did
10 you not?

11 A Yes, sir.

12 Q Okay. And as part of that application, you had to
13 submit an affidavit, correct?

14 A That is correct.

15 Q Okay. And it looks like you obtained -- you
16 signed this, and it was notarized on November 20th of 2014,
17 the affidavit; does that sound correct? I can hand the
18 affidavit to you if it'll refresh your recollection.

19 THE COURT: You may approach, Counsel.

20 MR. LEE: May I approach, Your Honor?

21 THE COURT: Now, you may. Show it to her.

22 BY MR. LEE:

23 Q I'm handing you a document. It's not been
24 premarked for identification.

25 A Yes, this is the date.

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 Q That's the affidavit?

2 A Part of it, yes, sir.

3 Q Part of it. That you submitted for Tutu's phone
4 records, correct?

5 A Yes.

6 Q Okay. And the affidavit that you submitted was
7 true?

8 A Yes, sir.

9 Q And the affidavit contained some information about
10 Tutu and her knowledge of what happened; agreed?

11 A Yes, sir.

12 Q Okay. And can you -- will you agree that the
13 affidavit that you signed said, "since the homicide, Tutu
14 has provided information to others that only a participant
15 would know or witness"?

16 A That's correct.

17 Q Okay. So that's in your affidavit?

18 A Yes, sir.

19 Q Okay. So on November 20th, Tutu had provided
20 information that only -- to others that only a participant
21 would know or witness?

22 A That is correct.

23 Q Okay. A participant in the crime, is what you're
24 talking about?

25 A Absolutely.

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 Q Okay. And, again, Tutu is Antoine Drake's
2 girlfriend at the time, and they have a child together,
3 right?

4 A At the time, they were not dating.

5 Q Well, they had a very young child, probably less
6 than a year old, right?

7 A That is correct.

8 Q Okay. And isn't it true that, based on your
9 investigation, that you also found out that Tutu had -- your
10 words -- "abruptly left town" after the shooting?

11 A Say again?

12 Q Didn't you also find out that Tutu had abruptly
13 left town after the shooting?

14 A We got information that she did left town right
15 after the shooting, but we later determined why she left.

16 Q She went to Philadelphia?

17 A Yes, that's correct.

18 Q All right. And you weren't able to talk with her
19 until February 1st of 2015; is that right?

20 A In person.

21 Q In person. Nearly three months after the
22 shooting?

23 A Yes.

24 Q There was a suggestion that Antoine Drake may have
25 left town for Philadelphia, too. Were you able to verify or

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 look into that?

2 A I can't recall any suggestion that Antoine left
3 town and went to Philadelphia.

4 Q But you weren't able to talk to him until
5 December the 12th, 2014, right?

6 A That may be the date.

7 Q He has not --

8 A That may be the date.

9 Q And when you met him that first time, you actually
10 drove by and picked him up, right?

11 A That's correct.

12 Q And then he showed you some back road on Driggers
13 Road to go to so nobody could see him with you.

14 A That's correct.

15 Q And you learned a lot about Mr. Drake, aka
16 Hollywood, in that interview; did you not?

17 A I would say so.

18 Q And when you were talking to him, you knew that he
19 had a bench warrant for his arrest outstanding; did you not?

20 A Yes, I did.

21 Q And you never -- after you talked to him, you let
22 him go, right?

23 A That's correct.

24 Q And he even told you that he was on the run,
25 right? He used those words, he was on the run, he kind of

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 laughed about it; did he not?

2 A He may have, yes.

3 Q Because he was on the run?

4 A Yes.

5 Q He also told you, and I guess joking or proud of
6 it, he was a scam artist?

7 A Yes.

8 Q And he laughed about it?

9 A Yes.

10 Q Okay. And he told you that he doesn't work, he
11 doesn't have a car, he's on the run, he's a scam artist?

12 A That's correct.

13 Q And then he told you about some -- an incident
14 where he had tried to scam or scam Trey Graves?

15 A That is correct.

16 Q Okay. And you also learned, did you not, that he
17 was trying to distance himself from Tutu; would you agree
18 with that?

19 A I don't know.

20 Q Sorry. Let me rephrase that.

21 He was trying to minimize his contact with
22 Tutu?

23 A I need some specifics to bring that back to me.

24 Q Okay. You asked him about Tutu in the interview,
25 right?

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 A I'm certain I did.

2 Q Okay. And then you asked him, "What's Tutu's real
3 name?" Do you remember that?

4 A No, but it sounds like a question I would have
5 asked.

6 Q Okay. What's her real name?

7 A Yeah.

8 Q And you don't remember his response was, he
9 couldn't remember at first. Then he said it was Sonja, then
10 LaSonja, and then Latanya, and he couldn't remember the last
11 name.

12 A Yeah.

13 Q Does that ring a bell?

14 A That's correct.

15 Q Okay. And this is a girl he has a young child
16 with?

17 A Yes.

18 Q And he couldn't remember her name, or acted like
19 he couldn't remember her name for a while?

20 A Yes, but it's not uncommon.

21 Q It's not uncommon for him or for --

22 A In general. It's not uncommon to encounter young
23 mens who are involved with girls who claim they cannot
24 remember the full name, who they are. They're just going
25 through them. So it's not uncommon to encounter things like

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 that. I mean, I've got family members who can't remember
2 cousin's full name. They're so accustomed to calling them
3 by nickname. All they know is, Day-Day, Tutu, just don't
4 remember the full name. At least, that's what they are
5 providing to us.

6 Q So you don't know whether he can remember or not?

7 A I'm only reporting what he was telling me.

8 Q Yet in the meantime, apparently he's now living
9 with Tutu and has another child on the way?

10 A Absolutely.

11 Q Okay. After your first interview with Antoine
12 Drake, did you continue in looking into -- investigating
13 him? Investigating his story?

14 A Yes. Well, him and Rohaime Hopkins.

15 Q Right.

16 A Antoine had verified if Trey Graves had any
17 connection to this as well.

18 Q All right. And so you talked to him on December
19 9th, 2014, about a month after the shooting. Did you tell
20 him at the end, hey, man, you ought to turn yourself in?

21 A I'm certain I did.

22 Q There's no requirement for a law enforcement
23 person to serve a known warrant on someone?

24 A If we know we should, we serve it. However, in
25 this situation, I'm working a murder. All I have is my

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 word. That's the only way I can get Antoine Drake to meet
2 me for sure and that, listen, I will not arrest you, but you
3 will need to turn yourself in. But I need you to meet with
4 me so we can kind of figure out what took place with Mr.
5 Terrance Johnson being murdered.

6 So, no, I did not arrest him at the time, but
7 he assured me that he was going to turn himself in.

8 Q And he didn't?

9 A I don't know if he did or did not.

10 Q Well, he got arrested on the 27th of December, 18
11 days later, so he did not turn himself in.

12 A Not by SLED. So if he got arrested, he got
13 arrested. SLED didn't arrest him.

14 Q So the way that you got him to talk and meet with
15 you is to tell him, hey, I know you got a warrant, but I
16 won't arrest you if you talk to me.

17 A Yes.

18 Q Okay. And he relied on that and trusted you and
19 talked to you?

20 A Yes, that's correct.

21 Q So you were scratching his back, and he was
22 scratching your back.

23 A I wouldn't call it that. It's just interviewing
24 techniques. Oftentimes people in the streets, they're not
25 going to talk to law enforcement. We have to use what's

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 available to us to get them to at least provide some
2 information to us. If not, no crime will ever go solved.

3 Q Before you made that deal with him not to arrest
4 him, did you know he was a scam artist or did you just find
5 that --

6 A No.

7 Q You didn't know that?

8 A No.

9 Q And in that one interview, though --

10 A During the interview, he told me when he was
11 telling me about the encounter he had with Trey Graves.

12 Q And then, as part of your continuing investigation
13 with him and everybody else, did you find out that he was
14 arrested December 27th, 2014 with a gun?

15 A I don't know.

16 Q Six weeks after the shooting, did you know that
17 Ridgeland PD arrested him with a gun?

18 A I may or may not. I don't think that wouldn't
19 have any bearing on my report, my investigation.

20 Q Well, did you follow up with that, with that bit
21 of information?

22 A Because he was arrested for a bench warrant?

23 Q No, because he was arrested with a gun and a bench
24 warrant.

25 A I didn't know about a gun. I know he had an

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 outstanding bench warrant on him.

2 Q Right.

3 A Yes.

4 Q Yeah, that's the thing that you didn't arrest him
5 on. Okay. All right.

6 When you said that you worked closely with
7 these local police agencies, I mean, did you work with
8 Ridgeland police department? Do you have any contacts over
9 there, if somebody who's a suspect is arrested with a gun on
10 a murder, does anybody call you, you look into it?

11 A Not on this case, they didn't. At least, I don't
12 recall receiving a call from them.

13 Q When's the first time that you learned that he was
14 arrested with a gun on December the 27th; was it today?

15 A Man, I don't know. This is 2017. I can't answer
16 that, I just don't know.

17 Q Did you know before yesterday he was arrested with
18 a gun December 27th, 2014?

19 A The date that he was arrested, I don't know. I
20 know he was arrested eventually. I can't tell you the date.

21 Q What, if anything, did you do to look into that
22 case to see what type of weapon it was?

23 A Nothing.

24 Q Nothing?

25 A No.

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 Q Okay. Even though it could have been the murder
2 weapon?

3 A All the information that we had was starting to
4 point towards Rohaime Hopkins.

5 Q Right. The information that you primarily got
6 from Antoine Drake at that point?

7 A No, sir. No, sir.

8 Q December 9th?

9 A No, sir.

10 Q He clearly points to Hopkins, doesn't he?

11 A He may have, but he's not the only information
12 that we relied on.

13 Q But Drake was pointing to Hopkins the entire time?

14 A And others.

15 Q Now, your first interview with Drake on
16 December 9th, 2014, you got his phone number; did you not?

17 A Yes, I think I did.

18 Q December 9th, you got his phone number?

19 A Yes. It should be on the memorandum of interview
20 statement form.

21 Q Okay. So it appeared you had his number, December
22 9th, 2014, right?

23 A Let's see.

24 Q Attachment 17.

25 A Attachment 17?

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 Q Yes, sir. That's where his statement is.

2 A Yes.

3 Q Okay. So (843) 505-7213?

4 A 505-7213, that's correct.

5 Q That's on his statement he gave?

6 A Yes, sir.

7 Q Okay. So on December the 9th, 2014, you got his
8 phone number?

9 A That's correct.

10 Q Okay. Now, you subpoenaed a lot of -- or got
11 search warrants for a lot of phone numbers in this case; did
12 you not?

13 A That's correct.

14 Q Okay. Rohaime, Tutu, and I think some other ones
15 that I wasn't even sure who they were. But you -- five,
16 six, seven other phone numbers you got records for; is that
17 right?

18 A That's correct.

19 Q But you never subpoenaed or got a search warrant
20 for the phone records for Antoine Drake, correct?

21 A That's correct.

22 Q And you never checked his texts, did you, through
23 the phone records?

24 A No, sir.

25 Q Okay. And you never ran his number off the cell

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 towers to get some kind of idea about where somebody may
2 have been, or at least where their phone calls were pinging
3 off of. You never did that either, did you?

4 A No, sir.

5 Q As to Antoine Drake?

6 A No, sir. I didn't have a need to.

7 Q Okay. All right. Now, DNA was found at the crime
8 scene, correct?

9 A Yes, sir.

10 Q Okay. And it was collected?

11 A Yes.

12 Q And it's primarily from the car, correct?

13 A Correct.

14 Q Okay. And it was analyzed by SLED?

15 A Yes.

16 Q Okay. And several of the items that were
17 submitted said they had "unknown contributors," correct?

18 A That's correct.

19 Q Okay. So that -- what you do is you send certain
20 known samples up there, DNA, and then they compare them to
21 the samples they find in the field, right?

22 A Yes, sir.

23 Q Okay. And that's the way they have to compare, is
24 your sending known samples so they can do a comparison,
25 right?

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 A Yes.

2 Q And you received a couple of reports from the SLED
3 DNA report with the results; did you not?

4 A Yes, sir.

5 Q Okay. And let me back up real quick.

6 Prior to the first report you received on
7 April 10th, 2017, isn't it true that Rohaime Hopkins,
8 through my office, agreed to submit a DNA sample to SLED for
9 comparison?

10 A Give me the dates again?

11 Q Well, I think it's March 13th. We sent a letter
12 saying "We consent to --

13 MS. JONES: Your Honor, objection.

14 THE COURT: Just a moment. Yes, ma'am. Is there
15 an objection?

16 MS. JONES: There is.

17 (Off-the-record discussion held.)

18 THE COURT: Proceed. Objection overruled.

19 BY MR. LEE:

20 Q Mr. Hopkins cooperated in the providing of a
21 sample of DNA, correct?

22 A I don't know.

23 Q You don't know?

24 A I didn't get a copy of it.

25 Q Did you receive a DNA analysis report from the

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 SLED lab April 10th, 2017?

2 MS. JONES: Your Honor, objection.

3 THE COURT: Same objection?

4 MS. JONES: This would be hearsay, Your Honor.

5 THE COURT: Counsel approach.

6 (Off-the-record discussion held.)

7 THE COURT: Objection sustained.

8 BY MR. LEE:

9 Q Did you ever submit a known DNA sample of Antoine
10 Drake to SLED?

11 A No, sir.

12 Q Were you ever asked to do that?

13 A No, sir.

14 Q Were you not asked, April 10th, 2017 DNA report,
15 note -- this is to you -- "please submit a known DNA
16 standard from Antoine Drake for comparison purposes."

17 A What's the date on that?

18 Q April 10th?

19 A Of what year?

20 Q Would you like me to approach and hand you the
21 document?

22 A What year?

23 Q 2017.

24 A Now, the way --

25 THE COURT: Hold on one second. Do you want to

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 approach the witness? Show it to counsel before you
2 do.

3 Hold on a second and let him give you the
4 document.

5 MR. LEE: May I approach the witness?

6 THE COURT: You may.

7 MR. LEE: Special Agent Johnson --

8 THE COURT: Just a moment. Give him an
9 opportunity to review it.

10 MR. LEE: Okay.

11 THE WITNESS: Okay.

12 THE COURT: Proceed. Cross examination.

13 BY MR. LEE:

14 Q Did you get a chance to review it?

15 A Just now, sir.

16 Q Can I direct you to the very end, where it says,
17 "Please submit a known DNA standard for Antoine Drake for
18 comparison purposes."

19 A Yes, sir, correct.

20 Q Was that done?

21 A No, sir.

22 Q So that's the DNA lab asking for Antoine Drake's
23 DNA for comparison purposes?

24 A Yes, correct.

25 Q Okay. On May 12th, 2017, did you also get the

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 same request from SLED DNA asking for a known DNA standard
2 for Antoine Drake for comparison purposes?

3 A Let me see that report, please.

4 THE COURT: Show it to counsel.

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

6 THE COURT: You may.

7 THE WITNESS: This is my first time seeing both of
8 these DNA reports.

9 BY MR. LEE:

10 Q First time you've seen both of them?

11 A Yes, sir.

12 Q Are they both addressed to you?

13 A Yes. When SLED DNA completes a report, whether
14 it's DNA, whether it's latent print, it's submitted on a
15 computer system called ILAB. A lot of time, we get text
16 message saying, "check it."

17 Operating out of 12 counties, we don't always
18 go immediately and check different lab reports to see what's
19 actually out there and what's on it. And so I just saw this
20 one, both of these.

21 And the other side of it is, all the
22 information that we had, we were able to confirm that
23 Antoine Drake was no way at Roseland at the time of this
24 murder. We didn't have any need -- any reason to even go
25 back in that direction, as we talked to most witness who

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 confirmed where he was at when the time of this murder took
2 place. So we didn't saw any need to move any further that
3 direction, as well.

4 Q The scam artist's fingerprints were in the car;
5 were they not?

6 A He confirmed that he was sitting in the car doing
7 a line of coke.

8 Q And that was enough for you?

9 A Well, he confirmed that he was in the car.

10 Q Okay.

11 A And that was enough, because we talked with
12 multiple other witnesses that confirmed his whereabouts at
13 the time of the murder.

14 Q Wasn't there a fingerprint analysis done as well
15 from the Toyota Camry?

16 A Yes.

17 MS. JONES: Your Honor, object. The same as the
18 DNA objection.

19 THE COURT: Sustained as to the earlier objection
20 concerning DNA, Counsel. Do you understand my ruling?

21 MR. LEE: Yes, sir.

22 THE COURT: Proceed accordingly.

23 BY MR. LEE:

24 Q Were you asked by the latent prints department on
25 February 10th, 2015 to submit clear and complete known

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 finger and palm prints for further examination?

2 A On who?

3 Q There is -- sorry, December 1st, 2014. There is
4 an inconclusive print because of the quality --

5 THE COURT: Now, hold on, Counsel. You're not
6 going to testify in this case, and you're publishing
7 from a document not in evidence.

8 That objection is sustained. Move along.

9 BY MR. LEE:

10 Q Antoine Drake.

11 A I'm telling you, give me your question again,
12 please.

13 Q Did you submit any further prints of Antoine Drake
14 to SLED fingerprints at any time?

15 A No, sir. He confirmed that he was at the scene,
16 those were his prints on there. We generally get prints to
17 identify who was there. And he confirmed he was at the car,
18 in the yard, doing a line of coke, and that he placed his
19 hand on the apex of the car as he was talking to them.

20 Q Okay. Let's go back to the murder weapon
21 question.

22 A Okay.

23 Q Did your investigator determine that there were .9
24 millimeter casings at the scene where Mr. Johnson's body was
25 found?

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 A Yes. I think it was .9 millimeter Luger caliber.

2 Q Okay. You never found the gun, the murder weapon?

3 A No, sir.

4 Q Okay. You went to Antoine Drake and Tutu's house
5 house in Port Royal two weeks ago?

6 A That's correct.

7 Q Okay. The same residence where the domestic
8 violence occurred for which he is in jail right now?

9 A That's correct.

10 Q Did you know about that charge?

11 A I know about a domestic violence charge, but not
12 any weapon being involved.

13 Q Did you talk to the officers who made the arrest
14 in Port Royal?

15 A No. It didn't have any -- it had no bearing on
16 this murder investigation. Domestic violence a couple of
17 years afterwards.

18 Q Okay. A .9 millimeter weapon was found there.
19 That doesn't have a bearing on this case?

20 A I had no knowledge of a .9 millimeter weapon being
21 found there. I wouldn't have known to question it if I
22 didn't know that a .9 millimeter was involved.

23 Q Well, who was supposed to tell you that it was?

24 A I don't know.

25 Q I found out. Did you look at the report --

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 A No, sir.

2 Q -- that references the High Point .9 millimeter?

3 A No, sir.

4 Q Do you know anybody in Port Royal, any cops down
5 there?

6 A I don't.

7 Q You don't?

8 A No, sir.

9 Q You never worked with them before?

10 A I may have worked an officer involved shooting
11 many years ago down there, but that's been a lot of years
12 ago.

13 Q Sir, do you remember the name "John Griffith"?

14 A I don't, no, sir.

15 Q Would you like to test that .9 millimeter?

16 A It's always great to test it now, but you never
17 know.

18 Q Yeah, you never know.

19 And isn't it true that your investigation
20 also revealed that the morning after the shooting at Phil
21 Simmons' house, a gun was being passed around?

22 A That's correct.

23 Q Antoine Drake talked about that.

24 A Yes, sir.

25 Q And he said he wiped his prints off of it?

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 A That's correct.

2 Q Okay. And do you have information that was a
3 short style .9 millimeter with two magazines?

4 A I believe so.

5 Q From Phil Simmons?

6 A Yes.

7 Q Who doesn't have a dog in the fight?

8 A Absolutely.

9 Q Okay. But Drake, he said it was a black gun, he
10 didn't even know what caliber, right?

11 A I think that's what he said on the stand.

12 Q Even though he looked at it to such an extent that
13 he then had to wipe his fingerprints off it?

14 A Correct.

15 Q Would you agree that, based on your experience,
16 that it's safe to say that most murders, as a rule, are not
17 random?

18 A I'm sorry. Say again?

19 Q Would you agree that most murders are not random?
20 Meaning there's connection between the victim and the
21 shooter, or the killer?

22 A Depends on the motive, I guess.

23 Q That's what I was going to ask you next.

24 But isn't it true that a large number of
25 murders are committed by people, with people they know?

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 A Yes. From my experience, that has been the case.

2 Q And so there's some type of connection between the
3 people?

4 A Yes.

5 Q And one of the things that may help you in looking
6 at murder cases is motive, which I think you've already
7 talked about, right?

8 A Correct.

9 Q And in looking at motive, you can look at such
10 things like prior difficulties between the two?

11 A That would be a good way -- a good starting point.

12 Q Whether there is any jealousy between the two?

13 A Yes, sir.

14 Q Anger between the two? Revenge?

15 A Yes, sir.

16 Q Does that all make sense?

17 A Yeah.

18 Q Did you look into those things in this case?

19 Possible motive that someone would have against Terrance
20 Johnson?

21 A Yes, I did.

22 Q Okay. Let me talk about Antoine Drake. Isn't it
23 true that there was some type of altercation, dispute,
24 whatever these people want to call it, involving a knife a
25 couple weeks prior to this?

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 A Yes, sir.

2 Q And actually, Michael Taylor was actually injured
3 with the handle of the knife; is that correct? Does that
4 ring a bell to you?

5 A Well, according to Mike, he wasn't injured.

6 Q According to Mike-Mike, he was not injured?

7 A Yes.

8 Q But somebody else said he was injured?

9 A Yes, sir.

10 Q But there is no dispute about a knife -- everybody
11 says there's a knife involved, right?

12 A Yes. Terrance Johnson threw the knife, threw it
13 down, told Antoine to pick it up. Investigation indicated
14 Antoine picked it up but did not advance towards the victim.
15 He just had the knife in his hand. Mike-Mike tried to take
16 the knife from him. Antoine jerked away the knife, the butt
17 of the knife hit him somewhere up in his face, but did not
18 injure him.

19 Q It's also important to look into the relationship
20 between a witness and a defendant, right?

21 A That's always helpful.

22 Q So did you look at the relationship between
23 Antoine Drake and Rohaime Hopkins?

24 A Not -- I guess not specifically, but during the
25 course of the investigation, there was an inquiry.

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 Particularly different from Antoine and some of the others
2 in the area that knew the two, what was the relationship
3 between the two of them.

4 Q And you, on December 9th, specifically asked
5 Antoine Drake, "you and Rohaime don't get along, right?"

6 A I probably did.

7 Q You asked that question?

8 A Yeah.

9 Q Did you hear the tape earlier that I played?

10 A Yes.

11 Q That's you talking to Antoine, right?

12 A Um-hmm, yes, sir.

13 Q That's your voice and his voice?

14 A Yes, sir.

15 Q So you can authenticate that?

16 A Yes, sir.

17 Q And you asked him, "You and Rohaime don't get
18 along, right?"

19 A Yes, sir.

20 Q And his response was, "No, we're friends. I've
21 known him since we were kids." His response was, excuse the
22 language, "I can't stand that motherfucker."

23 A Yes, I heard that.

24 Q And then he said, "I will kill Rohaime myself,"
25 right?

CROSS EXAMINATION OF RICHARD JOHNSON BY LEE

1 A Yes.

2 Q And then after he said that, you said something
3 like "hmm." Did you hear yourself on the tape say that?

4 A No, but that's a good response, I might have --

5 Q Yeah. And so then he said again, "I will kill
6 Rohaime myself," right?

7 A Yes, sir.

8 Q And then later on he says, "I just want Rohaime
9 gone."

10 A Yes.

11 THE COURT: Anything further?

12 MR. LEE: Yes, sir.

13 BY MR. LEE:

14 Q You want the right guy to get charged and go to
15 trial; do you not?

16 A Gotcha.

17 Q Okay. And the family wants, obviously, the right
18 person?

19 A Yes.

20 MR. LEE: That's all I have, Your Honor.

21 THE COURT: Redirect.

22 MS. JONES: Thank you, Your Honor.

23 REDIRECT EXAMINATION

24 BY MS. JONES:

25 Q A couple of follow-up questions, Agent Johnson.

REDIRECT EXAMINATION OF RICHARD JOHNSON BY JONES

1 Mr. Lee asked you about the search warrant
2 for Tutu's cell phone?

3 A Yes, ma'am.

4 Q Why did you get a search warrant for her cell
5 phone?

6 A Because of the information that, I guess, we were
7 gathering bits and pieces of that she may have been asking
8 questions of different individuals, putting stuff out. Yes,
9 it led one to believe that how does she know this, why is
10 she able to provide this information?

11 So we wanted to see the connection between
12 her and Mr. Hopkins. So as a result of that, we ended up
13 getting a search warrant for her phone records.

14 Q Okay. And during that, you got that search
15 warrant?

16 A Yes.

17 Q And in it, in the affidavit, it talks about the
18 information a participant would know?

19 A Yes.

20 Q Was there communication between Ms. Singleton and
21 Rohaime Hopkins?

22 A Practically all night.

23 Q And you learned that after you got a search
24 warrant on her phone?

25 A Yes.

REDIRECT EXAMINATION OF RICHARD JOHNSON BY JONES

1 Q Okay. I want to go now to -- to Antoine Drake.

2 A Okay.

3 Q We heard -- we heard the video. How long was that
4 interview with him?

5 A I don't know. He and I sat at first, and we sat
6 out there for a good minute.

7 Q And why do you go down this remote dirt road?

8 A He was adamant that he did not want to be seen
9 talking to law enforcement, which is not uncommon especially
10 in Jasper County. I interview a lot of folks down in the
11 woods. That's the only way I can get information on a
12 lot of what is happening here in Jasper County.

13 So he told me where to meet him at, somewhere
14 off the Riceshire Road, and I picked him up and he point me
15 in another direction where we need to go at.

16 Q And you tell him that you're not going to arrest
17 him on his outstanding warrant?

18 A That's correct.

19 Q Why do you tell him this?

20 A Again, my word is all I got. And I'm working a
21 homicide. Didn't have a full story what the bench warrant
22 was about. When I called -- I don't recall how I got his
23 number, and I just told him, look, I need to talk with you.
24 This is what I need to talk with you about. He refused to
25 talk. I said, look, I know you got an outstanding bench

REDIRECT EXAMINATION OF RICHARD JOHNSON BY JONES

1 warrant on you, but you go turn yourself in, I won't pick
2 you up on this one, but I need to talk with you. He assured
3 me that he was going to turn himself in. I told him I will
4 not arrest him on this outstanding bench warrant, but I just
5 need to talk with him.

6 Q But you were more worried about solving a murder
7 than his cocaine possession.

8 MR. LEE: Leading. I object, leading.

9 THE WITNESS: Yes.

10 THE COURT: Just a moment. Just a moment. Yes,
11 sir.

12 MR. LEE: I object to the leading.

13 THE COURT: Sustained. Redirect, Counsel.

14 BY MS. JONES:

15 Q You speak with Antoine for however long that
16 interview is, and afterward, what do you do regarding the
17 information he gives to you?

18 THE COURT: Counsel, come up to the roster right
19 up here. Both of you from now on use this roster.
20 Neither one of you are allowed to go back to that back
21 roster. Proceed.

22 BY MS. JONES:

23 Q After you speak with Mr. Drake, what do you do
24 with the information he gives you?

25 A I continue to do follow-ups, conduct an interview,

REDIRECT EXAMINATION OF RICHARD JOHNSON BY JONES

1 gather as much information I could to verify the information
2 that he provided to confirm or disconfirm.

3 Q And did you verify the information he gave you?

4 A Eventually, for the most part, yes, ma'am.

5 Q And who did you speak with to verify this
6 information?

7 A I spoke with several --

8 MR. LEE: Your Honor, I'm going to object to her
9 trying to bolster Drake's testimony, saying it was
10 somehow --

11 THE COURT: You went into this on cross, it's
12 redirect. And I think it's proper. Overruled.

13 Proceed. But ask direct questions. Proceed.

14 THE WITNESS: Okay. Repeat your question again,
15 please.

16 BY MS. JONES:

17 Q After you spoke with Mr. Drake, who did you speak
18 with to confirm his alibi?

19 A I don't recall the exact order, but I spoke to
20 several people. I think William DuPont was one of them.
21 Shaquandulynn Chaneyfield. Javare -- I think I'm
22 pronouncing it correctly, Javare Shuler was another.

23 Q Who else besides Rohaime Hopkins was a suspect in
24 this case?

25 A Nobody but Rohaime.

REDIRECT EXAMINATION OF RICHARD JOHNSON BY JONES

1 Q Nobody else. Not Antoine Drake?

2 A No, Antoine was not a suspect.

3 Q I want to get back to the phone records and --

4 MS. JONES: Permission to approach, Your Honor?

5 THE COURT: You may.

6 BY MS. JONES:

7 Q I'll show you what has been admitted as State's 6,
8 and do you recognize that?

9 A Yes, ma'am.

10 Q And what is that?

11 A That's a photo that I took off of, I think,
12 Shaquandulynn Chaneyfield's phone depicting a text message
13 that was received on her phone in reference to Antoine
14 Drake.

15 Q And that's a conversation intended for Antoine
16 Drake?

17 A Yes, ma'am.

18 Q Why was it sent to her phone instead of his phone?

19 A His phone wasn't working anymore.

20 Q Antoine Drake's phone wasn't working?

21 A No, ma'am.

22 Q So on November 12th, 2014, he didn't have a phone?

23 A That's correct.

24 Q One more question for you.

25 Mr. Lee brought up the jealousy between

REDIRECT EXAMINATION OF RICHARD JOHNSON BY JONES

1 Antoine Drake and Terrance Johnson. Was there jealousy
2 between Rohaime Hopkins and Terrance Johnson over Angel
3 Simmons?

4 A Yes. From what I gather, both of them was seeing
5 Angel.

6 MS. JONES: I have no further questions.

7 THE COURT: Recross limited to redirect.

8 MR. LEE: I don't have anymore questions.

9 THE COURT: Very well. Mr. Johnson -- hold on a
10 second. Counsel approach.

11 (Off-the-record discussion was held.)

12 These are going to be marked for identification
13 only, and that will be No. 1 for identification, right?

14 THE REPORTER: No. 2.

15 THE COURT: No. 2, he's got an exhibit, but this
16 is I.D. only. This will be Defendant's Exhibit 3 for
17 identification only. This will be Defendant's 4 for
18 identification also.

19 *(Whereupon, Defendant's Exhibit No(s). 2-4 marked*
20 *for identification.)*

21 THE COURT: Madam Foreperson, ladies and gentlemen
22 of the jury, I see it's 1:15. We're going to stop at
23 this point for lunch. During the lunch break, as I've
24 instructed you throughout the trial, please don't
25 discuss this case. And let's start back at 2:30.

REDIRECT EXAMINATION OF RICHARD JOHNSON BY JONES

1 Please be back in your jury room at 2:30 this
2 afternoon, and I'm going to try to start as close to
3 2:30 as I can. Thank you very much. You may leave the
4 courtroom at this time.

5 Everyone else remain seated while the jury is
6 leaving.

7 (Jury exits the courtroom at 1:15 p.m.)

8 THE COURT: All right, Counsel. It's about 1:16.
9 We're going to break from now to 2:30. I'd like to
10 start back earlier, but I've got to give the jury time
11 to drive and get back. So we'll start back at 2:30.

12 I need to see the lawyers for one minute in
13 chambers. The Court is in recess until 2:30.

14 (Lunch recess.)

15 * * *

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TITLE PAGE

1 In the Court of General Sessions for the
2 State of South Carolina, County of Jasper

3

4

5

6 Case No.: 2015GS2700144

7 State of South Carolina,

8 Plaintiff(s),

9 vs. Transcript of Record

10 Rohaime Hopkins,

11 Defendant(s).

12

13

14 TRIAL TRANSCRIPT

15

16

17

18 May 16, 2017

19 Ridgeland, South Carolina

20

21 BEFORE:

22 The Honorable Perry M. Buckner

23

24

25

TITLE PAGE

1

2

(The following proceedings were held the afternoon
of May 16, 2017.)

4

MS. JONES: Your Honor, we may have some more
information now to hand over to Mr. Lee.

5

6

THE COURT: Counsel approach. I have got to get
the Defendant out here, Mary.

7

8

MS. JONES: Okay, I'm sorry.

9

THE COURT: Come on out, Mr. Hopkins, and have a
seat by your lawyer.

10

11

Counsel approach.

12

(Off-the-record discussion held.)

13

THE COURT: All right. At approximately 2:15 this
afternoon I received a mutual cell phone call while I
was eating lunch from both counsel for the State and
counsel for the Defendant. They asked to meet me in
chambers and shorten my lunch break, which I did. They
informed me -- actually, Mr. Lee informed me that when
he left for lunch that the Defendant's brother -- would
you identify him in the courtroom for me, Mr. Lee?

14

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21

MR. LEE: The (inaudible) aisle, the front seat.

22

THE COURT: And what's his name?

23

MR. LEE: Corine Singleton.

24

THE COURT: What's the last name?

25

MR. LEE: Singleton.

INQUIRY OF THE JURY BY THE COURT

1 THE COURT: Singleton. The Defendant's brother,
2 he was saw talking to two jurors when he was leaving
3 the grounds of the courthouse. Mr. Lee promptly
4 informed the solicitor and they jointly called me.
5 When I was informed of this, I told the lawyers that I
6 would have to bring -- since they couldn't identify
7 exactly which two jurors, I would have to bring the
8 entire jury out to inquire about this matter in order
9 to determine.

10 Now, Mr. Singleton, I'm going to also deal with
11 you because I can assure you I'm not going to allow
12 anyone to have any conversation with any juror, family
13 member or not. Do you understand that?

14 MR. CORINE SINGLETON: Yes, sir.

15 THE COURT: Bring me my jury.

16 THE BAILIFF: Ladies and gentlemen, come into the
17 courtroom, please.

18 THE COURT: Madam foreperson, ladies and gentlemen
19 of the jury, I need to inquire of you because of
20 information that the Court received during the lunch
21 break. Has any member of my jury panel had any
22 conversation with anyone about this case during the
23 lunch break, or anyone trying to talk to them during
24 lunch break, please raise your hand? Let the record
25 reflect, no hands were raised.

INQUIRY OF THE JURY BY THE COURT

1 Stand up, Mr. Singleton. This is Mr. Singleton.
2 He is the brother of the Defendant. It has been
3 reported to me that two people on the jury had a
4 conversation with Mr. Singleton during the lunch break.
5 If any of you on this jury have spoken to Mr. Singleton
6 during this lunch break, please indicate by raising
7 your hand at this time. No one has talked to him
8 during the lunch break. Please be seated,
9 Mr. Singleton.

10 Now, ladies and gentlemen, it's important even if
11 it's for an innocuous conversation, not just about this
12 case, if anyone talked to any person because the
13 appearance of it sometimes can lead to people assuming
14 that you're talking about the case. If you have had
15 any conversation with this gentleman, please let me
16 know now so I can handle that problem. No one has
17 talked to him? All right. I'm going to ask you to
18 step back to your jury room at this time. Please do
19 not discuss the case.

20 (Jury exits the courtroom at 2:45.)

21 THE COURT: Counsel approach.

22 (Off-the-record discussion held.)

23 THE COURT: Okay. Mr. Singleton, would you come
24 around and be sworn by the Clerk of Court.

25 Thereupon,

JUROR EXAMINATION OF C. SINGLETON BY THE COURT

1 CORINE SINGLETON

2 was called as a witness, having been first duly sworn, was
3 examined and testified as follows:

4 JUROR EXAMINATION

5 THE COURT: State your name for the record.

6 THE JUROR: Corine Singleton.

7 THE COURT: Mr. Singleton, I understand that
8 you're the brother of Rohaime Hopkins; is that correct?

9 THE JUROR: Yes, sir.

10 THE COURT: I also understand from Mr. Lee that
11 when he left the courtroom at approximately 1:25 or
12 1:30 this afternoon that he saw you talking on the
13 courthouse grounds with two jurors; is that correct?

14 THE JUROR: Yes, sir, I was walking by. I know --

15 THE COURT: Tell me, first of all, before I ask
16 you about that, which two jurors were you talking to?

17 THE JUROR: The alternate, I think it's an
18 alternate juror, Darien.

19 THE COURT: Edward Darien?

20 THE JUROR: Yes, sir.

21 THE COURT: Alternate number two.

22 THE JUROR: And I think it's Jackson.

23 THE COURT: Mr. Aaron Jackson. All right.

24 THE JUROR: Uh-huh. (Indicating affirmatively.)

25 THE COURT: That would be, Madam Clerk, jurors

JUROR EXAMINATION OF C. SINGLETON BY THE COURT

1 number --

2 THE CLERK: 88.

3 THE COURT: 88 and juror number --

4 THE CLERK: 47.

5 THE COURT: Correct.

6 THE COURT: What did you talk about,

7 Mr. Singleton?

8 THE JUROR: Just coming by. I know -- I know both
9 of them. Mr. Darien -- as I was coming by Mr. Darien
10 said, "Did they let you off today," because we
11 previously worked together in the past. He said, "They
12 let you off today," and I said, "No, I work at night."
13 And that was it.

14 THE COURT: You had no discussion whatsoever about
15 this case or about their role in this case?

16 THE JUROR: No, sir, it wasn't -- it wasn't even
17 five seconds.

18 THE COURT: Does the State have any questions of
19 this witness?

20 MS. JONES: No, Your Honor.

21 THE COURT: Does counsel for the Defendant have
22 any questions?

23 FURTHER EXAMINATION

24 MR. LEE: Do you know whether they know that
25 you're his brother?

FURTHER JUROR EXAMINATION BY MR. LEE

1 THE JUROR: I'm quite -- quite certain everybody
2 probably knows around this town they would know.

3 THE COURT: Mr. Singleton, thank you for being
4 forthright with the Court. You may return to your
5 seat.

6 Solicitor, it appears to me that I need to get rid
7 of two jurors who have obviously not been forthright
8 with the court in their response to my questions to
9 them concerning conversations with a member of the
10 Defendant's family.

11 Any objection, Mr. Lee?

12 MR. LEE: For the record, I do object. I think
13 that they can stay.

14 THE COURT: Mr. Lee, you reported this conduct to
15 me because you realized what the appearance of it
16 entails and the solicitor does too and so do I.

17 And although I'm informed that there was no
18 discussion by Mr. Singleton about the case, I have also
19 instructed this jury on at least five different
20 occasions not to have any conversation -- I even went
21 to the point of telling them that if y'all didn't speak
22 to them, it was because our rules prohibited them from
23 speaking to you. I feel that I have no choice because
24 of the appearance of impropriety to excuse them from
25 further service in the trial of this case to ensure

FURTHER JUROR EXAMINATION BY MR. LEE

1 that we have a fair jury, particularly, when they have
2 failed to acknowledge to me that they had a
3 conversation, which now from sworn testimony, I
4 understand occurred. And from your own personal
5 observation.

6 MR. LEE: I understand your ruling, Your Honor.

7 THE COURT: All right. Bring me first, Mr. Aaron
8 Jackson. Just Mr. Jackson.

9 THE BAILIFF: Mr. Aaron Jackson, would you please
10 come into the courtroom. Mr. Aaron Jackson.

11 (Juror Jackson entered the courtroom.)

12 THE COURT: Have a seat for me, Mr. Jackson.

13 Now, Mr. Jackson, it's been testified in this
14 court that during the lunch break you had a
15 conversation, not about the case, but about other
16 matters involving previous work with Mr. Singleton.
17 When I inquired of you about it, you did not respond.
18 Mr. Singleton has testified and Mr. Lee, who is counsel
19 for the Defendant, watched you and another juror have a
20 conversation with Mr. Singleton. For that reason, not
21 because you discussed the case, but because it gives
22 the appearance of talking to a member of the
23 Defendant's family, Mr. Singleton, as I informed you,
24 is the brother of the Defendant. Because of that, I
25 have no choice but to excuse you from further service

FURTHER JUROR EXAMINATION BY MR. LEE

1 in the trial of this case.

2 Do you have all of your belongings with you?

3 THE JUROR: Yes, sir.

4 THE COURT: You may leave the courtroom at this
5 time and you are excused from further service. Please
6 have no further contact with any member of the jury.

7 THE JUROR: Yes, sir.

8 THE COURT: Bring me now Mr. Edward Darien.

9 THE BAILIFF: Mr. Darien, Mr. Edward Darien,
10 please come into the courtroom.

11 (Juror Darien entered the courtroom.)

12 THE COURT: Mr. Darien, have a seat for me, if you
13 would.

14 Mr. Darien, as I told you earlier it was reported
15 to me by Mr. Lee that he saw you having a conversation
16 with Mr. Singleton during the lunch break.

17 Mr. Singleton has now testified under oath in this
18 court that he had a conversation, not about the case,
19 but about previous work and that he knew you from the
20 past. He is the brother of the Defendant.

21 When I inquired of y'all just a moment ago, you
22 did not acknowledge that conversation. Because you
23 failed to acknowledge it, I have no choice but to
24 excuse you from further service in the trial of this
25 case. You are now excused from further service.

FURTHER JUROR EXAMINATION BY MR. LEE

1 Please have no further contact with any member of
2 the jury, and you may leave the courtroom at this time.

3 Anything further on this matter from the State?

4 MS. JONES: No, Your Honor.

5 THE COURT: From the Defense?

6 MR. LEE: No, sir, Your Honor.

7 THE COURT: Very well. Is the State ready to
8 proceed?

9 MS. JONES: Yes, sir.

10 THE COURT: Is the Defendant ready to proceed?

11 MR. LEE: Yes, sir.

12 THE COURT: Bring us the jury, please, ma'am.

13 THE BAILIFF: Ladies and gentlemen, come into the
14 courtroom, please.

15 (Jury enters the courtroom.)

16 THE COURT: Mr. Robert Young, would you raise your
17 hand for me? Mr. Young, you are now a member of the
18 jury. You are no longer an alternate in this trial.
19 You're a member of the jury.

20 And, you, Mr. Callahan, will remain my alternate
21 at this time.

22 Ladies and gentlemen, I caution you all again.
23 Please do not have any conversation with anyone about
24 this case, or even not about the case, but talk to a
25 member of the Defendant's family. I've had to excuse

FURTHER JUROR EXAMINATION BY MR. LEE

1 two jurors because I had sworn testimony they had
2 conversations with a member of the family. So, I urge
3 you, please, not because there's anything improper
4 going on, it's the appearance of that impropriety that
5 causes concern and we want to make sure we have a fair
6 and an impartial jury. Thank you for your cooperation.

7 We will now continue with testimony in the trial
8 of this case.

9 Call your next witness, Solicitor.

10 MS. JONES: Thank you, Your Honor. The State
11 calls Michael Taylor.

12 Thereupon,

13 MICHAEL TAYLOR

14 was called as a witness, having been first duly sworn,
15 was examined and testified as follows:

16 THE COURT: Sit down, Mr. Taylor, and pull that
17 chair up. Adjust the chair and the microphone to your
18 height. Speak up so everybody on the jury and out in
19 the courtroom can hear you. That microphone will
20 amplify your voice.

21 State your full name and spell your last name for
22 my court reporter.

23 WITNESS: Michael Raymond Taylor. T-A-Y-L-O-R.

24 THE COURT: Your witness, Counselor. Direct
25 examination.

FURTHER JUROR EXAMINATION BY MR. LEE

1 MS. JONES: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MS. JONES:

4 Q Mr. Taylor, where do you live?

5 A I'm in Jacksonville, Florida, right now.

6 Q Okay. On November 2014, where were you living?

7 A Spring Hill, Florida. I'm -- I'm living in South
8 Carolina, Spring Hill.

9 Q Okay. Do you remember what your address was?

10 A Not totally. I have been gone for a minute.

11 Q Okay. Did you live on Rice Shire Road?

12 A Yes, sir. Yes, ma'am.

13 Q Okay. That's okay. You're a little nervous.

14 It's okay.

15 A Yes.

16 Q Okay. Mr. Taylor, you've been in trouble before,
17 haven't you?

18 A Yes, ma'am.

19 Q Okay. And, in fact, in 2010 you got in trouble
20 for petty larceny?

21 A Yes, ma'am.

22 Q 2011, theft of electricity.

23 A Yes, ma'am.

24 Q And in 2013, you got convicted of shoplifting?

25 A Yes, ma'am.

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 Q Okay. And all of those are thefts?

2 A Yes, ma'am.

3 Q So, they are untruthful. So, but are you here
4 today to tell the truth?

5 A Yes, ma'am.

6 Q Okay.

7 A I told the truth then.

8 Q Okay.

9 A That is why I pleaded guilty because I was wrong.

10 Q Okay. I want to take you back to November 2012,
11 okay?

12 A Yes, ma'am.

13 Q Do you remember the night of November 12th of --
14 2000 -- 2014, my apologies. Do you remember that night?

15 A Yes.

16 Q And what do you remember about that night?

17 A I remember coming home from work and wasn't nobody
18 in my house but my son and wife.

19 Q Okay. I'm going to stop you for a second. And
20 where did you used to work?

21 A Waffle House.

22 Q And what time did you get off work that night?

23 A 9:00.

24 Q Okay. And -- okay. So, you got off work at 9:00
25 and came home?

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 A I got off about 9:07, somewhere in that area.

2 Q Okay, and, I'm sorry, you can keep going.

3 A All right. When I got out of the car to change my
4 clothes to go to my wife's family house next door wasn't
5 nobody in the house but my son and his wife.

6 Q Okay.

7 A So, when I came back home about, I think it's
8 about 10:15, 10:30, I guess the latest, y'all call him
9 Rohaime but he was --

10 Q Hold on. I'm going to hold you for a second.
11 This is Mr. Hopkins, yes?

12 A Yes.

13 Q Mr. Hopkins was at your house?

14 A Yes.

15 Q Okay. And what time was this?

16 A About 10:15, 10:30.

17 Q Okay. And what was he doing at your house?

18 A That's a good question.

19 Q Okay. Why is that a good question?

20 A Because I wasn't home for him to be inside my
21 house.

22 Q Did you keep your house locked?

23 A Yes.

24 Q And did he have a key?

25 A No.

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 Q Okay. I guess I'm a little -- I'm a little
2 confused. Why wasn't he supposed to be inside your house?

3 A Because I wasn't here. I am the man of the house.
4 Why would you be sitting in my house if I'm not here?

5 Q Okay. And what is he doing when you get back
6 from -- whose house did he go to?

7 A Angel's next door; my wife's family lives next
8 door.

9 Q Okay. What is Mr. Hopkins doing when you get back
10 to your house?

11 A When I walked in the door, he was sitting -- he
12 was sitting on my chair.

13 Q Okay. Do you remember what he was wearing?

14 A All black.

15 Q Okay. What happened after that?

16 A I went in -- I woke up my son, in front of him. I
17 woke him up in front of him. I was, like, why you let him
18 in my house if I'm not here? Because if he is my friend, he
19 would never come in my house. So I woke my wife up and I
20 asked her, did you know Rohaime is in the house? She said,
21 I don't know. I was asleep. So I came -- I went and had
22 conversation with him. I guess it went over his head a
23 little bit. But other than that, we just had conversations.
24 Q I take it that you were not very happy he was
25 there?

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 A No.

2 Q Okay. What happens after you talk to your wife --
3 what -- what was her name? What's her name?

4 A Janeika.

5 Q Okay.

6 A Janeika Taylor.

7 Q And how about your son that was there?

8 A Jakobie.

9 Q Okay.

10 A Grant.

11 Q Okay. After you talk to them, what happens next?

12 A I just -- I just sat down. I sat down and started
13 holding a conversation with him.

14 Q Okay.

15 A You know, like, you know, he knew that I just got
16 off of work. So, you know, what are you up to? You know,
17 we just talking, just out of the blunt talking.

18 Q Were you at your house around 6:30 or 7:00 that
19 day?

20 A No, ma'am.

21 Q Okay. And you keep your house locked?

22 A Yes, ma'am.

23 Q Who has a key, do you know?

24 A I do. My wife do. And one of our sons, Vantey.

25 Q Okay. Nobody else?

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 A No, ma'am.

2 Q Okay. What was this -- this other son's name?

3 A Oh, Vantey.

4 Q And where is he this day?

5 A He was at work.

6 Q Okay. Where does he work?

7 A I think he works at that McDonald's right there,
8 or that's Burger King.

9 Q Okay.

10 A Oh, that's McDonald. He used to work at that
11 McDonald.

12 Q Okay. Does the Defendant spend the night at your
13 house that night?

14 A No, he ain't never spent the night with me.

15 Q Okay. So what happens? How does he eventually
16 leave?

17 A We went to go pick up my son -- well, my stepson,
18 and so he asked me to give him a ride.

19 Q Okay.

20 A So we dropped him off. He chilled with me from
21 the time I got home till we took him to wherever he had to
22 go.

23 Q Okay. And what time was that about?

24 A It had to have been like about 11:30, 12:00,
25 somewhere in that area.

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 Q Okay. Beg the Court's indulgence.

2 Mr. Taylor, did Rohaime Hopkins do anything
3 while he was at your house?

4 A Yeah, he asked to change his clothes.

5 Q Okay. He asked you that question?

6 A Yeah.

7 Q And --

8 A I didn't --

9 Q -- did he do anything after he asked you?

10 A I didn't think anything. I said, go ahead, change
11 them, you know.

12 Q Okay.

13 A I -- I -- I don't have no knowledge of what you
14 did. You could have been walking and got dirty. So he
15 changed and burnt them in my barrel.

16 Q He did what?

17 A Burnt his clothes in my barrel.

18 Q Okay.

19 MR. LEE: For the record, Your Honor, I'm going to
20 object to this testimony. It's never been provided to
21 me --

22 THE COURT: Hold on a second, Counsel.

23 MR. LEE: -- other than --

24 THE COURT: Not on the record yet.

25 Approach.

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 (Off-the-record discussion held.)

2 BY MS. JONES

3 Q I'm sorry, Mr. Taylor --

4 THE COURT: Mona, I will put my ruling on that
5 objection on the record at a later point in time.

6 Proceed consistent with my ruling.

7 MS. JONES: Absolutely. Thank you, Your Honor.

8 BY MS. JONES

9 Q Mr. Taylor, you spoke to the police a while ago
10 back in 2014, didn't you?

11 A Yes.

12 Q Okay. Why didn't you tell them about the burning
13 clothes then?

14 A I didn't -- you know, to tell the truth, I
15 didn't -- I didn't think about it to be honest with you.
16 And it really -- it really never really crossed my mind that
17 it was him. I never would have thought that it was Rohaime
18 until -- until after I made the statement and then I started
19 contemplating things. Because, I'll be honest, I wasn't
20 really myself. You know, I had a little something to drink
21 or whatever. But I know that -- that everything that I'm
22 saying is true. He wasn't with me. He wasn't with me
23 during the day, none of that. He wasn't at home when I came
24 home from work. I go next door an hour and half later, you
25 are in my house. No, I didn't like that. He never was in

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 my house before like that. He never really was my friend.

2 I only met you through T.J.

3 Q Okay. So you just -- was it that you were
4 replaying everything that happened?

5 A (Nods in the affirmative.)

6 THE COURT: You have to say yes or no.

7 WITNESS: Oh, I apologize, yes, ma'am.

8 BY MS. JONES

9 Q Okay. Now, I want to ask you about something else
10 that happened at your house. Do you know a man named
11 Antoine Drake? You may know him as Hollywood?

12 A Yes.

13 Q Do you remember a dispute between Hollywood and
14 T.J.?

15 A Yes.

16 Q Okay. Tell me about that.

17 A Me and T.J. was in the yard. Hollywood had walked
18 up. I think it was me, T.J. and Rohaime was in the yard.
19 And so, Hollywood had said something to me and T.J. didn't
20 really hear what he had said. I knew that Hollywood was
21 laughing about it. But I guess T.J. took it to somewhere
22 else. He was talking to that little -- I wouldn't say it
23 was violence but it wasn't really violence. But they killed
24 it. It was dead. It was dead. They shook hands. They
25 shook hands and everything.

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 Q Okay. After the argument?

2 A But he was in the yard. You are not going to have
3 it in my yard.

4 Q Okay.

5 A You can take it -- you can take it in the street,
6 but you are not going to do this in my yard.

7 Q But they shook hands like everything was fine?

8 A Yes, ma'am, they did.

9 Q So they were back to being friends?

10 A Yes, ma'am.

11 Q Okay. And this knife, we've heard a lot about the
12 knife -- about a knife?

13 A Yeah.

14 Q Did you get injured with the knife?

15 A No, ma'am.

16 Q Okay. Did you get a little nick? You didn't get
17 anything -- injured from the knife?

18 A No.

19 Q Okay. Okay. If you say no. Okay. You kept --
20 you kept pointing during your testimony and I just want the
21 record to be clear, the man that you saw who was not at your
22 house when you got home from work but who was there about
23 10:30 or so, do you see him in the courtroom?

24 A Yes, ma'am.

25 Q Okay, can you please point him out?

DIRECT EXAMINATION OF M. TAYLOR BY MS. JONES

1 A (Pointing.)

2 Q Okay. What color shirt is he wearing?

3 A That blue, sky blue.

4 MS. JONES: Okay. May the record reflect the
5 witness identified the Defendant. No further questions
6 for this witness.

7 THE COURT: Cross examination.

8 CROSS EXAMINATION

9 BY MR. LEE:

10 Q Mr. Taylor, did you have any other revelations or
11 thoughts today that you haven't ever said before besides the
12 thing about some burn barrel?

13 A I mean, I keep my opinions to myself if that's
14 what you're asking me. If you would like to know what I
15 think, then that is what you should do.

16 Q What I'm asking you is, you talked to the
17 police -- you actually prepared a statement for the police,
18 for whatever reason, on November 17th, 2014; do you remember
19 that?

20 A Yes.

21 Q Okay. And you -- you said, the last time I spoke
22 to T.J. was 5:19 p.m. on 11-13-14?

23 A No, I never said that. The last time I spoke to
24 T.J. was the day he died. And I -- and I said that, and
25 it's on record that I spoke to him between 7:00 and 7:15

CROSS EXAMINATION OF MR. TAYLOR BY MR. LEE

1 because he called my job.

2 MR. LEE: May I approach the witness?

3 THE COURT: You may.

4 MR. LEE: Can I have this marked as Defendant's --
5 for identification purposes, Your Honor?

6 *(Whereupon, Defendant's Exhibit No(s). 5 marked*
7 *for identification and received in evidence.)*

8 BY MR. LEE

9 Q Mr. Taylor, you read and write all right? Okay?

10 A I mean, I ain't graduate. I know I understand.

11 Q I'll hand you a document which has been listed as
12 Defendant's Exhibit Number 5 for identification purposes.

13 Did you write that?

14 A Yes.

15 Q That's your handwriting?

16 A Yes.

17 Q And everything in there is true?

18 A No.

19 Q No, it's not?

20 A No.

21 Q Okay. Well, let's start with what's not true.

22 A The time.

23 Q The what?

24 A The time. I don't know where I got 11-13 from
25 because T.J. called me at my job. I even gave it then and

CROSS EXAMINATION OF MR. TAYLOR BY MR. LEE

1 said he called my job number about 7:00, 7:15 and asked did
2 he want to pick me up.

3 Q To pick you up?

4 A Yes, sir.

5 Q And I think your testimony was around that time
6 you weren't in your right mind? Is that what you said?

7 A No, I never said that. I said that night -- I
8 told you when I made the testimony I was not in my right
9 mind. I mean --

10 Q But I'm talking about that night, the night of the
11 12th.

12 A Meaning -- meaning -- meaning that I had a little
13 bit to drink. I mean, I had a little to drink but I know
14 what he did regardless of what you say to me.

15 Q I was just trying to ask you what you said about
16 not being in your right mind.

17 A Meaning I know that I had a little something to
18 drink. I had a couple of beers while I just got off of
19 work, so I feel like I am a grown man and I can do that.
20 I'm of age.

21 Q I completely agree with that. I just wanted to
22 know what it meant by you not being in your right mind.

23 All right. So, then -- so you gave that
24 statement to the police and then -- if I can hold that back
25 from you real quick. Thank you.

CROSS EXAMINATION OF MR. TAYLOR BY MR. LEE

1 Now, in this statement you don't say anything
2 about -- about changing clothes, do you?

3 A I just told you, I didn't -- I didn't believe at
4 that time. I didn't believe that he had done it. So, so, I
5 mean, I'm not saying it overpassed me but I didn't think
6 about everything that had happened that night because I
7 didn't believe that he done it; he is T.J.'s friend. I
8 didn't think that he had done that.

9 So, so, so, now because of everything that
10 came about, I try to forget about it. I try to let it go,
11 like, you know, my best friend just got killed by someone
12 who is supposed to be my friend.

13 Q I'm just going to put that there in case you need
14 to refer to it, okay?

15 A No, I'm good.

16 Q Do you agree that nowhere in that statement does
17 it say anything about him changing clothes?

18 A (Nods head).

19 Q Yes or no?

20 A Let me read.

21 Q Okay.

22 A No, it is not in here.

23 Q And you would agree, while you're reading it, you
24 also agree it says nothing in that statement from
25 November 17, 2014, it says nothing about any burn barrel,

CROSS EXAMINATION OF MR. TAYLOR BY MR. LEE

1 does it?

2 A It doesn't say anything about his clothes or any
3 burn barrel.

4 Q Okay. All right. So then a few months go by and
5 you get interviewed by Agent Johnson. Remember that on
6 March 6, 2015? Do you remember talking to Agent Johnson?

7 A With the county, right? No.

8 Q He's with SLED.

9 A No, I remember his face. I remember his face.

10 Q Okay.

11 A I don't -- I don't remember everything, no.

12 Q Okay. And obviously, he wanted to talk to you
13 about -- about this case, right? You wouldn't -- you
14 wouldn't have anything else to talk to him about besides --

15 A The case.

16 Q Okay. Now, at that point is when you told him
17 about the altercation in your backyard, right?

18 A What altercation?

19 Q The one the solicitor asked you about about where
20 Drake and -- where Hollywood and -- and T.J. --

21 A I never -- I never told you it was in my backyard.

22 Q Okay. Where was it?

23 A It wasn't in my backyard. So it had to be in the
24 front. I never told you it was in the backyard.

25 Q It was in your front yard. My mistake. Sorry

CROSS EXAMINATION OF MR. TAYLOR BY MR. LEE

1 about that.

2 So, in your front yard, that is the first
3 time that you told him about the altercation a few weeks
4 prior in your front yard, right?

5 A Between Hollywood and T.J.?

6 Q Right.

7 A Yes.

8 Q And you told him that there was a knife involved,
9 right?

10 A Yeah, there was a knife involved.

11 Q Okay.

12 A And there was a gun involved too.

13 Q There was a gun involved?

14 A Yeah, somebody had a gun. There wasn't just a
15 knife pulled out.

16 Q In your statement on March 6, did you say anything
17 about changing clothes or a burn barrel?

18 A No, sir.

19 Q None?

20 A No, sir.

21 Q Did you say anything about a gun?

22 A I never said anything about a knife or a gun
23 really. I wasn't really asked about -- when I went for
24 Rohaime, I wasn't -- I still -- I mean, I'll be honest with
25 you. I still don't believe that a friend would kill a

CROSS EXAMINATION OF MR. TAYLOR BY MR. LEE

1 friend. So, I was -- I was -- I was in denial in so many
2 ways.

3 Q So, so --

4 A I didn't think about the barrel and clothes. I
5 didn't think about none of that.

6 Q So it wasn't until you heard that he was arrested
7 that you started thinking about everything?

8 A I was in Florida when he got arrested, so I don't
9 know when he got arrested really. Or if he got arrested
10 before I went to Florida, he was of no more concern to me.
11 I didn't care about him.

12 Q And you said earlier that -- that T.J. was your
13 best friend?

14 A T.J. was like a brother from a different mother,
15 to be honest with you.

16 Q So you were pretty tight with T.J.?

17 A Yes.

18 Q Okay. Now, is it not true that the first time
19 that you have told anybody about a burn barrel was earlier
20 today when you spoke to the solicitor or the investigator --

21 A It was today.

22 Q -- is that not true?

23 A It was today.

24 Q It was today?

25 A Yeah. I just told -- I just told all of y'all. I

CROSS EXAMINATION OF MR. TAYLOR BY MR. LEE

1 just told everybody that today.

2 Q Okay. So, we're all hearing --

3 A So not -- so not just the prosecutor. I told you
4 too.

5 Q Okay. So, we're all hearing it today for the
6 first time?

7 A Yes.

8 Q Okay. Are you in your right mind today?

9 A Yes, sir. Yes, sir.

10 Q All right. When did you drive up from
11 Jacksonville?

12 A I drove yesterday.

13 Q Yesterday?

14 A Yes.

15 Q Is that when you did all of your thinking about
16 this or is that not --

17 A No, I have been thinking about it since I heard I
18 had to come here. So, I have been trying to replay a lot of
19 things in my head. You know what I'm saying. I mean, I
20 know a lot. I'm just not saying I know a lot. Meaning
21 the -- our friendship. Well, the friendship I thought we
22 had with, you know, what I'm saying, T.J. brought him around
23 me. He was supposed to be T.J.'s friend. I don't think
24 that we were never friends like that. I respected him as a
25 man. And he respected me as a man. I never been to his

CROSS EXAMINATION OF MR. TAYLOR BY MR. LEE

1 house or nothing. And when he came to my house, he never
2 really been in my house, to sit in my house.

3 Q All right.

4 MR. LEE: No more questions, Your Honor.

5 THE COURT: Are you passing the witness?

6 MR. LEE: I am, Your Honor.

7 THE COURT: Very well.

8 Redirect.

9 MS. JONES: No questions, Your Honor.

10 THE COURT: As to the witness?

11 MS. JONES: He may be excused.

12 THE COURT: Any objections?

13 MR. LEE: No objections, Your Honor.

14 THE COURT: All right, Mr. Taylor, you are excused
15 from the trial of this case. Hand that to the court
16 reporter asking for identification. You may leave the
17 courtroom.

18 Call your next witness.

19 Thereupon,

20 JANEIKA DUPONT

21 was called as a witness, having been first duly sworn,
22 was examined and testified as follows:

23 THE COURT: Have a seat. Pull that chair up.

24 Adjust that microphone to your height. It'll amplify
25 your voice. I want everybody to be able to hear you.

DIRECT EXAMINATION OF JANEIKA DUPONT BY MS. JONES.

1 Speak up now for me now so the jury can hear you and
2 all the parties in the courtroom can hear you.

3 State your full name, spell your last name for the
4 court reporter.

5 WITNESS: Janeika Dupont, D-U-P-O-N-T.

6 THE COURT: All right. Ms. Dupont, I apologize.
7 I was given your name as Taylor; however, I assume your
8 name has changed; is that right?

9 WITNESS: Yes, sir.

10 THE COURT: Okay. Your witness, Counsel.

11 MS. JONES: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MS. JONES:

14 Q Ms. Dupont, did Taylor used to be your last name?

15 A Correct.

16 Q And did you used to be married to Michael Taylor?

17 A Yes, ma'am.

18 Q And you're not married to him anymore?

19 A Correct.

20 Q Okay. Back on 2000 -- November 2014, where did
21 you live?

22 A 334 Rice Shire Road.

23 Q Okay. Is that where you still live?

24 A Yes.

25 Q Did you know a man named Rohaime Hopkins?

DIRECT EXAMINATION OF JANEIKA DUPONT BY MS. JONES.

1 A Yes.

2 Q How do you know him?

3 A Through school, family. I know him from a long
4 time ago.

5 Q You have known him for a long time?

6 A Uh-huh. (Indicating affirmatively.)

7 Q Okay. Do you remember the night of November 12th,
8 2014?

9 A Yes, ma'am.

10 Q Okay. Can you tell me what you remember about
11 that night?

12 A The whole night or --

13 Q Picking up your husband, how about that?

14 A I picked him up around -- well, he got off at
15 9:00. So I be there a little bit earlier. When I picked
16 him up, we went next door to my cousin's house because my
17 great aunt died. So we been over there -- and we been over
18 there five, ten minutes and I went home. We all went home.

19 Q Okay. Did you come home before your husband? Did
20 he stay at your cousin's a little bit longer?

21 A He actually came home and then he left and went
22 back next door.

23 Q Okay. Who is at your house when y'all get there
24 the first time?

25 A No one.

DIRECT EXAMINATION OF JANEIKA DUPONT BY MS. JONES.

1 Q Nobody? Okay. Does somebody come over?

2 A No.

3 Q Did you -- did you see Rohaime Hopkins that night?

4 A I did.

5 Q Okay. When is this?

6 A It was after -- it was late, like, maybe, 10:30,
7 maybe 11:00.

8 Q Where did you see him?

9 A He was in my living room.

10 Q Okay. Did you let him in?

11 A I didn't.

12 Q Who let him in?

13 A My son.

14 Q What's your son's name?

15 A Jakobie Grant.

16 Q Okay. Who else was in your house when the
17 Defendant gets there?

18 A It just was me and Kobie in the house.

19 Q Okay. Do you keep your house locked?

20 A Not really. Sometimes.

21 Q Okay. Were you at your house about 6:30 or 7:00
22 that night?

23 A No.

24 Q Okay. Was anybody --

25 A Well, I was back and forth running errands,

DIRECT EXAMINATION OF JANEIKA DUPONT BY MS. JONES.

1 because I work a lot. So, on my days off, I be running back
2 and forth.

3 Q Okay. Do you remember seeing the Defendant at
4 your house earlier that day?

5 A No, ma'am.

6 Q Was he at your house at 6:30 or 7:00 that night?

7 A No, ma'am.

8 Q First time you saw him, the first time he came to
9 your house was about 10:00 or 11:00?

10 A Right.

11 Q How long did he stay there?

12 A Well, actually, I didn't know he was in the house
13 until Michael came home. My son came to me earlier and it
14 was, like, mom, somebody want a cigarette. I didn't know
15 who it was. And when my husband came he actually told me
16 Rohaime was in the house.

17 Q Okay. Did you take Rohaime somewhere that night?

18 A I did.

19 Q Where?

20 A To Baytree.

21 Q Okay. What is Baytree?

22 A It is a complex.

23 Q Apartment?

24 A Apartment complex.

25 Q Okay. Do you see Rohaime in the courtroom today?

DIRECT EXAMINATION OF JANEIKA DUPONT BY MS. JONES.

1 A Yes, ma'am.

2 Q May you -- can you point to him, please?

3 A He's right there.

4 Q Okay. What is he wearing?

5 A A light blue shirt.

6 MS. JONES: Let the record reflect the witness
7 identified the Defendant.

8 THE COURT: Proceed.

9 MS. JONES: Thank you, Your Honor.

10 BY MS. JONES

11 Q Who was at your house at 6:30 or 7:00 p.m. that
12 night?

13 A No one.

14 Q Nobody. Okay. And Rohaime was not there?

15 A Correct.

16 MS. JONES: I have no further questions.

17 CROSS EXAMINATION

18 BY MR. LEE:

19 Q Hello, Ms. Dupont.

20 A Hi.

21 Q Your house is next to Angel's house?

22 A It's actually across the field, not next door
23 but --

24 Q Is there any house in between your house and
25 Angel's house?

CROSS EXAMINATION OF JANEIKA DUPONT BY MR. LEE

1 A No. Well, yeah, it's another trailer.

2 Q Angel Simmons is your sister?

3 A Cousin.

4 Q Cousin. And Angel Simmons was Terrance Johnson's
5 fiancée?

6 A Yes.

7 Q But you were close with Terrance?

8 A Right.

9 Q And your ex-husband indicated he may be his best
10 friend. Does that sound --

11 A Correct.

12 Q Now, this -- this -- as it's been called a sitna
13 (phonetic) for Ms. Simmons was taking place at Angel's
14 house, right?

15 A Correct.

16 Q So that's just beside your place, right?

17 A It's actually across the field, yeah.

18 Q Across the field, sorry. And there were a lot of
19 people there, weren't there, back and forth during the day?

20 A Correct.

21 Q And then was there like a big bonfire or
22 something, people hanging around when it got dark?

23 A I was not really there. I didn't pay attention,
24 so I don't know.

25 Q But was there a lot of people coming and going?

CROSS EXAMINATION OF JANEIKA DUPONT BY MR. LEE

1 A Oh, as far as I know. Yes.

2 Q So you don't -- you gave a statement to Agent
3 Johnson December 10th; is that right?

4 A That is about right.

5 Q That's not right? I'm not trying to fool you.
6 I'm just trying to move along.

7 Okay. And you said that you knew that
8 Rohaime was not at your house at 7:00 p.m. because you
9 weren't there?

10 A Nobody was there.

11 Q Okay. If you weren't there, how do you know
12 somebody is not at your house?

13 A I mean, the house is locked. Well, you are right.
14 I wasn't there; nobody was there. I wouldn't know whether
15 he was there or not.

16 Q And you don't know whether Rohaime went to your
17 house, went to the bonfire, went back to your house? I
18 mean, because you weren't --

19 A I was not there.

20 Q You were in the back room?

21 A I was -- I was back and forth.

22 Q Back and forth. Room to the back room. So he
23 could have been there and left and you may not have even
24 noticed, right, earlier?

25 A I mean, if somebody come to my yard, they would at

CROSS EXAMINATION OF JANEIKA DUPONT BY MR. LEE

1 least knock on the door and not just be in the yard.

2 Q Once you were in the back room, you couldn't hear
3 anything?

4 A When? That night?

5 Q Yes.

6 A Yes.

7 Q I think you told them you were in the back room
8 when a lot of this was going on, right?

9 A Yes.

10 Q Okay. And you couldn't remember where you left
11 from when you pick up Michael from work; is that right?

12 A I was home.

13 Q Your statement says could not -- or the memorandum
14 of interview indicates: She could not remember where she
15 left from when she picked Michael Taylor up from work. She
16 knows it was not her residence.

17 If you left from your sister's house
18 somewhere to pick him up?

19 A No.

20 Q Okay. But you were running around doing stuff
21 during that time, right?

22 A During the daytime.

23 Q Okay.

24 A Michael got off at 9:00. I was home.

25 Q So, did you tell -- did you tell Agent Johnson you

CROSS EXAMINATION OF JANEIKA DUPONT BY MR. LEE

1 couldn't remember where you picked up -- where you left from
2 when you picked up Michael from work?

3 A I don't recall that.

4 Q Okay. And do you remember saying you know it was
5 not your residence that you left from?

6 A I don't recall that either.

7 Q Okay. And do you remember saying that you think
8 it was your sister's?

9 A I know that I didn't say that. My sister stay far
10 from where I stay at.

11 Q Okay. But all you can really say is you know that
12 he wasn't at the house at 7:00 a -- 7:00 p.m., right?

13 A Rohaime was not at my house.

14 Q Okay. And then the next thing you know, he is at
15 your house but it's --

16 A Later.

17 Q Late, late.

18 A Right.

19 Q Okay. Past -- past everybody's bedtime?

20 A Excuse me?

21 Q Past everybody's bedtime late, like 11:00 or 12:00
22 you said?

23 A Well, I had to pick up my other son from work, so
24 I know that it was late.

25 MR. LEE: All right. Thank you, Ms. Dupont.

CROSS EXAMINATION OF JANEIKA DUPONT BY MR. LEE

1 THE COURT: Redirect.

2 MS. JONES: Thank you, Your Honor.

3 MS. JONES:

4 REDIRECT EXAMINATION

5 BY MS. JONES:

6 Q Ms. Dupont, just to clarify, I'm looking at the
7 same MLY that Mr. Lee referenced. At 7:00, who was at your
8 house?

9 A I don't know.

10 Q Okay. Were you there?

11 A At 7:00 I don't remember because I was back and
12 forth.

13 Q Okay. When you picked up your husband, Michael,
14 and y'all get back a little after 9:00 or so, is Rohaime
15 Hopkins at your house?

16 A No, ma'am.

17 Q Okay. What time does he get there?

18 A It was after 10:30.

19 Q Okay. And your husband had been over at Simmons
20 Hill and then came back home?

21 A Right.

22 Q And he had some words with you when he came home
23 and saw Rohaime there?

24 A Correct.

25 Q Okay. And what time did you take him to Baytree,

REDIRECT EXAMINATION OF JANEIKA DUPONT BY MS. JONES

1 take him as in Rohaime Hopkins?

2 A My son got off maybe 11:30, so it was close to
3 that time.

4 Q Okay. So, your testimony is you know Rohaime was
5 there from about 10:00 or so to 11:30?

6 A Correct.

7 Q At your house?

8 A Correct.

9 MS. JONES: All right. No further questions.

10 THE COURT: Recross limited to redirect.

11 RE-CROSS EXAMINATION

12 BY MR. LEE:

13 Q But you don't know exactly when Rohaime Hopkins
14 got to your house, right?

15 A Correct.

16 MR. LEE: That's it, Your Honor.

17 THE COURT: As to this witness, Solicitor.

18 MS. JONES: She may be excused.

19 THE COURT: Any objection, Mr. Lee?

20 MR. LEE: No, sir, Your Honor.

21 THE COURT: Ms. Dupont, you may step down and
22 you're excused from the trial in this case and may
23 leave the courtroom.

24 Call your next witness.

25 MS. JONES: The State calls Jakobie Grant.

RE-CROSS EXAMINATION OF JANEIKA DUPONT BY MR. LEE

1 THE CLERK: Mr. Grant.

2 THE COURT: Mr. Grant, come forward and be sworn
3 by the Clerk of Court.

4 Thereupon,

5 JAKOBIE GRANT

6 was called as a witness, having been first duly sworn,
7 was examined and testified as follows:

8 THE COURT: Help him up the step. Have a seat in
9 the chair. Come up forward. I want you to get close
10 to the microphone and adjust the microphone to your
11 height. Speak up for me. State your full name and
12 spell your last name for the court reporter.

13 WITNESS: Jakobie Grant, Jakobie Javon Grant,
14 G-R-A-N-T.

15 THE COURT: Speak up, Mr. Grant.

16 Your witness, Solicitor.

17 MS. JONES: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MS. JONES:

20 Q Mr. Grant, you're currently living in the
21 Detention Center, aren't you?

22 A Yes.

23 Q And you're in there for stealing some cars, aren't
24 you?

25 A Yes.

DIRECT EXAMINATION OF JAKOBIE GRANT BY MS. JONES.

1 Q In fact, this year, earlier this year, you were
2 convicted of taking those stolen cars into Georgia and did
3 some time there, didn't you?

4 A Yes.

5 Q Do you have that pending grand larceny?

6 A Yes.

7 Q And has myself or anybody from the Solicitor's
8 Office promised you anything about that charge?

9 A No.

10 Q You're not getting a reduction, a dismissal or
11 anything regarding that pending charge, are you?

12 A No.

13 Q You're here because you were subpoenaed to be
14 here, right?

15 A Yes.

16 Q Okay. Do you -- who is your mom?

17 A Janeika Dupont.

18 Q Okay. And in 2014 who was your step dad?

19 A Michael Taylor.

20 Q Okay. Do you remember the night before T.J. was
21 killed?

22 A (Shaking head.)

23 THE COURT: You have got to say yes or no. Don't
24 shake your head.

25 WITNESS: No.

DIRECT EXAMINATION OF JAKOBIE GRANT BY MS. JONES.

1 BY MS. JONES

2 Q Okay. Do you remember November 12, 2014?

3 A No.

4 Q Do you remember a night a few years ago when --
5 how about this. Do you remember speaking with myself and
6 Investigator Carter, right here, at the Chatham County
7 Detention Center?

8 A Yes.

9 Q About a month ago?

10 A Yeah, probably.

11 Q Okay. And do you remember talking to us about
12 this night?

13 A Yeah.

14 Q And in fact, you got Investigator Carter's card in
15 case you needed to give us any more information?

16 A Yes.

17 Q Okay. Do you remember telling us that you
18 remember that night, November 12, 2014?

19 A I mean, I was just agreeing with y'all guys. I
20 mean, I don't know. I'd been drugging and thugging lately.
21 I don't -- I don't know anything about that night.

22 Q You've been drugging and thugging; is that what
23 you said?

24 A Yes.

25 Q Okay. Do you remember talking with me about a

DIRECT EXAMINATION OF JAKOBIE GRANT BY MS. JONES.

1 month -- about a month ago?

2 A Yes.

3 Q And Investigator Carter?

4 A Yes.

5 Q And do you remember telling us you remembered
6 November 12th, 2014?

7 A Yes.

8 Q And you remember that you were in the den on the
9 couch when you heard a knock on the door?

10 A I don't recall that.

11 Q Okay. You heard a knock on the door, and you
12 opened the door and a man that you knew as Rohaime Hopkins
13 was at the door?

14 A I don't recall that.

15 Q Okay. And do you remember telling us that this
16 was about 10:00 at night?

17 A I don't recall that.

18 Q And do you remember saying that it was just you
19 and your mom who were home that night?

20 A I don't recall that either.

21 Q Okay. Do you remember telling me that in no way,
22 shape or form did you let him inside that house at 6:00 or
23 7:00 that night?

24 A No.

25 MS. JONES: Okay. I have no further questions.

DIRECT EXAMINATION OF JAKOBIE GRANT BY MS. JONES.

1 THE COURT: Cross examination.

2 MR. LEE: I don't have any questions. No
3 questions.

4 THE COURT: As to the witness, Solicitor?

5 MS. JONES: He may be excused.

6 THE COURT: Any objection, Mr. Lee?

7 MR. LEE: No, sir.

8 THE COURT: Mr. Grant, you may step down. You're
9 excused from the trial of this case. You may leave the
10 courtroom.

11 Call your next witness.

12 MS. JONES: The State calls David Williams.

13 Thereupon,

14 DAVID WILLIAMS

15 was called as a witness, having been first duly sworn,
16 was examined and testified as follows:

17 THE COURT: Pull your chair up for me. Adjust the
18 microphone. State your full name. Spell your last
19 name for the court reporter.

20 WITNESS: David Williams, W-I-L-L-I-A-M-S.

21 THE COURT: Your witness, Counselor. Direct
22 examination.

23 MS. JONES: Thank you, Your Honor.

24 DIRECT EXAMINATION

25

DIRECT EXAMINATION OF DAVID WILLIAMS BY MS. JONES.

1 BY MS. JONES:

2 Q Agent Williams, where do you work?

3 A SLED, the State Law Enforcement Division of South
4 Carolina.

5 Q And in what capacity do you work with SLED?

6 A Special agent investigator.

7 Q And were you working in that capacity back on
8 November 12th of 2014?

9 A Yes, ma'am, I was.

10 Q And you were investigating a murder, helping
11 investigate a murder, weren't you?

12 A Yes, I was.

13 Q Okay. Not this murder though?

14 A No, ma'am.

15 Q Who was the suspect in that case?

16 A Byron Singleton.

17 Q And on November 12 of 2014, did you speak with
18 Mr. Singleton?

19 A Yes, ma'am.

20 Q Where did you speak with him?

21 A At his residence.

22 Q And where is that?

23 A 2063 Jenkins Avenue in Hardeeville.

24 Q Okay. And how far away would you say Hardeeville
25 is from Ridgeland?

DIRECT EXAMINATION OF DAVID WILLIAMS BY MS. JONES.

1 A 15 miles maybe.

2 Q Okay. Do you know about what time you were
3 speaking with Mr. Singleton that night?

4 A Yes, ma'am.

5 Q What time was it?

6 A Well, he wrote his statement at -- and he signed
7 his statement at 10:21 p.m. So we would have spoken to him
8 probably from about 9:30, about that time.

9 Q Okay. So, you were speaking with Mr. Singleton in
10 Hardeeville beginning around 9:30?

11 A That's correct.

12 MS. JONES: Okay. I have no further questions for
13 this witness.

14 THE COURT: Cross examination.

15 CROSS EXAMINATION OF DAVID WILLIAMS BY MR. LEE

16 CROSS EXAMINATION

17 BY MR. LEE:

18 Q You have nothing to do with State versus Rohaime
19 Hopkins, do you?

20 A No, sir.

21 MR. LEE: No further questions.

22 THE COURT: As to this witness, Solicitor.

23 MS. JONES: He may be excused.

24 THE COURT: Any objections?

25 MR. LEE: No, sir.

DIRECT EXAMINATION OF DAVID WILLIAMS BY MS. JONES.

1 THE COURT: You're excused from the trial of the
2 case. You may leave the courtroom.

3 Call your next witness.

4 MS. JONES: The State calls Byron Singleton.

5 THE COURT: Mr. Singleton, come around and be
6 sworn by the Clerk of Court right here.

7 Thereupon,

8 BYRON SINGLETON

9 was called as a witness, having been first duly sworn,
10 was examined and testified as follows:

11 THE COURT: Have a seat. Pull the chair up.
12 Adjust that microphone to your height. Speak up for me
13 so everybody can hear you. State your full name and
14 spell your last name for the court reporter.

15 WITNESS: Byron Bernard Singleton,
16 S-I-N-G-L-E-T-O-N.

17 THE COURT: Your witness, Solicitor. Direct
18 examination.

19 MS. JONES: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MS. JONES:

22 Q Mr. Singleton, you're in jail right now, aren't
23 you?

24 A Yes, that is correct.

25 Q And where are you in jail?

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 A Beaufort County Detention Center.

2 Q But you're a Jasper County inmate?

3 A Yes, ma'am.

4 Q What are you in jail for?

5 A Murder.

6 Q Okay. When did your murder happen?

7 A November 14th, 2014.

8 Q Could it have been November 12th?

9 A It could have been.

10 Q Okay. And right now you have a pending murder
11 charge?

12 A Correct.

13 Q And as far as you know, I haven't promised you any
14 reduction, any leniency, any promises on that charge?

15 A No, ma'am.

16 Q But you're not here out of the goodness of your
17 heart, are you?

18 A Yes, ma'am.

19 Q Yes, you are? You're hoping for some leniency on
20 that murder charge, aren't you?

21 A Correct.

22 Q Okay. You're hoping that the discussions that I
23 have had with your attorney about maybe reducing it and
24 maybe giving you a lesser sentence will actually come true,
25 aren't you?

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 A Yes, ma'am.

2 Q But right now there's nothing in writing?

3 A Correct.

4 Q You're still facing a murder charge?

5 A Correct.

6 Q And in fact, you plan on pleading guilty, don't
7 you?

8 A Oh, yes, ma'am.

9 Q Because you did that?

10 A Yes, ma'am.

11 Q You were arrested for your murder back in
12 December 2014, correct?

13 A Correct.

14 Q And when you were in custody, did you have an
15 opportunity to meet Rohaime Hopkins?

16 A Yes, ma'am.

17 Q And this was in jail?

18 A Correct.

19 Q And did you know him before this?

20 A No, ma'am.

21 Q Who starts talking to who first?

22 A I am not exactly sure. But if I'm not mistaken,
23 we just kind of started talking together.

24 Q Okay. And why did y'all build this friendship?

25 A Both of us were from Jasper County and we were in

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 Charleston Detention Center at that time.

2 Q Okay. And then were y'all the only two from
3 Jasper County?

4 A Correct.

5 Q And this is the first time that you have met
6 Rohaime?

7 A Correct.

8 Q And how do you start talking to him?

9 A Oh, we just became associates, because both of us
10 were from Jasper County; we were the only two from Jasper
11 County in Charleston.

12 Q Okay, did he know what you were in jail for?

13 A Apparently he did because he just started talking
14 to me about my charge.

15 Q Okay.

16 A I guess he must have heard it prior to me coming
17 to jail.

18 Q Okay. So, he picks out another murder defendant
19 in -- from Jasper County to talk to?

20 A Yes.

21 Q Yourself?

22 A Yes.

23 Q Okay. Does he tell you about the reason he's in
24 jail?

25 A At that time he was telling me that he's in jail

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 for, I think, Federal gun charges.

2 Q Okay. Does he tell you about his murder?

3 A Yes, ma'am.

4 Q And what does he tell you about his murder charge?

5 A Well, he was saying that -- I think that SLED
6 officer's name was Richard Johnson. He said that Richard
7 Johnson kept coming to talk to him about a murder charge and
8 then he went into detail explaining to me about the murder.

9 Q Richard Johnson, had you heard that name before?

10 A No, ma'am.

11 Q He's not the agent on your murder case, is he?

12 A No, ma'am.

13 Q He wasn't involved in your case, was he?

14 A No, ma'am.

15 Q Did you know Richard Johnson?

16 A No, ma'am.

17 Q Who gave you the name Richard Johnson?

18 A Mr. Hopkins.

19 Q Okay. And after he tells you that, what does he
20 say about his actual crime of killing T.J.?

21 A He said they was riding around earlier in the day
22 and, I guess, the whole afternoon or whatever and he said
23 that they were selling marijuana.

24 Q Okay. I'm going to stop you right there for a
25 second. Before November 12, 2014, does he tell you

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 anything -- does he tell you anything about him trying to do
2 this before November 12, 2014?

3 A Yes, ma'am.

4 Q And what does he tell you about that?

5 A He says that they was riding -- him and T.J. were
6 riding together in, I think it was in the Tillman area, and
7 he said he and T.J. were doing it then. Okay, he said that
8 someone called T.J. I guess, someone named Angel called
9 T.J. and that's what put him on the scene, saying that they
10 were together. He said that he didn't do it at that time.

11 Q Okay. But he says he does it a different way?

12 A Correct.

13 Q And tell me about that.

14 A He says they were riding together selling
15 marijuana and he said he was taking money out of his pocket
16 like he was selling the marijuana, but he was actually
17 keeping the marijuana, and they was riding together and he
18 said that he made a motion like he's selling this two times.

19 MS. JONES: Okay. May I ask the witness to stand
20 up so the jury can see what he's mentioning?

21 THE COURT: You may.

22 Mr. Lee, would you like to come around and see if
23 you can view it also?

24 MR. LEE: I would, Your Honor.

25 THE COURT: Very well.

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 Help him down there. He's got on chains.

2 Margaret, would you get -- hold on. I need a
3 portable microphone, please, ma'am. Mona had it but
4 she gave it back to you, Margaret.

5 Now, Mr. Singleton, you've got your back to my
6 court reporter. She can't see you. Turn around. Use
7 the microphone. She's going to hand it to you.

8 MS. JONES: Okay, I'm going to hold the microphone
9 for him so he can demonstrate.

10 THE COURT: Speak up, Solicitor. Proceed.
11 Can you see, Mr. Lee?

12 MR. LEE: I can see, Your Honor.

13 THE COURT: Proceed.

14 THE COURT:

15 BY MS. JONES

16 Q Now, Mr. Singleton, can you explain and
17 demonstrate what Rohaime said and showed you he did?

18 A He said they was ride -- said they was riding
19 together in the car and he had the gun right here and he
20 said he saw him with the gun. He said he shot him two
21 times. He said, no, man, we are cool. I F with you. I F
22 with you and he shot him two times.

23 Q Okay. You demonstrated your arms across your
24 chest?

25 A He said that he was sitting in the car. He

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 motioned like this right here.

2 Q Okay. He said the shooting happened inside the
3 car?

4 A Correct.

5 MS. JONES: Okay. You can take a seat back up
6 there.

7 BY MS. JONES

8 Q Okay. Who was driving the car that day?

9 A He said T.J. was driving.

10 Q And where was he sitting?

11 A In the passenger's seat.

12 Q Okay. Did he tell you what he did -- he said that
13 he shot him and then T.J. reacted?

14 A Correct.

15 Q Okay. And when he shoots him -- you said you
16 think two more times?

17 A Correct.

18 Q What does Rohaime and what does T.J. do after
19 that?

20 A I think T.J. made a play or a fight to get the
21 weapon.

22 Q Okay. So, T.J. went toward Rohaime?

23 A Yes, I'd say first, he was like, no, Rom, me and
24 you cool. Me and you cool. I F with you. I F with you,
25 and then I think he tried to make a play for the weapon.

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 That is what he told me.

2 Q Okay. And then, what does Rohaime do after that?

3 A He shot him again.

4 Q Okay. And then after that final shot, what does
5 Rohaime do?

6 A He said that he went to his mom's house.

7 Q Okay. Does he say how he got there?

8 A No, ma'am.

9 Q Does Rohaime tell you why he did this?

10 A It was supposed to be a murder for hire.

11 Q Okay. By who?

12 A Am I allowed to say the name?

13 Q Yes.

14 A I think somebody named Trey.

15 Q Okay. And where do you get this information from?

16 A Mr. Hopkins.

17 Q Okay. He tells you it's a murder for hire from
18 someone named Trey?

19 A Correct.

20 Q Does he tell you how much money he gets?

21 A I think it was 15,000.

22 Q Okay. Who does Mr. Hopkins say is with him when
23 he does this?

24 A He didn't say. He didn't say.

25 Q Does he mention something about some fingerprints?

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 A Oh, yeah, he said that -- I can't remember the
2 name exactly. But he said someone was on the crime scene
3 saying, can you get fingerprints off a bottle.

4 Q Okay.

5 A I can't remember the person that he said was on
6 the crime scene.

7 Q Okay. And he's telling you this, he's confiding
8 in you with this?

9 A Yes, it was like he was just trying to let it out.

10 Q Okay. The man who tells you all of this,
11 confesses to you that he killed Terrance Johnson, do you see
12 him in the courtroom?

13 A Yes, ma'am.

14 Q Okay. And can you point him out, please?

15 A Mr. Hopkins.

16 Q Okay. What is he wearing?

17 A It looks like a blue Oxford shirt.

18 MS. JONES: Okay. May the record reflect the
19 witness identified the Defendant?

20 THE COURT: Proceed.

21 MS. JONES: Beg the Court's indulgence.

22 BY MS. JONES

23 Q Mr. Singleton, did they -- did Mr. Hopkins tell
24 you where the shooting happened?

25 A Not exactly. I think at a stop sign close to his

DIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 mom's house. I'm not sure. I'm -- I'm not -- I'm not
2 familiar from the Ridgeland area.

3 Q Okay. Because you're not from here. You're from
4 Hardeeville?

5 A I'm from Hardeeville.

6 Q Okay. You think it was in -- near his mom's
7 house?

8 A Correct.

9 MS. JONES: Mr. Singleton, I have no further
10 questions.

11 WITNESS: Yes, ma'am.

12 THE COURT: Cross examination.

13 MR. LEE: Yes, sir.

14 MR. LEE:

15 CROSS EXAMINATION

16 BY MR. LEE:

17 Q You're hoping, hoping you're going to get a deal
18 from this, right?

19 A Correct.

20 Q Because you're kind of in a bad spot right now,
21 aren't you?

22 A I'm pleading guilty to mine.

23 Q But you're in a bad spot with what you're charged
24 with, are you not?

25 A Yes, murder is a bad charge, yes.

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 Q And you're charged with murder?

2 A Correct.

3 Q And murder in South Carolina carries a minimum of
4 30 years, day for day --

5 MS. JONES: Your Honor, objection.

6 THE COURT: Ask a question, Counsel.

7 Counsel approach.

8 (Off-the-record discussion held.)

9 THE COURT: Ladies and gentlemen, just stay right
10 in your box. I need to look at a matter.

11 Come on Mary, chop chop. Come on.

12 (The Court exited the courtroom.)

13 (Brief recess.)

14 THE COURT: All rise. Please be seated.

15 The objection is overruled.

16 Proceed counsel. Cross examination.

17 BY MR. LEE

18 Q You are charged with murder?

19 A Correct.

20 Q Murder carries a mandatory minimum of 30 years in
21 jail up to life without patrol, right?

22 A Correct.

23 Q Okay. You're hoping to get a manslaughter plea,
24 right?

25 A I'm not sure. I'm just hoping.

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 Q You're just hoping. Okay. And manslaughter
2 carries two to 30 years, right?

3 A Correct.

4 Q Okay. So you've got a lot riding on your
5 testimony?

6 A Yes.

7 Q You always have?

8 A Yes.

9 Q Okay. And I think when you were talking with
10 Agent Johnson you pointed out you have some kids, right?

11 A Correct, I do.

12 Q So, you want -- I mean, it means a lot to you to
13 try to get out as soon as you can, right?

14 A Yes.

15 Q And you are willing to do what you need to do to
16 do that, right?

17 A Yes.

18 Q You were in Charleston County Detention Center for
19 a crime that happened here; is that right?

20 A Correct.

21 Q Okay. Do you remember on January 26, 2015, you
22 were transported back to Jasper County for a preliminary
23 hearing?

24 A Correct.

25 Q Okay. And the bus you rode on was from the Jasper

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 County Detention Center, right?

2 A Correct.

3 Q And that bus did not go straight from Charleston
4 to Ridgeland, did it?

5 A No, sir.

6 Q Okay. It made at least one other stop?

7 A Correct.

8 Q And the other stop was at Orangeburg at the
9 detention center?

10 A Correct.

11 Q Correct?

12 A Correct.

13 Q Okay. Who did y'all pick up in Orangeburg on
14 January 26, 2015?

15 A We didn't pick anybody up. We dropped somebody
16 off.

17 Q You dropped somebody off?

18 A Yes.

19 Q You had already picked him up?

20 A Well, when the bus picked me up, he was already on
21 the bus.

22 Q Okay. All right. Who did you drop off in
23 Orangeburg?

24 A I think it was Antoine Drake.

25 Q Hollywood?

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 A Yeah.

2 Q So, Hollywood was on the bus with you both ways,
3 at least part of both ways all on January 26, 2015?

4 A Correct.

5 Q Okay, coincidence?

6 A I guess.

7 Q Okay. And you and Hollywood both are from this
8 area too, right?

9 A Correct.

10 Q Y'all struck up a conversation?

11 A We didn't strike up a conversation until we got to
12 county jail until going back though.

13 Q Oh, you and Hollywood?

14 A Yeah, I didn't talk to him at all coming back from
15 Charleston to Jasper.

16 Q Are you aware that Hollywood is a self-proclaimed
17 scam artist?

18 A I don't even know Hollywood. I just met him.

19 Q You just met him?

20 A Yeah.

21 Q Well, how many hours did y'all spend together that
22 day on the bus?

23 A We didn't start talking until we got to the county
24 jail, so from Jasper to Orangeburg --

25 Q From what county jail?

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 A Jasper.

2 Q So, from Jasper to Orangeburg?

3 A Correct.

4 Q Hour and a half, two hours?

5 A Approximately.

6 Q And then, so, January 26, you're on a bus ride
7 with Hollywood. And then less than a week later you're
8 calling SLED saying, I got something to say. I want to
9 talk. I want some help, right?

10 A No, when I talked to Hollywood, Hollywood gave me
11 a message to give Mr. Hopkins; that's how it started.

12 Q Okay. I'm sure he did. But my point is, less
13 than a week after the bus ride with you and Hollywood,
14 you're in there in Charleston County giving a statement to
15 the police, right?

16 A I'm not exactly sure how long it was.

17 Q Your statement says you went to a preliminary
18 hearing trial on 1-26-15. Does that sound right?

19 A Right.

20 Q Okay. And your statement is dated 2-3-15, okay?

21 A (Nods in the affirmative.)

22 Q Twenty-eight --

23 THE COURT: Yes? Say yes and no.

24 WITNESS: Yes.

25 BY MR. LEE

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 Q Twenty-eight days in February. So, one, two,
2 three, four, five, six days difference?

3 A Yes.

4 Q Okay. And that's when it -- that's how long it
5 took for him to come see you, right?

6 A I'm not exactly sure how long it took him to come,
7 but roughly, yes.

8 Q Okay. But you reached out to him?

9 A Yes.

10 Q Okay. Agent Johnson?

11 A Correct.

12 Q The truth of the matter is Hollywood told you
13 these details and told you that you could make some hay with
14 them by saying he confessed to you, right?

15 A Incorrect, no, sir.

16 Q Okay. You know he wasn't even -- there wasn't
17 even a warrant for Rohaime Hopkins' arrest, it wasn't even
18 signed until March 18th, which is a month and a half after
19 you say he said this to you? Do you know that?

20 A (inaudible)

21 MR. LEE: I would ask -- can I approach? The
22 court reporter had -- I'm going to ask the court
23 reporter --

24 THE COURT: Counsel approach.

25 (Off-the-record discussion held.)

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 THE COURT: Okay.

2 BY MR. LEE

3 Q So, your testimony in hopes of reward,
4 Mr. Singleton, is that Rohaime Hopkins, who you had never
5 talked to or knew, right?

6 A Correct.

7 Q Before?

8 A Correct.

9 Q Before he was charged with anything?

10 A I knew him before that.

11 Q You said you never knew him before that?

12 A Well, if he was charged on that day, he was in
13 Charleston County jail prior to that.

14 Q When you first saw him in Charleston County Jail,
15 you had never met him before, right?

16 A No, sir.

17 Q Okay. And you put that -- had you had any
18 dealings with Hopkins before talking to him in Charleston,
19 answer no?

20 A No, sir.

21 Q Right?

22 A No, sir.

23 Q Okay. So, this guy who you've just met in jail
24 for the first time, who hasn't been charged with a crime,
25 comes to you and you're saying that he completely spilled

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 the beans to you?

2 A We was in a part -- well, we was in a whole unit
3 together. Because later on I was in part six; he was in
4 part three. I moved from part six to part three and we
5 started talking every night.

6 Q Okay.

7 A So, we were basically roommates.

8 Q Okay. And do you have any special skills to get
9 people to -- to open up to you?

10 A No, we were just randomly talking.

11 Q Okay. Did you confess all of your sins to him?

12 A I told him that I'm guilty.

13 Q You told him that you're guilty?

14 A I'm guilty.

15 Q Okay. Have you always said you're guilty?

16 A I'm guilty for my crime.

17 Q Okay. Do you remember talking to special agent on
18 the day you wrote your statement?

19 A Correct.

20 Q And you are telling me it was self-defense,
21 weren't you, the whole time?

22 A But I'm still guilty. I never -- I never -- I
23 never said I didn't shot him. I said that from -- from the
24 officer -- from the time that the officer first picked me
25 up. I made a statement. I gave him a statement.

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 Q You told him it was self-defense, right?

2 A Yes, it is, but I still shot him.

3 Q Which is an excuse, a defense, you know that,
4 okay.

5 You put something here about Tutu at -- being
6 at the crime scene and asking about whether fingerprints
7 could be taken off a bottle, right?

8 A Correct.

9 Q And you claim that he told you that?

10 A He said somebody from the crime scene, I couldn't
11 remember the name, it might have been Tutu, so he said Tutu
12 asked also if you could get fingerprints off of a bottle and
13 what kind of bottle.

14 Q Do you know that Hollywood was on the crime scene?

15 A No, sir. Hollywood was the one that told me. In
16 transition going to Charleston, he was the one that told me
17 to tell Rohaime, You got me hot. You got me hot. The
18 police started knocking on my door. That's how the
19 conversation started between me and Rohaime.

20 Q Hollywood is telling you to tell him that he got
21 him hot?

22 A Yes.

23 Q Meaning the police are blaming Rohaime -- I mean,
24 Hollywood, right?

25 A I don't know what it means. I just relayed the

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 message.

2 Q Okay. So, Hollywood knew about the stuff in this
3 case too, didn't he?

4 A He didn't never say nothing about the crime. All
5 he did was say, you got me hot.

6 Q Okay.

7 A He didn't go into details. He said, You got me
8 hot.

9 Q Okay. And isn't it funny that Hollywood knew that
10 you were in the same jail as Rohaime?

11 A No, he didn't know.

12 Q Okay.

13 A Until he asked me if I knew Rohaime and I said,
14 yeah, he is in the same pod with me. He didn't know. He
15 asked me where I was at and I told him Charleston.

16 Q Still it's just complete coincidence?

17 A Yes.

18 Q Okay. And you didn't find it weird that Hollywood
19 asked you out of the blue if some guy is in the -- in jail
20 with you?

21 A Apparently, he knew Rohaime was in Charleston.

22 MR. LEE: That's all I have.

23 THE COURT: Counsel, I understand that the parties
24 have a stipulation.

25 MR. LEE: Yes, Your Honor.

CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 THE COURT: Is that correct, Solicitor?

2 MS. JONES: Yes, Your Honor.

3 THE COURT: Would you publish the stipulation,
4 Mr. Lee?

5 MR. LEE: Yes, sir. The parties have agreed to
6 stipulate that the arrest warrant charging Rohaim
7 Hopkins with murder that was asking -- Special Agent
8 Richard Johnson would sign, the warrant was signed on
9 March 18, 2015, by Magistrate Jacqueline S. Lee who is
10 a Jasper County magistrate.

11 THE COURT: Is that correct, Solicitor?

12 MS. JONES: Yes, Your Honor.

13 THE COURT: Ladies and gentlemen, you will accept
14 the stipulation as a proven fact in the trial of this
15 case as agreed to by both sides as a fact.

16 Redirect.

17 MS. JONES: Thank you, Your Honor.

18 REDIRECT EXAMINATION

19 BY MS. JONES:

20 Q Mr. Singleton, how long were you in Charleston
21 County with Rohaime Hopkins?

22 A I think about 90 days.

23 Q Okay. And over that 90 days is when your
24 friendship became?

25 A Yes, ma'am.

REDIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 Q Describe the -- you said y'all were roommates
2 essentially?

3 A Yes, ma'am, we were in an open ward. We were
4 basically roommates.

5 Q Okay. Describe that.

6 A Oh, there's 64 inmates in there. I think.
7 Thirty-two pods. And I was in pod six and he was in pod
8 three. After Hollywood gave me a message to give him, then
9 that's when we started talking, confiding, you know. I'm
10 moving from pod six to pod three so we talking at night.

11 Q Alone where nobody could hear?

12 A No, there were other people.

13 Q Okay. In your pod?

14 A Yeah.

15 Q Other inmates in that pod?

16 A Yes, there's four to a pod.

17 Q Four to a pod?

18 A Correct.

19 Q Okay. So, you were with him for 90 days or so?

20 A Correct.

21 Q How long were you with Antoine Drake?

22 A Just for that short period of time, maybe an hour
23 and a half.

24 Q And Antoine didn't confide in you that day, did
25 he?

REDIRECT EXAMINATION OF BYRON SINGLETON BY MS. JONES

1 A No, the only thing Antoine told me was to tell
2 Rohaime, you got me hot. You got me hot. And he said, tell
3 Rohaime Tutu went to Philadelphia. That is all that he
4 said.

5 Q Okay. And you are testifying today and what you
6 have testified to is the truth?

7 A Correct.

8 Q And everything that you've said has been the
9 truth?

10 A Correct.

11 Q And your testimony is that the information that
12 you got about the murder came from that man right there,
13 Rohaime Hopkins?

14 A Correct.

15 Q Because he said he did the murder?

16 A Correct.

17 MS. JONES: I have no further questions.

18 THE COURT: Recross. Limited to redirect.

19 RE-CROSS EXAMINATION

20 BY MR. LEE

21 Q Is it safe to say there's not a lot of privacy in
22 the jail?

23 A Yes, sir.

24 Q And you also said that Hollywood -- said that Tutu
25 had headed up to Philly?

RE-CROSS EXAMINATION OF BYRON SINGLETON BY MR. LEE

1 A Correct.

2 MR. LEE: That is all I have, Your Honor.

3 THE COURT: As to this witness, Solicitor.

4 MS. JONES: He may be excused.

5 THE COURT: Any objection?

6 MR. LEE: No objection, Your Honor.

7 THE COURT: Mr. Singleton, you may step down from
8 the trial of this case and you are excused from this
9 trial and you may leave the courtroom. Watch your
10 step.

11 Call your next witness.

12 MS. JONES: The State calls Haley Quam Nelson.

13 Thereupon,

14 HALEY QUAM NELSON

15 was called as a witness, having been first duly sworn,
16 was examined and testified as follows:

17 THE COURT: Watch your step. Take a seat and make
18 yourself comfortable. Adjust the chair for your
19 comfort and adjust the microphone to your height and
20 state your full name and spell your last name for the
21 court reporter.

22 WITNESS: First name is Haley; last name Nelson.
23 N-E-L-S-O-N. At the time of this, my maiden name was
24 Quam, so, Q-U-A-M.

25 THE COURT: Your witness, Counsel.

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 MS. JONES: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MS. JONES:

4 Q Agent Nelson, where do you work?

5 A South Carolina Law Enforcement Division, commonly
6 known as SLED.

7 Q In what capacity do you work right now with SLED?

8 A I'm assigned to the behavioral science unit.

9 Q Okay. In 2014, November 2014, what unit did you
10 work in?

11 A I was in the crime scene unit.

12 Q What were some of your duties in the crime scene
13 unit?

14 A Some of my duties, at the request of state, local
15 or federal agencies, we would respond to crime scene
16 requests. From then on, we would go to a crime scene. We
17 would document, collect evidence and transport it back to
18 the laboratory. From there, I would log it in, and send it
19 to the respective departments for further processing and
20 then complete my crime scene reports.

21 Q And did you have to have special training and
22 education to work crime scenes?

23 A Yes, I did.

24 Q Okay. Could you tell us a little bit about that?

25 A I received two degrees from West Virginia

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 University. I have a bachelor of science in forensics and
2 investigative science and a bachelor in the controlling
3 and investigation. When I started at SLED, I went to the
4 Criminal Justice Academy and graduated from there to law
5 enforcement officer in May of 2000 -- or March of 2013. And
6 then I completed a six month in-house training program where
7 we had to be competent in different areas such as
8 photography, collection of evidence. And then I also
9 completed external training, such as basic and advanced
10 analysis, crime scene reconstruction, and shooting incident
11 reconstruction.

12 Q Okay. And on November 13 of 2014, did you respond
13 to a crime scene at 350 Knowles Island Road?

14 A I did.

15 Q And is that here in Jasper County?

16 A It is.

17 Q Okay. And when you got there, what do you see?

18 A When we arrived on scene, there was a vehicle
19 parked at the end of this gravel road which was the driveway
20 for 350 Knowles Island Road. And it was a green Honda. The
21 passenger -- front passenger door was open. The victim was
22 lying on the ground. A sheet had been placed over the
23 victim prior to our arrival by the coroner. And you
24 could -- there was trees on either side of the road. You
25 couldn't see the residents from the end of the road from

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 where we were located at.

2 Q So, it's a rural area?

3 A Yes.

4 Q Okay.

5 MS. JONES: Permission to approach, Your Honor.

6 THE COURT: You may.

7 *(Whereupon, State's Exhibit No(s). 14-34 marked*
8 *for identification and received in evidence.)*

9 BY MS. JONES

10 Q Agent Nelson, I'm going to show you State's 14
11 through 34, previously shown to the Defendant. And can you
12 identify those, please?

13 A I recognize them.

14 Q Okay. And are those photographs from 350 Knowles
15 Island Road?

16 A Yes, they are.

17 Q And as part of your job on a crime scene, is
18 documenting the scene one of those tasks?

19 A Correct. We document them with photographs and
20 notes.

21 Q Okay. And that is what we see right there?

22 A Correct, to the photographs.

23 Q And do those photographs fairly and accurately
24 depict the scene that day --

25 A Yes.

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 Q -- as you found it?

2 A Yes, they do.

3 MS. JONES: Your Honor, at this time the State
4 moves State's 14 through 34 into evidence.

5 THE COURT: As to 14 through 34 inclusive.

6 MR. LEE: Can I just look at them?

7 THE COURT: Absolutely. Hand them to counsel.

8 MR. LEE: I'll go very quickly.

9 (Attorney reviews documents.)

10 MR. LEE: Thank you.

11 THE COURT: As to 14 through 34.

12 MR. LEE: No objection.

13 THE COURT: Ladies and gentlemen of the jury,
14 State's Exhibits 14 through 34 inclusive, including 14
15 and 34, will be admitted into the trial of this case
16 without objection. You may now publish to the jury.

17 MS. JONES: Thank you, Your Honor.

18 (Whereupon, {DP<PARTY"PARTY} Exhibit No(s). {PXN"X
19 marked for identification and received in evidence.)

20

21

22 BY MS. JONES

23 Q Agent Nelson, I'm showing you what is State's 14.
24 Can you describe what you see in this picture?

25 A That's a picture from the passenger's side.

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 That's the front driver's seat though. There is a black
2 hood -- hoodie on -- on that seat, and the floor board, it
3 is kind of hard to see on the driver's side, there is a
4 cartridge case there.

5 Q Okay. Is that in the bottom --

6 A Yes.

7 Q -- bottom corner there?

8 A Yes, and there is a leaf right by it.

9 Q Okay. What is a cartridge case?

10 A A cartridge case is ejected from a firearm after
11 it's fired.

12 Q Okay. And State's 15, what does this picture
13 show?

14 A That's the front passenger's seat. There's a
15 unopened Mountain Dew bottle there. There's also suspected
16 blood on the cushion of the seat as well as the backrest of
17 the seat.

18 Q And that is what we see in the corner right there
19 and is on the back?

20 A Yes.

21 Q Okay. And State's 16?

22 A That's another picture of the backrest of the
23 front passenger seat and there's suspected blood there.

24 Q Okay. And State's 17?

25 A That would be the door handle. I'm not sure which

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 one that is. I believe that is the rear driver door handle
2 and there's suspected blood by the handle.

3 Q Okay. And State's 18?

4 A Again, that's the interior side of the door.
5 There is suspected blood by the handle and by the lock.

6 Q Okay. And State's 19?

7 A That is another view of the front driver's floor
8 board. You can see there's a cartridge by that leaf. There
9 is a key in the ignition, a cell phone and case in the
10 center console area.

11 Q Okay. What -- what is this in this corner and
12 right here?

13 A It looks like suspected blood.

14 Q Okay. And how about in the ashtray, did you find
15 anything?

16 A Cigarette butts.

17 Q Did you collect those?

18 A Yes, we did.

19 Q Okay. State's 20?

20 A This is a view of the front passenger's seat from
21 the driver's side. You can see suspected blood on the seat
22 cushion.

23 Q Okay. State's 21?

24 A That is the front driver's side. The black
25 sweatshirt is on the seat cushion. There's two cartridge

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 cases in the floor board of the driver's side. That one of
2 the cartridges -- there was a cartridge case initially seen
3 from the passenger's side and when that door was opened, it
4 had been in the apex of the door, so it fell down.

5 Q So, the crime scene had opened that driver's side
6 door?

7 A Yes.

8 Q Okay. And that's where that came from?

9 A Yes.

10 Q State's 22, and what is that?

11 A That's a cartridge case and that's located under
12 the front driver's seat.

13 Q Okay. State's 23. What is that?

14 A That's the black zipper sweatshirt.

15 Q Okay. Does there appear to be something inside
16 that sweatshirt --

17 THE COURT: We can't hear you, Solicitor.

18 MS. JONES: Sorry.

19 THE COURT: Speak up.

20 BY MS. JONES

21 Q Does there appear to be something inside that
22 sweatshirt as to why the picture was taken?

23 A There was a fires projectile located in the
24 sweatshirt when we collected it.

25 Q Okay. State's 24?

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 A That's another view of the black zip-up
2 sweatshirt. There is a -- the fire projectile is located in
3 the bottom. Correct. Right there.

4 Q Okay. State's 25?

5 A That is a picture of the ignition and the -- the
6 steering wheel column. The key is in the ignition; it was
7 on.

8 Q Okay. And State's 26?

9 A That's a photo of the back seat of the vehicle
10 from the driver's side.

11 Q Okay. And State's 27?

12 A That is in front of the victim, marker one, which
13 was an unfired cartridge and also the -- the victim's right
14 arm.

15 Q An unfired cartridge, does it have another name?

16 A It hadn't been fired from a firearm.

17 Q So, it's a bullet?

18 A Yes.

19 Q Okay. State's 28?

20 A Those are markers from the driver's side. Markers
21 two, three and four were all cartridge cases.

22 Q State's 29?

23 A Close-up of markers two and three which are in the
24 front driver's side floor board in their cartridge cases.

25 Q State's 30?

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 A A view of the steering wheel column and marker
2 four, close-up. There is a cartridge case there.

3 Q State's 31?

4 A It is a view of the victim on the passenger's side
5 and also markers five and one which were both unfired
6 cartridges.

7 Q Okay. State's 32?

8 A Marker six, which was located in front of the
9 vehicle, it was found after the victim had been removed from
10 the scene and it's a cartridge case.

11 Q Okay. State's 33?

12 A That's the victim's jeans. There was money
13 located in his front pocket.

14 Q Okay. And finally, State's 34?

15 A That is in front of the victim. It appears that
16 there were possibly some drag marks there.

17 Q Okay. Is that what you were indicating right
18 here?

19 A Yes.

20 Q In front of Mr. Johnson's right arm?

21 A Yes.

22 Q Does it also appear that he has dirt on his
23 fingers as well?

24 A Yes, which we can see when we moved the victim.

25 Q In those photographs, we saw some different pieces

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 of evidence. Did you actually photograph everything? Do
2 you collect some items?

3 A Yes, we do.

4 Q Okay. We had talked about the cigarette butts?

5 A Yes.

6 Q How many cigarette butts did you collect?

7 A I can't recall the number.

8 WITNESS: May I refer to my notes, Your Honor?

9 THE COURT: Pardon?

10 WITNESS: May I refer to my notes?

11 THE COURT: Absolutely.

12 WITNESS: I don't believe that I have a number of
13 cigarette butts, but there were more than one.

14 BY MS. JONES

15 Q Okay. And you collected those?

16 A Yes.

17 Q Okay. And you also took some swabs of the
18 different areas?

19 A Yes, we did.

20 Q And what was the purpose of taking these swabs?

21 A There was two different reasons that we collected
22 swabs. One was for suspected blood and the other was for
23 touch DNA.

24 Q Okay. And how about fingerprints?

25 A We processed the vehicle with black powder looking

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 for latent fingerprints.

2 Q Okay. You also --

3 MS. JONES: Permission to approach, Your Honor?

4 THE COURT: Yes.

5 BY MS. JONES

6 Q I'll show you what's marked as State's 63. And
7 what is that?

8 A This was the green leaf like material. It was
9 located in between the victim's legs.

10 Q Okay.

11 A Which we collected.

12 Q Okay. And you collected that?

13 A Yes.

14 Q Okay. And it was subsequently tested for -- to be
15 marijuana?

16 A Yes.

17 Q Okay.

18 MS. JONES: And at this time, the State moves
19 State's 63 into evidence.

20 MR. LEE: No objection.

21 THE COURT: Ladies and gentlemen, State's 63 will
22 be admitted into evidence in the trial of this case
23 without objection.

24 *(Whereupon, State's Exhibit No(s). 63 marked for*
25 *identification and received in evidence.)*

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 BY MS. JONES

2 Q Okay. And you also -- after the scene, you
3 collected some items from Mr. Johnson's autopsy, didn't you?

4 A That is correct.

5 Q And what did you collect from autopsy?

6 A What was transferred to me, there was three
7 bullets that were collected at autopsy, the clothing that he
8 was wearing. I believe there was a couple more items
9 located in his pockets, a lighter and a key. And a blood
10 spot which is common on autopsy that's used as a known
11 standard to be compared to anything else DNA related in the
12 case and finger nail clippings.

13 Q Okay. And all of these shell casings -- well, you
14 collected shell casings also?

15 A Correct, from -- from the crime scene.

16 Q Okay. Do you remember how many you collected from
17 the crime scene?

18 A Five cartridge cases.

19 Q Okay. And how about unfired bullets?

20 A Two.

21 Q And then the three bullets from Mr. Johnson's
22 autopsy?

23 A Correct.

24 Q What did you do with all of this evidence?

25 A Would have taken it back to the lab and logged it

DIRECT EXAMINATION OF HALEY QUAM NELSON BY MS. JONES

1 in, which means assigning an item number to it and then
2 packaged according to what department it's going to. So,
3 the cartridge cases and the fired projectiles, those would
4 be sent to Firearms for further analysis.

5 MS. JONES: Okay. I have no further questions for
6 you, Agent Nelson.

7 WITNESS: Okay.

8 CROSS EXAMINATION

9 BY MR. LEE:

10 Q Good afternoon.

11 A Good afternoon.

12 Q So, you said that you really tested for three
13 things: Suspected blood, touch DNA and latent fingerprints?

14 A Yes, sir.

15 Q When you do get evidence like that, you then go
16 back to -- they go back to the lab and they compare that to
17 what's called a known standard, correct? Am I using the
18 wrong words?

19 A Yes -- yes and no. I mean, it depends on the type
20 of evidence.

21 Q Okay.

22 A For example, with touch DNA --

23 Q Right.

24 A -- they -- they would compare it to a known
25 standard.

CROSS EXAMINATION OF HALEY QUAM NELSON BY MR. LEE

1 Q That should have been -- so, let's talk about DNA.
2 You have to have a known standard or what's called an
3 exemplar to compare crime scene evidence with a known DNA
4 from a certain person, right?

5 A That's correct.

6 Q Okay. And without having that known DNA from a
7 known person, you're not able to -- to make a match, right?

8 A That --

9 MS. JONES: Your Honor, objection. Query is
10 outside the scope of --

11 THE COURT: Counsel approach.

12 (Off-the-record discussion held.)

13 MR. LEE: No more questions, Judge.

14 THE COURT: Redirect.

15 MS. JONES: None for this witness.

16 THE COURT: As to the witness?

17 MS. JONES: She may be excused.

18 THE COURT: Any objection?

19 MR. LEE: No, sir.

20 THE COURT: Very well. Ms. Nelson, if you'll step
21 down from the witness stand, you are excused from the
22 trial of this case. You may leave the courtroom.
23 Leave my exhibits with me. Take only your file.

24 Madam foreperson, ladies and gentlemen of the
25 jury, we are going to take our one and only

CROSS EXAMINATION OF HALEY QUAM NELSON BY MR. LEE

1 midafternoon break at this point. I'm working you a
2 little later so I can get you home in a timely fashion.
3 Please do not discuss the case. Please don't talk to
4 any family members or anyone else involved in this
5 case. I'll be back with you just as quickly as I
6 possibly can. Please retire to your jury room and take
7 a break.

8 (Jury exits the courtroom at 4:26 p.m.)

9 THE COURT: All right. I want to put on the
10 record, which I promised that I would do, Mona, I
11 believe that it was Jakobie Grant, right, that came and
12 testified to allegedly a burn barrel. Is that -- am I
13 quoting the right one?

14 MS. JONES: Michael Taylor, Your Honor.

15 THE COURT: I'm sorry, Michael Taylor.

16 Mr. Lee stood up and gave one of his speaking
17 objections about notice of the witness. I stopped him,
18 told him I would take it up outside of the presence of
19 the jury. Just as Mr. Lee saw jurors talking to the
20 Defendant's brother and reported it to this court as
21 well first reporting it to solicitor, the solicitor,
22 upon learning today that Mr. Taylor was going to
23 testify for the first time about the burning of
24 clothing, either in a burn barrel or burning it, went
25 straight to Mr. Lee and informed him as soon as she was

CROSS EXAMINATION OF HALEY QUAM NELSON BY MR. LEE

1 informed. Then they both came to me, which they both
2 enjoyed doing so much, to inform me of their problem.

3 Because witnesses often change their testimony and
4 often give surprise testimony, there was absolutely no
5 reason for Mr. Lee to stand up other than to evoke
6 sympathy for his client in front of the jury and talk
7 about the notice that he got, because he got the exact
8 same notice that the solicitor got as to the content of
9 Mr. Taylor's testimony. And the solicitor, just as
10 Mr. Lee rightfully went to her with the juror problem,
11 the solicitor rightfully went to Mr. Lee to give him
12 the same notice she received about the content of that
13 testimony. For that reason, I did not sustain
14 Mr. Lee's objection.

15 We're going to take our one and only break for ten
16 minutes, and I want to see my lawyers in chambers.

17 (Whereupon, a brief recess was taken.).

18 THE COURT: Scott, I can't tell you how wonderful
19 it is to have bright young minds assisting us in a
20 trial of this case. I now have a four-page memo.

21 MR. LEE: Wow!

22 THE COURT: This is Federal Court inside the state
23 court.

24 MR. LEE: See, the last time you give me Justice
25 Toal as the law clerk, now you give me three.

CROSS EXAMINATION OF HALEY QUAM NELSON BY MR. LEE

1 THE COURT: No, no, I didn't give it to you, but
2 I'll admit that's the way the ol' cookie crumbled.

3 MR. LEE: That's right.

4 THE COURT: And by the way, I talked to her
5 several times and she was extremely complimentary of
6 both you and she was extremely complimentary of Sean.
7 So, it turns out to be --

8 MR. LEE: And Brian.

9 THE COURT: Brian, were you there?

10 MR. HOLLEN: I sat second chair.

11 THE COURT: Well, she talked about both sides and
12 that was an education for her. And you're going to
13 love this. She disagreed -- y'all don't know this --
14 she disagreed with Tommy on two rulings and told him so
15 and he still ruled the way he thought. Scott thinks he
16 is under the gun. How would you like it if the chief
17 justice tells you you were one hundred percent wrong,
18 and he still goes out on the Bench and makes the
19 ruling. That is why I love Tommy Cooper, by the way,
20 who was my mentor, and who is, as you all know, just a
21 great judge, and we'll see, because I'm sure we will
22 get the chance to get that paper graded by the
23 appellate court.

24 All right. I understand that the parties are
25 ready. Bring us the jury, please, ma'am.

CROSS EXAMINATION OF HALEY QUAM NELSON BY MR. LEE

1 THE BAILIFF: Come into the courtroom, please.

2 (Jury enters the courtroom at 4:40 p.m.)

3 THE COURT: All right. Ladies and gentlemen, I
4 want you to know I'm aware of the time, and I'm going
5 to push a little bit more, work a little later because
6 I want to finish this tomorrow. And that's the reason
7 that I'm working you a little later today so that I can
8 hopefully complete the trial in a timely fashion.
9 Thank you for your patience. Thank you for your
10 service.

11 Call your next witness.

12 MS. JONES: Thank you, Your Honor. The State
13 calls Kimberly Mears.

14 Your Honor, the next three witnesses are SLED
15 forensic scientists and the Defense has agreed to
16 stipulate to chain of custody for each of the items
17 they will be testifying --

18 THE COURT: Is that correct, Mr. Lee?

19 MR. LEE: Yes. Right now I'll -- I'll stipulate
20 they're experts in their field and stipulate to
21 whatever chain --

22 THE COURT: You'll also stipulate to their
23 qualifications?

24 MR. LEE: Yes, sir.

25 THE COURT: Ladies and gentlemen of the jury, let

CROSS EXAMINATION OF HALEY QUAM NELSON BY MR. LEE

1 me advise you of something as the witness comes to the
2 courtroom. Normally the law does not allow a witness
3 to get on the witness stand and testify to what we call
4 opinions or conclusions. An exception to that rule
5 exists for those witnesses whom we call expert
6 witnesses. So, a witness who claims to have special
7 knowledge, skill, experience, training or education in
8 some field, is allowed. If qualified by the court to
9 give an opinion as to matters in which the witness as
10 an expert claims to be so skilled.

11 In determining the weight to be given to such
12 opinion, you should consider the qualifications and the
13 credibility or believability of the expert and the
14 reasons given for his or her opinion. You are not
15 bound by any expert opinion. You give it the weight,
16 if any, to which you feel as a jury it should be
17 entitled.

18 Proceed. Please be sworn in by the clerk. You
19 were previously sworn, but I'll have you sworn again
20 since you're being recalled; is that right?

21 MS. JONES: No, Your Honor.

22 THE COURT: Oh, I'm sorry, different witness.

23 THE COURT: They all even dress alike.

24 (Laughter.)

25 Thereupon,

CROSS EXAMINATION OF HALEY QUAM NELSON BY MR. LEE

1 KIMBERLY MEARS

2 was called as a witness, having been first duly sworn,

3 was examined and testified as follows:

4 THE COURT: State your full name for the record,
5 and spell your last name.

6 WITNESS: My name is Kimberly Mears. My last name
7 is spelled M-E-A-R-S.

8 THE COURT: Your witness, Counsel.

9 MS. JONES: Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MS. JONES:

12 Q Agent Mears, where do you work?

13 A South Carolina Law Enforcement Division which is
14 commonly known as SLED.

15 Q And in what department do you work with SLED?

16 A The latent prints department.

17 Q And what are latent prints?

18 A If you look closely at the palm side of your hand,
19 you will see tiny little raised lines on your skin. Those
20 are what we call ridges, and they're lines of sweat pores.
21 Throughout your day you would exude sweat, you eat greasy
22 foods or touch your face, and once moisture gets on those
23 ridges, when you go to touch a surface, the moisture is
24 transferred to that surface corresponding to the ridges on
25 your skin. That is a latent print; the word latent meaning

DIRECT EXAMINATION OF KIMBERLY MEARS BY MS. JONES

1 hidden or invisible, needing some form of development and
2 enhancement to be seen.

3 Q How long have you been in latent print department?

4 A About six years.

5 Q And you had received specialized training
6 education?

7 A That's correct.

8 MS. JONES: Your Honor, the State would ask that
9 Ms. Mears be an expert in latent prints.

10 MR. LEE: So be it.

11 THE COURT: Ladies and gentlemen, the witness is
12 qualified without objection, recalling my earlier
13 instruction to you concerning expert testimony.

14 You may proceed.

15 MS. JONES: Thank you, Your Honor.

16 Your Honor, permission to approach the witness.

17 THE COURT: You may.

18 (Off-the-record discussion held.)

19 BY MS. JONES

20 Q Agent Mears, I'm handing you what has been marked
21 State's 64, 65, 66 and 67. Can you identify those?

22 A State's 60 --

23 THE COURT: Could you get a little closer to the
24 microphone, please.

25 WITNESS: Sorry. State's 64 through 66 are what

DIRECT EXAMINATION OF KIMBERLY MEARS BY MS. JONES

1 we call major case prints which are known -- or excuse
2 me, they are three versions of fingerprint cards which
3 are known standards taken from an individual under a
4 controlled environment on purpose instead of just
5 randomly touching an object at your house or when you
6 are out and about in town.

7 Do you want the names on the cards?

8 BY MS. JONES

9 Q Yes, please, who are those prints of?

10 A Let's see, two of the fingerprint cards are from
11 Antoine Drake and one fingerprint card is from Rohaime
12 Hopkins.

13 Q Okay. And those are the print cards you used to
14 compare the unknown prints you received?

15 A Yes, they are some of them.

16 MS. JONES: Your Honor, at this time, the State
17 moves 64, 65 and 66 into evidence.

18 THE COURT: Inclusive.

19 MS. JONES: Yes.

20 THE COURT: As to 64, 65, 66 and 67.

21 MR. LEE: No objections, Your Honor.

22 THE COURT: Ladies and gentlemen of the jury,
23 State's Exhibit 64 through 67 inclusive will be
24 admitted into evidence in the trial of this case
25 without objections. You may publish.

DIRECT EXAMINATION OF KIMBERLY MEARS BY MS. JONES

1 *(Whereupon, State's Exhibit No(s). 64-67 marked*
2 *for identification and received in evidence.)*

3 MS. JONES: Thank you, Your Honor.

4 BY MS. JONES

5 Q Agent Mears, what is State's 67?

6 A It is what we call a latent lift which is where a
7 surface was processed with black powder and then a piece of
8 tape was placed over that surface and lifted and then placed
9 on this index card. And it's my item, it's number 2, and
10 it's from the driver door frame of the vehicle.

11 Q Okay. That's not the only latent lift you were
12 asked to analyze, was it?

13 A No, it was not.

14 Q How many were you asked to analyze?

15 A Eight.

16 Q Okay. And out of those eight, were some
17 inconclusive?

18 A Yes, they were.

19 Q And did a couple belong to Antoine Drake?

20 A Yes, they did.

21 Q Item 22, when you get that print card, what do you
22 do with it?

23 A I first look at it to see if there are any prints
24 on it that are of value to compare with a known standard.
25 In this case, there were. So that print is then

DIRECT EXAMINATION OF KIMBERLY MEARS BY MS. JONES

1 subitemized. So the print itself is my item 22.1. And then
2 I compare it to any possible or any known standards that I
3 received as well in the case.

4 Q Okay. And did you compare that print to Rohaime
5 Hopkins' prints?

6 A I did.

7 Q And what were your findings?

8 A The -- the latent prints on the lift was
9 identified to the card of Rohaime, Rohaime Hopkins.

10 Q Okay. So, that latent lift taken off the car is
11 Rohaime Hopkins' palm print?

12 A Correct.

13 MS. JONES: Okay, no further questions.

14 THE COURT: Cross examination.

15 MR. LEE: Can I see the exhibits?

16 CROSS EXAMINATION

17 BY MR. LEE

18 Q Do these cards have a date on them about when you
19 got them? Do you know when you got them?

20 A Which?

21 Q The ones for Drake.

22 A Drake, I received on -- let's see. That -- they
23 are not on the card, but as part of my case file, they would
24 have been received around November 20th, 2014.

25 Q Okay. And did you receive both of those sets at

CROSS EXAMINATION OF KIMBERLY MEARS BY MR. LEE

1 the same time?

2 A Yes, I would have.

3 Q Okay. So, November 20th, 2014?

4 A Yes.

5 Q Okay. And then you -- it looks like you ran a
6 report dated December 1st, 2014?

7 A Okay.

8 Q Does that sound right?

9 A Yes.

10 Q And if you will look on item 18.3?

11 A Yes.

12 Q That -- that says a latent impression represented
13 on item 18?

14 A Correct.

15 Q Item 18 is the lift from the Toyota Camry front
16 driver side window?

17 A Yes.

18 Q And your findings on item 18.3 as to Antoine Drake
19 was inconclusive based on the quality of item 60, right?

20 A Correct.

21 Q And item 60 is the known print, right?

22 A Correct.

23 Q Okay. So, those weren't good enough -- I'm using
24 lawyer's terms rather than yours -- those weren't good
25 enough to be able to make that comparison, right?

CROSS EXAMINATION OF KIMBERLY MEARS BY MR. LEE

1 A That's correct.

2 Q Okay. So, at the end of your report on Page 5 you
3 actually, it says, Please submit clear and complete known
4 finger and palm print for further examination?

5 A Yes, it does.

6 Q Okay. Does that -- would that logically mean the
7 ones that weren't very -- came across very good?

8 A Yes. Anytime we use an inconclusive based on the
9 quality of the known standard, we add that line to hopefully
10 get better quality.

11 Q And again, your report is dated December 1st,
12 2014?

13 A Yes, it is.

14 Q Okay. And your report was forwarded to whom?

15 A Richard Johnson.

16 Q Okay. Between December 1st, 2014, when this was
17 sent to Agent Johnson, did you ever receive any clear and
18 complete known finger and palm prints from Antoine Drake?

19 A No, I did not.

20 Q So you received no response to this?

21 A Correct.

22 MR. LEE: Okay. That's all I have, Your Honor.

23 THE COURT: Redirect.

24 MS. JONES: No, Your Honor.

25 THE COURT: As to the witness?

CROSS EXAMINATION OF KIMBERLY MEARS BY MR. LEE

1 MS. JONES: She may be excused.

2 THE COURT: Any objection?

3 MR. LEE: No, sir.

4 THE COURT: Ms. Mears, thank you and you're
5 excused. Leave my exhibits. Take your file. You're
6 excused from trial in this case. You may leave the
7 courtroom.

8 Call your next witness.

9 MS. JONES: The State calls Donna Money.

10 Thereupon,

11 DONNA MONEY

12 was called as a witness, having been first duly sworn, was
13 examined and testified as follows:

14 THE COURT: Watch your step. Have a step up
15 there. Have a seat. Make yourself comfortable in that
16 chair. Pull the chair up. Adjust the microphone to
17 your height. You tell me when you're ready.

18 WITNESS: I'm good.

19 THE COURT: Good. Would you state your full name
20 and spell your last name for the court reporter.

21 WITNESS: Donna Money, M-O-N-E-Y.

22 THE COURT: I think I can spell that.

23 Your witness, Counsel.

24 MS. JONES: Thank you, Your Honor.

25 DIRECT EXAMINATION

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 BY MS. JONES

2 Q Agent Money, where do you work?

3 A I'm currently employed at the South Carolina Law
4 Enforcement Division also known as SLED.

5 Q And in what department do you work in SLED?

6 A I work in the DNA casework department.

7 Q And do you receive special education and training?

8 A Yes, I received my degree in forensic science from
9 Pennsylvania State University and then underwent a one-year
10 long training program at SLED.

11 Q And you now primarily work in DNA: Blood, saliva,
12 semen, touch, et cetera?

13 A Yes.

14 Q The Defense has previously stipulate -- stipulated
15 to your qualifications.

16 MS. JONES: At this point the State moves you in
17 as an expert in DNA.

18 MR. LEE: That is correct, Your Honor.

19 THE COURT: No objection?

20 MR. LEE: No objection.

21 THE COURT: Ladies and gentlemen, recalling my
22 earlier instruction to you concerning expert testimony,
23 the witness is qualified without objection.

24 You may proceed, Counselor.

25 MS. JONES: Thank you, Your Honor.

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 BY MS. JONES

2 Q What is touch DNA?

3 A Touch DNA is what happens when a person touches or
4 handles an object or person and the skin cells from them are
5 left behind.

6 Q Okay. Would you say that surfaces that are
7 touched very regularly, say, a remote control or radio
8 controls in a car, you maybe couldn't get a -- a sample off
9 them?

10 A It depends more than just how often it's touched.
11 It just depends on how hard a person grabs or presses
12 against it. If it's something that's cleaned or if it's hot
13 or if it's cold.

14 Q Is touch DNA easily transferable?

15 A It is possible.

16 Q Okay. If I touch this and move my hand and then
17 it's cleaned, my touch DNA may not be there?

18 A Yeah, it is possible.

19 Q Okay. You were asked to analyze multiple items
20 for this case, weren't you?

21 A Yes.

22 Q Okay. First were some swabs from inside of the
23 car. And it looks like you were asked to analyze one, two,
24 three, four, five, six, seven, eight, nine, ten swabs from
25 inside the car. Is that correct?

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 A That's correct.

2 Q Okay. Your items 7, 10, 11, 12 and 14, what were
3 they swabs from?

4 A Item 7 was from the steering wheel of the vehicle.
5 Item 10 was the interior door handle of the front passenger
6 side door of the vehicle. Item 11 was the gear shift. Item
7 12 was the radio controls. And item 14 was the interior
8 door handle of the front driver's side door.

9 MS. JONES: Okay. Your Honor, at this time, State
10 moves State's 42, 44, 50, 49 and 47 into evidence. And
11 my apologies for them being out of order.

12 THE COURT: Counsel, do you want to take a look?

13 MR. LEE: Yes, please.

14 THE COURT: Hand them to him.

15 MR. LEE: No objection.

16 THE COURT: Ladies and gentlemen of the jury,
17 State's Exhibits 42, 44, 47, 49 and 50 will be admitted
18 into evidence in the trial of this case without
19 objections.

20 They are in evidence. You may publish, Counsel.

21 *(Whereupon, State's Exhibit No(s). 42, 44, 47*
22 *marked for identification and received in evidence.)*

23 *(Whereupon, State's Exhibit No(s). 49-50 marked*
24 *for identification and received in evidence.)*

25 MS. JONES: Thank you, Your Honor.

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 BY MS. JONES

2 Q And these were swabs from the steering wheel, the
3 door handle, gear shift and radio controls, correct?

4 A That's correct.

5 Q And what were your findings on those?

6 A Would you like me to go item by item?

7 Q Were you able to find any DNA on those items that
8 were suitable for comparison?

9 A Of those -- those five items, four had profiles
10 developed but they were not suitable for comparison, and the
11 fifth and final one did not have a DNA profile.

12 Q Okay. When you say it wasn't suitable for
13 comparison, what does that mean?

14 A Based on the DNA, it was low level DNA. And
15 because of that, we can't conduct comparisons because it's
16 possible that DNA -- not all of the DNA process was
17 detected.

18 Q Okay, I'm next going to move on to your item 6 and
19 your item 13. What are those?

20 A SLED item 6 was a swab from the rear driver side
21 seat of the vehicle. And then item 13 was from the front
22 passenger seat of the vehicle.

23 Q Okay. And you tested those as well?

24 A Yes.

25 MS. JONES: And, Your Honor, they have been marked

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 State's 41 and State's 46. And at this time, the State
2 moves State's 41, driver's side seat swab, and State's
3 46, blood collected from front passenger seat, into
4 evidence?

5 THE COURT: As to 41 and 46, Mr. Lee?

6 MR. LEE: No objection.

7 THE COURT: Ladies and gentlemen of the jury,
8 State's Exhibits 41 and 46 will be admitted into
9 evidence in the trial of this case without objections.
10 You may publish.

11 *(Whereupon, State's Exhibit No(s). 41, 46 marked*
12 *for identification and received in evidence.)*

13 BY MS. JONES

14 Q And what were your findings on those two items?

15 A Item 6 was a mixture of the two individuals. The
16 major contributor of that mixture matched to the DNA profile
17 of Terrance Johnson. The partial profile minor contributor
18 was insufficient for us to make that comparison. And the
19 DNA 13, the DNA profile of that item matched the DNA profile
20 of Terrance Johnson.

21 Q Okay. So, both of those were blood -- those were
22 both blood spots from Terrance Johnson?

23 A Yes.

24 BY MS. JONES

25 Q Next, I want to move on to item, your SLED item

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 15. And what was your SLED item 15?

2 A SLED item 15 was swabs from near the interior door
3 handle of the rear driver's side door.

4 Q And what were your findings for that?

5 A The profile developed from this item was a mixture
6 of at least two individuals. The DNA profile of the major
7 contributor of this mixture was an unidentified male.

8 Q Okay. So you don't know who it was?

9 A That is correct.

10 Q Okay. Was it blood?

11 A According to my report blood was identified.

12 Q Okay. But you don't know whose it was?

13 A That is correct.

14 Q And where was this collected from?

15 A Item 15 was near the interior door handle of the
16 rear driver side door.

17 Q Okay, so, the back seat behind the driver door?

18 A (Nods in the affirmative).

19 MS. JONES: Okay. Your Honor, at this time the
20 State moves State's 48.

21 MR. LEE: No objection.

22 THE COURT: As to State's 48?

23 MR. LEE: No objection.

24 THE COURT: Ladies and gentlemen of the jury,
25 State's Exhibit 48 will be admitted into evidence in

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 the trial of this case without objection. State's 48
2 in evidence.

3 *(Whereupon, State's Exhibit No(s). 48 marked for*
4 *identification and received in evidence.)*

5 BY MS. JONES

6 Q Okay. In order to determine that those items
7 matched Mr. Johnson, how did you do that?

8 A In order for a DNA analyst to conduct a
9 comparison, we need to have a known standard from an
10 individual. It could be a buccal swab from a person's mouth
11 or it could be a blood swab collected from a deceased
12 individual.

13 Q Okay. Did you have that in this case?

14 A Yes.

15 Q Okay. And I'm going to show you --

16 MS. JONES: Well, if I could beg the Court's
17 indulgence for the Court for a State sticker from the
18 court reporter. We have run out. My apologies. Thank
19 you.

20 BY MS. JONES

21 Q And you, in fact, received known standards in
22 this case?

23 A Yes.

24 Q Okay. Did you get one from Mr. Johnson?

25 A Yes.

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 Q And you used that to compare?

2 A Yes.

3 Q Would that be SLED item 45?

4 A Yes.

5 MS. JONES: Okay. Your Honor, at this time State
6 moves State's 68 into evidence.

7 MR. LEE: No objection.

8 THE COURT: As to State's 68, no objection.
9 Ladies and gentlemen, State's Exhibit 68 will be
10 admitted into the trial of this case without objection.

11 *(Whereupon, State's Exhibit No(s). 68 marked for*
12 *identification and received in evidence.)*

13 BY MS. JONES

14 Q Did you also receive a known DNA standard from
15 Mr. Hopkins?

16 A Yes.

17 Q And what SLED number would that be?

18 A That was SLED item 64.

19 Q Okay.

20 MS. JONES: Your Honor, at this time State moves
21 State's 69 into evidence which is SLED item 64.

22 THE COURT: As to State's 69?

23 MR. LEE: No objection.

24 THE COURT: Ladies and gentlemen of the jury,
25 State's Exhibit 69 will be admitted into evidence in

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 the trial of this case without objection.

2 *(Whereupon, State's Exhibit No(s). 69 marked for*
3 *identification and received in evidence.)*

4 BY MS. JONES

5 Q Aside from the swabs were you asked to analyze
6 some other items?

7 A Yes.

8 Q Okay. What -- what else were you asked to
9 analyze?

10 A I received five cigarette butts.

11 Q Okay. You said five cigarette butts and those
12 would be SLED 16.1, 16.2, 16.3, 16.4 and 16.5?

13 A That's correct.

14 MR. LEE: Your Honor, at this time the State moves
15 State's 35, 36, 37, 38 and 39 into evidence.

16 THE COURT: As to 35, 36, 37, 38 and 39?

17 MR. LEE: No objection.

18 THE COURT: Ladies and gentlemen of the jury,
19 State's Exhibits, 35, 36, 37, 38 and 39 will be
20 admitted into evidence in the trial of this case
21 without objection.

22 *(Whereupon, State's Exhibit No(s). 35-39 marked*
23 *for identification and received in evidence.)*

24 BY MS. JONES

25 Q I want to first ask you about your SLED items 16.1

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 and is 16.4.

2 THE COURT: Which is State's Exhibits?

3 MS. JONES: 35 and 38.

4 BY MS. JONES

5 Q And what were your findings on those cigarette
6 butts?

7 A The DNA profiles for items 16.1 and 16.4 matched
8 the DNA profile of Terrance Johnson.

9 Q Okay. And is there a statistical value behind
10 that?

11 A Yes. The probability of marrying and selecting an
12 unrelated individual's active DNA profile matching these
13 items is approximately one in 180 quadrillion.

14 Q Lots of zeros?

15 A Yes.

16 Q Okay. The remaining three cigarette butts-- these
17 are all the cigarette butts?

18 A Yes.

19 Q Okay. Collected from his car that day. The
20 remaining three, we have your SLED 16.2, 16.3 and 16.5 which
21 are State's 36, 37 and 39. What were your findings with
22 regard to these cigarette butts?

23 A The DNA profiles of these SLED items 16.2, 16.3
24 and 16.5 matched the DNA profile of Rohaime Hopkins.

25 Q Okay. And was there a value behind that?

DIRECT EXAMINATION OF DONNA MONEY BY MS. JONES

1 A Yes. The probability of randomly selecting and
2 marrying an individual of having a DNA profile is one in
3 your octillion.

4 Q Octillion?

5 A Yes.

6 Q Lots of zeros again?

7 A Yes.

8 Q Okay. So, all of these cigarette butts collected
9 from the car that day either belonged to Terrance Johnson or
10 Rohaime Hopkins?

11 A Yes.

12 MS. JONES: I have no further questions.

13 THE COURT: Exhibits to the court reporter.

14 CROSS EXAMINATION

15 BY MR. LEE:

16 Q Good afternoon.

17 A Good afternoon.

18 Q Are you aware that Mr. Hopkins agreed or consented
19 to a buccal swab to send to you guys for analysis?

20 A Yes.

21 MR. LEE: May I approach?

22 THE COURT: You may.

23 BY MR. LEE

24 Q It appears that there were two what I will call a
25 report examining -- a DNA analysis that you did as part of

CROSS EXAMINATION OF DONNA MONEY BY LEE

1 this case. Does that sound right?

2 A Yes.

3 Q One dated April 10th, 2017; is that right?

4 A There was one that -- that was dated that day.

5 Q Okay. And then one dated May 12, 2017?

6 A Yes.

7 Q Okay. And the solicitor asked you about item 15
8 which was some kind of blood on the interior door handle on
9 the car and you said it was a mixture of two individuals,
10 right?

11 A At least two.

12 Q At least two. And there was a major contributor
13 that you said was an unidentified male?

14 A That is correct.

15 Q Okay. I'm --

16 MR. LEE: May I approach the witness?

17 THE COURT: You may.

18 BY MR. LEE

19 Q I'm handing you Defendant's -- for identification
20 Defendant's Exhibit No. 3. Do you recognize that?

21 A Yes.

22 Q Okay. And then Defendant's Exhibit No. 4, do you
23 recognize that?

24 A Yes.

25 Q Okay. One is dated April 10, 2017; is that

CROSS EXAMINATION OF DONNA MONEY BY LEE

1 correct?

2 A Yes.

3 Q And one is dated May 12, 2017?

4 A Yes.

5 Q Okay. At the end of your report on both of those,
6 isn't it true that you specifically requested a known DNA
7 standard from Antoine Drake?

8 A Yes.

9 Q Okay. And your report was sent to the lead
10 investigator, Agent Johnson; is that correct?

11 A Yes.

12 Q Okay. Did you receive a known DNA standard for
13 Antoine Drake pursuant to your request?

14 A No.

15 Q Without a known standard are you unable to make a
16 comparison as to the unknown sample that you ran?

17 A No.

18 Q You are not able to; is that correct?

19 A Yes.

20 Q Thank you.

21 MR. LEE: That's all I have, Your Honor.

22 THE COURT: Redirect.

23 MS. JONES: No, Your Honor.

24 THE COURT: As to this witness?

25 MS. JONES: She may be excused.

CROSS EXAMINATION OF DONNA MONEY BY LEE

1 THE COURT: Any objection?

2 MR. LEE: No, sir.

3 THE COURT: Ms. Money, you are excused from the
4 trial in this case. You may leave the courtroom. Take
5 your file. Leave my exhibits.

6 Call your next witness.

7 MS. JONES: The State calls Suzanne Cromer.

8 Thereupon,

9 SUZANNE CROMER

10 was called as a witness, having been first duly sworn,
11 was examined and testified as follows:

12 THE COURT: Make yourself comfortable, Ms. Cromer.
13 Pull the chair up. Adjust the microphone to your
14 height. When you're ready, tell me.

15 WITNESS: I'm ready, sir.

16 THE COURT: All right. State your full name.
17 Spell your last name for the court reporter.

18 WITNESS: My name is Suzanne Cromer, C-R-O-M-E-R.

19 THE COURT: Your witness, counsel. Direct
20 examination.

21 MS. JONES: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MS. JONES:

24 Q Agent Cromer, you work for SLED, don't you?

25 A Yes, that's correct.