

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Greenville County

Honorable Perry H. Gravely, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DAVID C. MOSLEY,

APPELLANT.

APPELLATE CASE NO. 2024-001102

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	)	2020-GS-23-4605 (Brown)
COUNTY OF GREENVILLE	)	2020-GS-23-4604 (Brown)
	)	2020-GS-23-2582A (Brown)
	)	2020-GS-23-7746A (Mosley)
	)	2020-GS-23-7746B (Mosley)
	)	2020-GS-23-7749A (Mosley)
	)	2024-GS-23-2584A (Mosley)
STATE OF SOUTH CAROLINA,	)	2021-GS-23-4414A (Hill)
PLAINTIFF,	)	2021-GS-23-4414B (Hill)
	)	2021-GS-23-4413A (Hill)
vs.	)	2024-GS-23-2581A (Hill)
	)	
BRAELON JASPER BROWN, DAVID	)	
CHRISTOPHER BERNARD MOSLEY	)	TRANSCRIPT OF RECORD
AND JAYLIN HILL,	)	
DEFENDANTS.	)	
	)	

June 17, 18, 19, 20, 21, 2024
Greenville, South Carolina

B E F O R E:

THE HONORABLE PERRY H. GRAVELY, JUDGE

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P R O C E E D I N G S

Monday, June 17, 2024

(WHEREUPON, State's Exhibit Numbers 1 through 14 were
marked for identification; proceedings convened at
11:53 a.m.)

THE COURT: All right. Good morning, Mr. Hill. I
think it's Mr. Hill; am I correct?

DEFENDANT HILL: Yes, sir.

THE COURT: Mr. Mosley, good morning to you. And
Mr. Brown, good morning to you.

All right. I know this is a very serious matter for
you all, and I'm just going to tell y'all, y'all, I don't
want any shenanigans. I don't want any improper behavior
throughout this trial. And I think y'all know how
important that is. And we'll take the appropriate action
if we do, all right? Y'all look good. I think y'all -- I
expect y'all to adhere to the rules of this court.

All right. First of all, let's go through voir dire.
I've been presented with a witness list from the State.
Any voir dire other than just the witness list?

MR. RICHARDSON: No voir dire, Your Honor.

THE COURT: All right. And then, Mr. Cantrell, you
presented a witness list. Have all parties had a chance
to receive that?

MR. RICHARDSON: Yes. I have received

1 Mr. Cantrell's.

2 THE COURT: All right. And then voir dire from
3 Mr. Warder on behalf of Jaylin Hill, just kind of go
4 through these.

5 1, that's covered in my regular. 2 and 3 -- 1, 2 and
6 3 are covered in my regular voir dire. 4, that's covered.
7 5 and 6 are covered.

8 7, any position on 7?

9 MR. RICHARDSON: Yes, Your Honor. We would object to
10 that question. In the campaign and the contributions, I
11 don't know how that becomes relevant as far as a
12 particular juror sitting on a jury and being -- after
13 you've told them not to be biased and be able to make a
14 sound judgment on their own.

15 THE COURT: All right. Mr. Warder?

16 MR. WARDER: Your Honor, I think somebody that would
17 campaign and give money to the solicitor would certainly
18 have some predisposition to be loyal or follow the cause
19 of the solicitor and that that might be enough to destroy
20 his complete neutrality that he's taken his own personal
21 money and time to help in a campaign.

22 THE COURT: I'm going to go ahead and ask it. I
23 don't believe that that creates a problem.

24 8 is my regular. That's covered in regular. 9, I'll
25 ask that.

1 And I've got some issues with 10, 11 and 12.

2 MR. RICHARDSON: Yes, Your Honor. And the State
3 objects to all three of those.

4 THE COURT: All right. Mr. Warder?

5 MR. WARDER: That would certainly be helpful
6 information.

7 THE COURT: Yeah. But I'm going to decline to ask
8 that. I don't have a problem with asking a version of 11.
9 I usually ask something similar to that if requested.
10 That's kind of the old DUI request. But 10 and 12, I
11 think that gets more into the comment on the facts. So
12 I'm going to decline 10. I'll ask a version of 11 and
13 decline 12.

14 All right. 13, and what's the State's position on
15 13?

16 MR. RICHARDSON: Your Honor, I don't have objection
17 to that.

18 THE COURT: I think I may ask it like with this case
19 involves the alleged possession of a firearm, if anybody
20 cannot be fair based on their beliefs about the ability to
21 process firearms.

22 MR. RICHARDSON: Okay.

23 THE COURT: Along those lines.

24 MR. WARDER: I concur, Your Honor.

25 THE COURT: That would cover what you need.

1 14, objection from the State on that one?

2 MR. RICHARDSON: Well, it's just going to a
3 particular event. I mean, they -- you've qualified them
4 and the crimes that they have committed if they've
5 committed crimes and they can sit on juries.

6 THE COURT: Mr. Warder?

7 MR. WARDER: I think it's more direct. I agree it's
8 partly covered by your other questions. It would just
9 help me locate if they had a strong bias about it if one
10 of the family or friend ---

11 THE COURT: How about if I put "conviction" for that?
12 And I'm going to change "loved one" to "relative" because
13 relatives and loved ones are not necessarily the same
14 thing.

15 MR. WARDER: That's true. Probably that was a bad
16 choice of words on my part.

17 THE COURT: All right. 15, any objection to 15? I
18 think that's appropriate.

19 MR. RICHARDSON: No. No objection to 15.

20 THE COURT: Okay. 16?

21 MR. RICHARDSON: Yes.

22 THE COURT: I mean, Mr. Warder, I'll be glad to hear
23 from you, but I'm not inclined to ask that.

24 MR. WARDER: Your Honor, some crimes, just some
25 people are so against them that the accusation stops them

1 from being fair.

2 THE COURT: Well, I'm going to tell them this is a
3 murder charge and is there any way they're not going to be
4 fair. So I think that covers you on that.

5 17?

6 MR. RICHARDSON: Yes. I object to that one. I think
7 nobody likes lawyers.

8 THE COURT: Except people's clients. All these three
9 here like their lawyers.

10 I will ask does anybody have a bias against lawyers
11 that would keep them from being fair and impartial in the
12 trial of the case.

13 MR. RICHARDSON: That's fair.

14 THE COURT: 18?

15 MR. RICHARDSON: Once again, I go back to the
16 criminal aspect and what the jurors are dealing with have
17 already been dealt with in qualification.

18 THE COURT: Mr. Warder?

19 MR. WARDER: I think the question falls further.

20 THE COURT: I mean, I'll go ahead and ask it. I'll
21 ask 18 or something close to that.

22 19 is my regular.

23 20, that's kind of -- I ask a version of that.

24 21, and I've already kind of asked that already in a
25 previous one about law enforcement somewhere in here.

1 So where were we?

2 MR. RICHARDSON: At 22, I believe you covered that.

3 THE COURT: I cover 22 in my regular. 25 is covered.
4 26, covered. 27, covered.

5 28, I do kind of a version of that. And I'll say
6 that as to all defendants that there's a presumption of
7 innocence, if anybody cannot follow that.

8 29, I'm not sure I quite follow what that's asking.

9 MR. RICHARDSON: The position of the State is, Judge,
10 you're telling them throughout this trial they're going to
11 hear that reasonable doubt is the standard. They're going
12 to hear that throughout this trial. I don't know why we
13 have to add that in this.

14 THE COURT: I'd be willing to, Mr. Warder, say that
15 the burden of proof is beyond a reasonable doubt. Is
16 there anybody that cannot follow that throughout the
17 trial.

18 MR. WARDER: That's good wording. You probably did
19 better than I could.

20 THE COURT: 30, I'm not going to ask 30. But I'll
21 hear your argument on it.

22 MR. WARDER: It was just kind of the back door ---

23 THE COURT: Okay. All right. Anything else as far
24 as voir dire from the State?

25 MR. RICHARDSON: Nothing from the State, Your Honor.

1 THE COURT: Let me make sure I get everybody in the
2 right order here.

3 MR. WARDER: No, Your Honor.

4 THE COURT: Hill, Mosley and Brown.

5 MR. CANTRELL: I've submitted a short one.

6 THE COURT: Oh, that's right.

7 MR. WARDER: Your Honor, kind of a -- before we get
8 locked in ---

9 THE COURT: Let's finish the voir dire. Any more on
10 the voir dire?

11 MR. WARDER: No.

12 THE COURT: Okay. Mr. Cantrell, 1, that's kind of --
13 I don't have a problem with 1.

14 Number 2, I mean, that's -- is that not everybody?

15 MR. CANTRELL: It was specific to their ---

16 THE COURT: Does anybody on the jury panel, member --
17 close family member have teenagers, I mean, that would be
18 pretty much everybody, I would think.

19 MR. CANTRELL: The idea would be currently have
20 teenagers.

21 THE COURT: How about if I add the fact that you have
22 teenagers you could not be fair and impartial in the trial
23 of the case? Otherwise, you're going to have -- because
24 they brought -- you're going to have 70 people or 65
25 people stand up and say I have a teenager, I have a

1 teenager, I have a teenager.

2 MR. CANTRELL: Yeah. I think that would be much
3 better than what I said.

4 THE COURT: All right. One other thing. On the
5 indictments, do y'all have a problem with -- I mean, are
6 they all identical?

7 MR. RICHARDSON: They should be.

8 THE COURT: All right. Does anybody have any problem
9 with me, instead of reading each indictment as to each
10 individual, saying the defendants in this matter are
11 Braelon Jasper Brown, David Christopher Bernard Mosley and
12 Jaylin Hill, these -- the following indictments apply to
13 all three of them and then read the indictments at that
14 point? Is there any problem with that on behalf of
15 Mr. Hill?

16 MR. WARDER: No. On behalf of Mr. Hill, I think that
17 would be ---

18 THE COURT: Okay. Mr. Mosley?

19 MR. PRINGLE: No, Your Honor.

20 THE COURT: And Mr. Brown?

21 MR. WARDER: No objection.

22 THE COURT: All right. If I get y'all mixed up, I do
23 apologize. I'm trying to keep y'all in the right order.

24 All right. Okay. Yes. You had something -- well,
25 let me ask you this. Anything else from the State then?

1 MR. RICHARDSON: Nothing.

2 THE COURT: Mr. Warder?

3 MR. WARDER: I just noticed the order you're calling
4 in and was just going to tell you that during the trial,
5 we'll proceed in the order of the first indicted will be
6 the first one to present evidence or to object, second
7 indicted will be the second and the last.

8 THE COURT: Well, so we can keep everything in order,
9 do we need to switch people around?

10 MR. PRINGLE: I think we're in that order right now.

11 THE COURT: Well, I guess if you go this way. Okay.
12 I've got you. All right.

13 Okay. Anything else then? We'll start with this so
14 I'll get practice. Mr. Brown, anything on behalf of
15 Mr. Brown at this point?

16 MR. CANTRELL: Nothing at this point. I think there
17 are some motions.

18 THE COURT: Right. We'll hear those after.

19 Okay. Mr. Mosley, anything on behalf of Mr. Mosley?

20 MR. PRINGLE: No, Your Honor.

21 THE COURT: All right. And Mr. Hill?

22 MR. WARDER: No, Your Honor.

23 THE COURT: All right. Are we ready for the jury?
24 All right.

25 (Pause in proceedings.)

1 THE COURT: Before we bring the jury in, what are
2 y'all going to -- y'all have 20 strikes between you. How
3 do y'all want to do that? Have y'all talked? Y'all talk
4 a minute and y'all -- why don't y'all chat a minute and
5 y'all let me know how you want to do it.

6 MR. WARDER: Your Honor?

7 THE COURT: Yes.

8 MR. WARDER: Our spokesman for announcing the strikes
9 is seated right in the middle.

10 THE COURT: Mr. Pringle, you're going to be -- okay.

11 MR. PRINGLE: Yes, Your Honor.

12 THE COURT: All right. And so for the clerk's
13 purposes, she's just going to say, "What say the
14 defendants?" All right. And I'll explain to the jury,
15 I'm going to explain to them a little bit that we have
16 three defendants, that only one person will be speaking
17 jointly for the defendants -- defense counsel. Okay.
18 Just so they'll have a little bit of -- all right.

19 Anything else from the State before we bring the jury
20 in?

21 MS. McCALL: Nothing, Your Honor.

22 THE COURT: And from Mr. Brown?

23 MR. CANTRELL: Nothing, Your Honor.

24 THE COURT: Mosley?

25 MR. PRINGLE: No, Your Honor.

1 THE COURT: And Hill?

2 MR. WARDER: Nothing, Your Honor.

3 THE COURT: All right. I guess y'all need to clear
4 the benches.

5 Is the jury -- where are they?

6 THE BAILIFF: They're downstairs. They're not coming
7 up yet.

8 (Pause in proceedings.)

9 THE COURT: Any other witness -- State's asking for a
10 witness list. Any other witness list on behalf of Mosley?

11 MR. PRINGLE: We don't have any other.

12 Warder, do you have any witnesses?

13 THE COURT: Apparently he does.

14 MR. PRINGLE: Not from Mosley.

15 THE COURT: He's already on here.

16 MS. McCALL: Who is on that? Just the defendant,
17 Your Honor.

18 THE COURT: No. It's Tyreke McMahan.

19 MS. McCALL: McMahan. Okay.

20 THE COURT: That's the only one on there.

21 MR. PRINGLE: He's on there.

22 THE COURT: He's on the State's and he's on the
23 defense, so you're covered on that. That's correct. I
24 could just see. Tyreke McMahan is who you were asking.
25 That's covered already.

1 (Pause in proceedings.)

2 THE COURT: All right. Change of plans. As
3 indicated, we will now, just because it got too late, we
4 are going to let the jury go until 2:30 and then we'll
5 come back and we'll strike the jury at 2:30. So we'll get
6 a good start. I don't plan on keeping everybody here
7 without at least some short lunch, but I thought we'd at
8 least get started and maybe clean up some housekeeping
9 matters.

10 State, what -- and again, I think we kind of
11 discussed this out in the hall. What motions do you need
12 to go forward before we strike the jury and which ones can
13 we delay until in the morning?

14 MS. McCALL: Well, we'll have -- assuming that the
15 defense makes this motion, but out of an abundance of
16 caution, we'll have a Jackson v. Denno hearing for two of
17 the codefendants' statements as well as a Neil v. Biggers
18 hearing for three lineups, three photo lineups that were
19 done.

20 THE COURT: All right. And do we need to do those
21 now?

22 MS. McCALL: We do not. We can wait until tomorrow
23 to do those or possibly even Wednesday. But I think the
24 safest option would be tomorrow, but we certainly don't
25 have to do those today.

1 THE COURT: Okay. So anything else the State needs
2 to do at this point?

3 MS. McCALL: No, Your Honor.

4 THE COURT: All right. Okay. How about on behalf of
5 Mr. Brown?

6 MR. CANTRELL: Nothing at this time.

7 THE COURT: I believe you had indicated some kind of
8 motion in limine type things. And I said to wait and
9 bring them up now.

10 MR. CANTRELL: There was one that was going to
11 possibly be requesting a continuance, but it's my
12 understanding now I don't believe I need that.

13 THE COURT: All right. I think I cut you off on
14 violent crimes and gang reference.

15 MR. CANTRELL: I'm sorry. That's right.

16 Basically, I think it would be -- just there had been
17 some mention throughout this investigation of two things
18 that there will be no evidence of or no proof of or no
19 need for them to be discussed in the courtroom. That
20 would be prior alleged criminal events involving
21 Mr. Brown. No charges, nothing like that. But it was
22 mentioned in at least one video of the interrogation of
23 one of the codefendants. So I guess as much as anything
24 else just asking that the -- an admonition that that can't
25 be brought up unless we bring it up, which we're not going

1 to do.

2 And the same thing about some small indication or
3 statements regarding gang activity. But there's nothing
4 in this case that indicates that. And that is referenced
5 in a couple different instances in the investigation in
6 the discovery that was received. And there again, that --
7 an admonition to that is -- that's what I would be asking
8 for, an admonition that that is not relevant and should
9 not be brought up or discussed.

10 THE COURT: The State's position? I assume y'all --
11 unless the door's open for any particular reason.

12 MR. RICHARDSON: Unless the door opens, Judge, we
13 have no intent to go -- I'm sorry. Stand if I'm sitting
14 down. We have no intention of going into gang activity or
15 his prior events that he's referring to, the prior crimes.

16 THE COURT: Okay. All right. Anything else then on
17 behalf of Mr. Brown?

18 MR. CANTRELL: Nothing but that. And just to ask
19 that the witnesses be -- well, I don't know if there's a
20 way to do that. The witnesses be admonished about that to
21 whatever extent that can be done. But nothing else.

22 THE COURT: All right. And I guess clean up any
23 videos that's possibly...

24 Okay. All right. Mr. Mosley, anything on behalf of
25 Mr. Mosley?

1 MR. PRINGLE: I think I already made a motion for
2 separation. Other than that...

3 THE COURT: What do you mean, separation?

4 MR. PRINGLE: Witnesses.

5 THE COURT: Oh. Sequestration?

6 MR. PRINGLE: Yes.

7 THE COURT: All right.

8 MR. PRINGLE: Other than that, nothing on behalf of
9 Mosley.

10 THE COURT: All right. Anything? Does the State
11 have a position on that?

12 MR. RICHARDSON: I didn't hear the motion, Judge.

13 THE COURT: Motion to sequester witnesses.

14 MR. RICHARDSON: Oh. I don't think I have any
15 standing to object to that.

16 THE COURT: All right. I mean, it's up to the judge.
17 I usually grant it unless there's a reason not to is why I
18 say that.

19 MR. RICHARDSON: Well, of course we have our lead
20 investigator.

21 THE COURT: Lead investigator and any victim's
22 representatives.

23 All right. So that is granted.

24 Anything else?

25 MR. PRINGLE: Not from Mosley. Thank you.

1 THE COURT: All right. On behalf of Mr. Hill?

2 MR. WARDER: Your Honor, we'd filed on behalf of
3 Mr. Hill a motion to unseal the Family Court sentence that
4 was given the codefendant who was a juvenile. They
5 treated in juvenile court. He's given a statement to the
6 guards that -- against my client. And he had a juvenile
7 proceeding where they -- I understand let him plead to
8 some manslaughter or something and received probation.
9 And I wanted to see that file to see what he pled to and
10 what facts they charged him with out of this case and what
11 representations the State made as to the facts existed for
12 a judge to accept the manslaughter plea on this. And I
13 think all of that evidence would be very helpful to us in
14 being able to present a full defense.

15 MR. PRINGLE: I don't know. As a formal matter, I
16 would join in the motion. I think it definitely has a
17 bearing on all of the defendants here currently seated.

18 MR. CANTRELL: And, Your Honor, I would also.

19 I do have -- it is my belief but I have no evidence
20 of this, but it is my belief, based on various
21 information, that the plea was actually on a lesser charge
22 than manslaughter and it may have even been an Alford
23 plea. So there were reduced charges and possibly an
24 Alford plea for a codefendant and all of these young
25 people. But I think, for all those reasons, tied into the

1 fact that he has given a statement a couple of times, that
2 unsealing that information would be very valuable.

3 THE COURT: All right.

4 MR. WARDER: And it may have been a plea to assault,
5 high and aggravated. I don't know. It's a juvenile.
6 But...

7 THE COURT: I mean, what's the State's position?

8 MS. McCALL: The State's position, Your Honor, is
9 that, obviously, he was a juvenile at the time and that we
10 believe that that should be protected information and that
11 they should not be entitled to any negotiations or the
12 sentence related to that. Certainly, if they want to call
13 this individual to the stand who is now an adult and have
14 him testify, which they have him on their witness list,
15 and he -- they can elicit that testimony from him. But
16 it's the State's position that, given he was a juvenile at
17 the time, that -- and this is my fear, Your Honor.
18 Because in that particular circumstance, the State
19 attempted to have him waived up.

20 So we went through a proceeding to attempt to have
21 this juvenile codefendant waived up to General Sessions
22 court. That was denied by a Family Court judge. So if we
23 are able to get into all of this information related to
24 this codefendant, are we then going to be allowed to get
25 into those proceedings that the State attempted to take in

1 an effort to do that? I don't think that that's going to
2 appropriately be before the jury. But I think that that
3 would be the only way that it would be fair to both sides
4 if that evidence did come out.

5 So the State would be in opposition to them receiving
6 this sealed sentence of the juvenile codefendant.

7 THE COURT: And I guess the way you're saying it, is
8 this individual going to be testifying?

9 MS. McCALL: The State is not calling him to testify,
10 no.

11 THE COURT: All right. Mr. Warder, anything else?

12 MR. WARDER: We've been unable to locate him.

13 MS. McCALL: Your, Honor, he's in the jail.

14 MR. PRINGLE: He's in jail. We just found out,
15 actually. Just found out.

16 MS. McCALL: He's been in since last week, I believe.

17 THE COURT: All right. Mr. Cantrell?

18 MR. CANTRELL: Your Honor, I do believe this
19 information is valid. I don't think I'm looking for as
20 detailed information as the solicitor is referring. What
21 I think would be sufficient would be the release of the
22 equivalent of the sentencing sheet in Family Court showing
23 the actions that were taken the day of the adjudication
24 and disposition in Family Court. I think that would have
25 most likely all the information we're looking for as to

1 type of plea and the charge that he was pleading to.

2 And I'll be candid with you, Your Honor. This young
3 man pled, this was three years ago or more. He was a
4 juvenile. He was in Family Court. I would be shocked if
5 we were able to elicit from him reliable information on
6 what happened to him in Family Court on that day because I
7 don't think he'll remember. A lot of kids in a juvenile
8 setting don't remember it later on. So I think the only
9 way to know and have it is to have that from Family Court.

10 MS. McCALL: Your Honor, as I stated, I think
11 Mr. Cantrell missed the fact that I -- my opposition in
12 allowing them to get into that information is that the
13 State is not allowed to go into this waiver hearing and
14 all the details of that and how we attempted to have him
15 waived up and prosecuted as an adult. That was,
16 obviously, a Family Court matter that I do not believe is
17 appropriate to be heard in this case. And I believe that
18 if they get into that evidence, there's a lot of other
19 circumstances that the jury needs to hear about. And I
20 think that that's just a slippery slope with us opening
21 that door to that entire proceeding that as you know,
22 Family Court is handled very differently from these
23 proceedings and there are a lot of limitations that we
24 have. The State believes that it ---

25 THE COURT: I guess there's really two questions

1 here. One is providing the information to them. And then
2 the other question is what becomes admissible somewhere
3 down the road.

4 MS. McCALL: Correct. You make a good point, Your
5 Honor. Obviously, if we're going to address it
6 separately, then I certainly think they have a better
7 argument to being entitled to that information that then
8 would be protected and under seal in accordance with this
9 particular case since it is a juvenile sentence. And then
10 we could address at that point if Your Honor believes that
11 any of that information is admissible in this particular
12 trial.

13 THE COURT: All right. I'm going to look at that
14 question over lunch. I think the first question is are
15 you entitled to the information just for your purposes and
16 all that, and then down the road -- anyway, I'm going to
17 look at that over lunch and I'll let y'all know what I
18 come up with.

19 MR. WARDER: Okay.

20 MR. CANTRELL: Thank you, Your Honor.

21 THE COURT: All right. Anything else on behalf ---
22 Mr. Warder, I know at one point you filed another motion,
23 too, a motion for a continuance. I wanted to make sure we
24 address that if needed.

25 MR. WARDER: Well, I think that we could go ahead.

1 THE COURT: Okay. I just want to make sure as that
2 was filed then.

3 MS. McCALL: Your Honor, I do have one more matter to
4 address before the Court.

5 THE COURT: All right. Hold on.

6 Anything else on behalf of Mr. Hill?

7 MR. WARDER: Yes. I guess so.

8 Your Honor, we received, I don't know, 40 pages or
9 something of discovery yesterday -- Friday. I'm sorry.
10 Not yesterday. And it contains records that were from the
11 institution from the detention center. Part of it was
12 information off the wire recording system that takes all
13 the phone calls. Others were disciplinary actions and
14 things that were taken and reported conduct.

15 And I think the State should be forbidden to use any
16 of that information because they didn't timely furnish it
17 in some manner that made sense. A case five years old,
18 discovery motion's filed for well over a year, and I guess
19 all this stuff is routinely reported to the solicitor's
20 office. But law enforcement never made any of that
21 available and now they tell me that they furnished it out
22 of the kindness of their heart, that they're not required
23 to. And along with that favor comes the notice that if my
24 client would have testified, that he would be impeached
25 with that. And that some of that is full of gang

1 references and things that clearly is not -- but once
2 again, we're kind of caught with not being able to look
3 into the facts that are recited because the time period is
4 so sure. We couldn't rebut or refute. So ---

5 THE COURT: But these are recordings of your client,
6 correct?

7 MR. WARDER: Yes.

8 THE COURT: Actions of your client.

9 MR. WARDER: I think they certainly are.

10 THE COURT: All right. Yes?

11 MS. McCALL: Your Honor, first and foremost, the
12 State does not intend to use any of that evidence in our
13 case in chief. That evidence would only be presented if
14 the defense were to open the door and if we were using
15 that in reply or rebuttal in some way. We are not.

16 And, one, we don't routinely get that information.
17 In fact, we sought out this information because these --
18 particularly Mr. Brown and some other codefendants, there
19 were some fabricated statements that were made, and they
20 were made while these individuals were in the jail. Those
21 came to light very recently upon -- I won't bore you with
22 the details of that, but essentially, some other
23 individuals were running, they dropped a book bag, a
24 statement was found by law enforcement. And it was some
25 newly fabricated statement. So we started looking into

1 that as to how that came about.

2 Then we were -- we obtained the disciplinary records
3 to show essentially this witness intimidation, this
4 codefendant intimidation. There have been multiple
5 physical interactions between many of these codefendants
6 in the jail very clearly to persuade their testimony, to
7 change their testimony.

8 So that is why all of these disciplinary records and
9 records from the jail came about. It was in response to
10 that.

11 So it's not that we have had these all along. In
12 fact, we rarely ever obtained these type of disciplinary
13 records. I've never had them in a case. I believe my
14 investigator said this is the first time he's obtained
15 them, and it's all been in response to something, some
16 newly discovered potential evidence in this case.

17 And we did turn those over so that they would not be
18 blindsided if we used them in response. But that is how
19 those came about.

20 THE COURT: And I think we can address that in the
21 event, one, before they present any of that evidence,
22 we'll address it at that point if needed.

23 All right. Anything else then on behalf of Mr. Hill?

24 MR. WARDER: No, Your Honor. I think that's it.

25 THE COURT: All right. State, I believe you said you

1 had some additional ---

2 MS. McCALL: Yes, Your Honor. Just briefly.

3 This is the WebEx witness that we mentioned. She
4 lives out of state. She's a forensics officer or a former
5 forensics officer. She lives out of state. She has a
6 family member's funeral tomorrow afternoon, and we would
7 -- the State would like to call her via WebEx. We have
8 talked to her about scheduling, and she could be available
9 this afternoon as well as in the morning. So we would
10 intend to call her in the morning. But the State wanted
11 to make the Court aware of our request to have her testify
12 via WebEx.

13 THE COURT: And what's the nature of her again?

14 MS. McCALL: She was a forensic officer who collected
15 evidence that she has already -- we've obviously spoken
16 with her. We have gotten her to confirm all of her
17 testimony. But she is able to testify via WebEx, us show
18 her what the evidence is we're attempting to corroborate
19 through her to get her to testify to, and she can properly
20 admit that through her testimony.

21 THE COURT: All right. And I believe Mr. Brown and
22 Mr. Mosley did not object to that WebEx testimony. I
23 can't remember who.

24 MR. PRINGLE: We did not object.

25 THE COURT: Okay.

1 MR. CANTRELL: That's correct, Your Honor, subject to
2 just proper identification verification.

3 THE COURT: Foundation. Right.

4 And what's your position on behalf of Mr. Hill?

5 MR. WARDER: Your Honor, I always feel that
6 enhancement that your TV screen gives, we watch our news
7 every night and believe everything that anybody says on
8 it.

9 THE COURT: I don't think anybody believes anything
10 on TV anymore, do they?

11 MR. WARDER: You know, to give it that same somebody
12 on a camera telling us now about our case or telling the
13 jury about our case is always prejudicial. It's just the
14 nature of our society and the enhancement, you know. And
15 people are more persuaded by that TV now that somebody can
16 effect and cause the elections of presidents. It
17 certainly can cause the swaying of the jury far more than
18 it should. And I would object to it. I think it violates
19 my client's right to confront his accusers.

20 THE COURT: All right. I need to pull that standard.
21 I may look at that at lunch.

22 MS. McCALL: Sure, Your Honor. And I'll just say
23 from the State's perspective is that, you know, we would
24 prefer to call her in person because, in fact, think her
25 testimony would be stronger in person than via WebEx. It

1 is just out of a necessity. We were going to fly her
2 down. We actually had her flight scheduled, not paid for
3 yet but scheduled. And then this. Because we attempted
4 to get them to consent, and then she did, in fact, have a
5 funeral to attend.

6 THE COURT: Okay. I'll look at that and let y'all
7 know after lunch.

8 All right. Anything else we need to take up before
9 lunch? Any of those hearings shorter than either the
10 Jackson v. Denno or Biggers hearing?

11 MS. McCALL: Your Honor, it's the same witness. It
12 would be Investigator Garrett. I expect that between all
13 of those, it will probably take thirtyish minutes, maybe.
14 So I don't know if you want to hear those now or if you
15 would prefer to hear them in the morning or some other
16 time.

17 THE COURT: I think we've had enough going on.
18 Everybody probably needs to kind of let some of the dust
19 settle and figure out where we're headed with this. So
20 let's go ahead and break for lunch and then we can hear
21 those first thing in the morning.

22 MS. McCALL: Certainly. Thank you, Judge.

23 THE COURT: All right. Anything then before we break
24 from the State?

25 MR. RICHARDSON: Nothing from the State.

1 THE COURT: Brown?

2 MR. CANTRELL: Nothing, Your Honor.

3 THE COURT: Mosley?

4 MR. PRINGLE: No, Your Honor.

5 THE COURT: And Hill?

6 MR. WARDER: No, sir.

7 THE COURT: All right. Well, be back in here -- we
8 hope to have the jury ready, let's start, hopefully
9 selected at 2:30.

10 (WHEREUPON, a recess is taken at 1:14 PM; State's
11 Exhibit Numbers 15 through 31 were marked for
12 identification.)

13 THE COURT: All right. So the State's ready for the
14 jury?

15 MR. RICHARDSON: The State's ready.

16 THE COURT: Mr. Brown -- Brown's ready for the jury?

17 MR. CANTRELL: Yes, sir.

18 THE COURT: Mr. Mosley?

19 MR. PRINGLE: Your Honor, just more of like a
20 housekeeping thing. Ms. Heath, I wanted to arrange for
21 her to be able to have a chair here at counsel table.
22 They said there wasn't enough room. I want to be in
23 compliance with the security and all that, but I was told
24 by one of the bailiffs they might have a smaller chair so
25 that we can maybe make this fit.

1 THE COURT: I guess, what's the nature of Ms. Heath?
2 I mean, of course, I know Ms. Heath and have a lot of
3 respect for her.

4 MR. PRINGLE: She's assisting me with certain aspects
5 of the case. I don't know why that's problematic, I
6 guess.

7 THE COURT: Is she any relation to your client?

8 MR. PRINGLE: It's his sister.

9 THE COURT: Okay. I mean, and again, that's where
10 the problematic part of it comes in. Nothing against her
11 and all that.

12 MR. PRINGLE: I mean, and certainly she can help and
13 assist.

14 THE COURT: Can you not consult with her ---

15 MR. PRINGLE: Me?

16 THE COURT: Yeah. Right there as long as she sits in
17 the front row?

18 MR. PRINGLE: I can. Of course I can.

19 THE COURT: I don't want to ---

20 MR. PRINGLE: No. But she's a member of the bar and
21 she deserves respect.

22 THE COURT: And I have total respect for her.

23 MR. PRINGLE: That's all. Other than that, it's just
24 -- again, I didn't want to ruffle anybody's feathers. Not
25 trying to be difficult, you know. Judge, I'm not that

1 guy.

2 THE COURT: No. I know.

3 MR. PRINGLE: But it's just a matter of respect. And
4 if she was going to be able to assist with me, of course,
5 I would ---

6 THE COURT: Right. I mean, it is a little bit
7 different circumstances. And, again, I have a lot of
8 respect for her too. But just in light of the security
9 issues, I just ---

10 MR. PRINGLE: We can work with that.

11 THE COURT: All right. Because I don't mind. If
12 that becomes a problem, we can deal with that.

13 MR. PRINGLE: Thank you.

14 THE COURT: All right. And I guess I'm going to put
15 on the record just kind of not in detail, of course, we
16 had a jury panel coming up here. There was an issue with
17 apparently some of the panel, had nothing to do with
18 anything with this case. And about time for lunch anyway,
19 so the jury returned down there. They drew an entirely
20 new panel at random with no jurors that have any issues as
21 far as we know in this new panel.

22 So is there any objection with the way we handled
23 that from the State?

24 MR. RICHARDSON: Nothing from the State.

25 THE COURT: And Defendant Brown?

1 MR. CANTRELL: Nothing.

2 THE COURT: And Defendant Mosley?

3 MR. PRINGLE: Your Honor, the only thing, and I think
4 the Court's probably already cleared this up, was there
5 any threat or danger of any of those three subjects ---

6 THE COURT: They will not be on this panel.

7 MR. PRINGLE: I mean, could they have maybe talked
8 to ---

9 THE COURT: I don't think -- my understanding, there
10 was no discussion with any other jurors.

11 MR. PRINGLE: No objection.

12 THE COURT: Okay. And from Defendant Hill?

13 MR. WARDER: Yes, sir.

14 THE COURT: Any objection?

15 MR. WARDER: Yes, sir.

16 THE COURT: You do?

17 MR. WARDER: Yes, sir.

18 Your Honor, as I understand it, without going into
19 details, it was misconduct by one juror, criminal conduct
20 against another juror, and then the fact that was shown to
21 a third juror. I think that, out of an abundance of
22 caution, we need a new panel.

23 THE COURT: That's what we've got.

24 MR. WARDER: No. I mean I think a new panel of
25 jurors to draw a jury from. Not just bring them up from

1 down there. Because you don't know where -- who knows
2 about it for sure. And when a juror is criminally
3 assaulted or ---

4 THE COURT: I don't think that -- I'm not sure that
5 that -- we don't know what exactly happened, so I'm not --
6 an allegation of criminal assault. But ---

7 MR. WARDER: Your Honor, it's criminal conduct, one
8 against the other.

9 THE COURT: Allegedly.

10 MR. WARDER: And shown to a third juror.

11 THE COURT: No. A third juror supposedly saw it.

12 MR. WARDER: Okay. Observed by another juror.

13 I don't think that any juror that knew or heard or
14 heard rumor about it could feel the same about trying a
15 criminal case after one of them had a criminal case act
16 against them in the very confines of the jury selection
17 room. I think it would taint those jurors' outlook on
18 criminal behavior, and I think it would make a conviction
19 in this criminal trial, even though it has nothing to do
20 with it, more likely. And I would therefore respectfully
21 move that my client's case be continued until they can get
22 a panel that does not have that taint.

23 THE COURT: All right. And ---

24 MR. PRINGLE: Can I say something?

25 THE COURT: Yeah.

1 MR. PRINGLE: My -- my stating I didn't have any
2 objection is based on the assumption that there hasn't
3 been any contamination or tainting. I mean, I would agree
4 with what Mr. Warder says. If there is a chance of that,
5 it ---

6 THE COURT: I guess I need to put a little more on
7 the record just in light of his objection. My
8 understanding was that an individual reported possible
9 improper conduct by a juror against another one. The
10 other juror did not know it, and at that point all jurors
11 -- I mean, and they brought the witness. They talked with
12 the witness. The witness had not talked to anyone else.
13 They talked -- pulled the accused out, talked to them and
14 the one that was the victim.

15 Now, it's my understanding that no one else was
16 involved, no one else had any information about that.
17 Those people have been released from the jury panel as a
18 whole. I don't think there's any basis, anything dealing
19 with any of the defendants in this matter and any -- so
20 I'm going to deny your motion as being any prejudice
21 against any defendants. And a whole new panel has been
22 drawn as far as the ones that will be used for this case.
23 So, I mean, you're on the record, but I'm going to deny
24 your motion.

25 All right. Anything else before we bring the jury

1 in?

2 MS. McCALL: Nothing from the State.

3 THE COURT: Defendant Brown?

4 MR. CANTRELL: Nothing.

5 THE COURT: Mosley? And Hill?

6 MR. PRINGLE: Nothing.

7 MR. WARDER: No, Your Honor. Not at this time.

8 THE COURT: All right. After we draw this jury, then
9 I'll go into my rulings on some of the other matters I
10 took under advisement at lunch.

11 All right. Is the jury, are they here or are they
12 sending them up, I guess?

13 (Pause in proceedings.)

14 MR. WARDER: Your Honor, by way of my clarification
15 because I'm not -- we're going to select a jury now. Are
16 we going to do anything else? My client's family's been
17 up here, and so I want to send them home if we weren't
18 going to do anything else.

19 THE COURT: We're going to start the trial.

20 MR. WARDER: Okay.

21 THE COURT: Opening statements and at least one
22 witness, possibly two.

23 (WHEREUPON, the jury entered the courtroom at 2:53 PM.)

24 THE COURT: All right. Ladies and gentlemen, first
25 of all, I guess I need to start off by thanking you for

1 your patience. Sometimes Monday mornings get kind of
2 hectic when you have lots of different moving parts, and I
3 do appreciate your patience. And I'm sorry that we
4 weren't able to be a little more efficient this morning,
5 but sometimes that happens with cases.

6 And I know some of y'all are probably in a panic. We
7 were getting ready to start and realized this process was
8 going to take about 45 minutes and realized, like, okay,
9 it's almost lunchtime, and I didn't want to starve y'all
10 out. So that's why we kind of sent back and kind of
11 thought we'd start over after lunch. So I do appreciate
12 your patience very much.

13 And please, if you feel like you need to hold it
14 against somebody, hold it against me, the Court, not the
15 State or any of the defendants in this matter. Okay.

16 All right. What we're going to do now is we're going
17 to have some specific questions for you regarding the case
18 that's to be tried. Okay. And the questions -- so
19 there's two reasons for these questions. One is so that
20 the -- and they're tailored to this particular case, and
21 there are two purposes. One is so that the attorneys can
22 get more information about you specifically as it may
23 relate to matters in this case, and also to make sure that
24 you can be fair and impartial in the trial of the case.
25 Okay. So that's the purpose for this one. It was a lot

1 different than the one earlier.

2 Now I am going to read to you the indictments
3 involved in this matter, and I will preface that by saying
4 that indictments are merely allegations. These are the
5 charges that the State has brought against the defendants
6 in this matter. And the defendants have pled not guilty,
7 and the State has the burden of proof beyond a reasonable
8 doubt as to these allegations. This is merely the formal
9 paper that brings this matter to the Court.

10 There are three separate defendants, and it is
11 Braelon Jasper Brown, David Christopher Bernard Mosley,
12 and Jaylin Hill. Okay. Those are the three defendants
13 involved in this matter.

14 Now what I'm going to do is I'm going to read to you
15 these allegations. Each of the indictments are against
16 all three defendants. So instead of reading the same one
17 over and over, but again, it's against each of the
18 defendants.

19 And the first one is Count 1, and that is for murder.
20 And that is these defendants did in Greenville County, on
21 or about December 19, 2019, unlawfully and with malice
22 aforethought kill the initials K.Z. by means of shooting
23 him with a handgun and that K.Z. died as a proximate
24 result thereof.

25 Count 2, that these defendants did in Greenville

1 County, on or about December 19, 2019, possess or visibly
2 display a handgun during the commission or attempted
3 commission of a violent crime.

4 And then for attempted armed robbery, that these
5 defendants did in Greenville County, on or about
6 December 19, 2019, while armed with a deadly weapon or
7 while alleging either by action or words he was armed by
8 using a representation of a deadly weapon or any object
9 which a person present during the commission of the
10 robbery would reasonably believe to be a deadly weapon,
11 attempt to take by means of force or intimidation goods or
12 monies described as money and other items from the person
13 or presence of the person with initials K.Z.

14 And finally, indictment for conspiracy, that these
15 defendants did in Greenville County, on or about December
16 the 19th, willfully and unlawfully combined for the
17 purposes of accomplishing an unlawful object or lawful
18 object by unlawful means, to wit, murder and armed
19 robbery.

20 So those are the four indictments before you.

21 JURY VOIR DIRE

22 THE COURT: First of all, is there any member of the
23 jury panel know anything about this case, these charges or
24 these defendants? If so, please stand.

25 Okay. And no response.

1 I'm sorry. Yes?

2 JUROR NUMBER 104: I remember reading about it in the
3 news.

4 THE COURT: Okay. All right. And what's your name
5 and number?

6 JUROR NUMBER 104: 104, Nichole Henderson.

7 THE COURT: Okay. And the fact that you read about
8 it, can you still be fair and impartial in the trial of
9 this case.

10 JUROR NUMBER 104: I believe so.

11 THE COURT: Okay. You've got to tell me -- do you
12 believe you can listen to the facts and you can be fair to
13 the State and all three defendants?

14 JUROR NUMBER 104: Yes.

15 THE COURT: All right. Thank you.

16 All right. At this time, I'm going to ask that the
17 defendants stand just so we can identify them. At this
18 time, Braelon Brown, Mr. Brown if you can stand. Okay.
19 And David Christopher Mosley. Thank you, Mr. Mosley. And
20 Jaylin Hill. All right. Thank you, Mr. Hill.

21 Is anybody related by blood or marriage, have a
22 close, personal, social or business relationship with any
23 of the three defendants? If so, please stand.

24 (No response.)

25 THE COURT. All right. And no response.

1 At this time, I'm going to ask that the attorneys
2 introduce themselves and investigators or anybody that may
3 be assisting them on the case. And we'll start with the
4 State.

5 MS. McCALL: My name is Britni McCall. I'm the
6 deputy solicitor here with the 13th Circuit Solicitor's
7 Office which covers Greenville and Pickens County.

8 MR. RICHARDSON: Good afternoon. My name is Doug
9 Richardson. I'm a senior assistant solicitor here in the
10 13th judicial circuit. And this is John Garrett. He's
11 our lead investigator in this case.

12 THE COURT: All right. We'll start with
13 Mr. Cantrell, Mr. Brown.

14 MR. CANTRELL: Good afternoon. My name is David
15 Cantrell. I'm an attorney that practices in Easley and
16 Greenville County. I represent Braelon Brown.

17 MR. PRINGLE: I'm Kraig Pringle. I work multiple
18 counties. I'm here on behalf of David Mosley.

19 MR. WARDER: I'm Richard Warder. It's my privilege
20 to be here today with my client, Jaylin Hill. I practice
21 law primarily out of my office located a few blocks from
22 the courthouse.

23 THE COURT: All right. Thank you.

24 Is there anybody connected by blood or marriage, have
25 any close, personal, business or social relationship with

1 any of the attorneys or their assistants in this case? If
2 so, please stand.

3 (No response.)

4 THE COURT: Is there anybody on the jury panel
5 previously been represented by these attorneys or you've
6 been involved in matters where these attorneys are on the
7 other side?

8 (No response.)

9 THE COURT: All right. And no response.

10 All right. I have quite a list of potential
11 witnesses in this case somewhere. All right. And these
12 are -- like I said, these are possible witnesses in the
13 case. And when you hear a name that you recognize or you
14 need to respond to, if you'll just stand and then I will
15 follow up. And it basically, the question is going to be
16 the same: are you connected by blood or marriage, have
17 any close, personal, business relationship or social
18 relationship with any of the following individuals:
19 Allyson Roller Wright, Kimberly Libus, Deputy Grant
20 Cooper, Chuck Yates, Tori Fleming, Thomas Mueller, Nijah
21 Croskey, Abraham Achen -- or Achen, Lieutenant Quincy
22 Whitner, Kara Bennick, Captain Jackie Kellett, Hannah
23 Burbage, Timothy Nafziger, Jamazzeo Glover, Deputy Alex
24 Poag, Daniel Collier, Investigator Jonathan Garrett,
25 Dr. Michael Ward, Andrew Moates, Bill Cromer, Tyler

1 Bucholtz, Officer Charles Moore, Sergeant Robert Harvey,
2 Darbi Harriman, Monica Zaky -- or Zaky, Investigator
3 Charlie Cunningham, Lieutenant Robert Grubbs, Criminalist
4 Susan Molloy, Dana Armstrong, Sergeant Jinny Moran,
5 Sergeant Crystal Minwegan, Tyreke McMahan. A couple
6 more: Amanda Abernathy and Charlie Cunningham.

7 All right. Is anybody connected by blood or
8 marriage, have any close, social, personal or business
9 relationship with any of those individuals?

10 Yes. Your name and number?

11 JUROR NUMBER 246: 246, Steve Eoute.

12 THE COURT: All right. And how do you respond to
13 that question?

14 JUROR NUMBER 246: Alex Poag played football for me
15 when I was head coach at Riverside High School.

16 THE COURT: All right. Because this person might be
17 a witness in this case, could you still be fair and
18 impartial in the trial of the case?

19 JUROR NUMBER 246: Yes.

20 THE COURT: All right. Thank you.

21 Anyone else?

22 (No response.)

23 THE COURT: All right. Has any member of the jury
24 panel expressed or formed any opinion about any matters
25 involving this case? If so, please stand.

1 (No response.)

2 THE COURT: Okay. Is there any member of the jury
3 panel or member of your immediate family associated with
4 or related by blood or marriage to anyone who is employed
5 by the Greenville County Sheriff's Office? If so, please
6 stand. Anybody in your family work for Greenville County
7 Sheriff's Office.

8 Okay. Yes. Your name and number?

9 JUROR NUMBER 254: Suzanne Johnson, 254.

10 My niece is married to an officer in Greenville
11 County.

12 THE COURT: And do you know the name of the officer?

13 JUROR NUMBER 254: Jessie Arrowood.

14 THE COURT: All right. And could you still be fair
15 and impartial in the trial of this case?

16 JUROR NUMBER 254: I think so.

17 THE COURT: You've got to ---

18 JUROR NUMBER 254: Yes.

19 THE COURT: Do you think you can listen to the facts
20 of the case and be fair to the State and the defendants?

21 JUROR NUMBER 254: Yes.

22 THE COURT: All right. Thank you.

23 Anyone else?

24 (No response.)

25 THE COURT: All right. Is there any member of the

1 jury panel a member of, contributor to any group or
2 organization which promotes alleged victims' rights or ---

3 MS. McCALL: Your Honor?

4 THE COURT: Oh, I'm sorry.

5 JUROR NUMBER 257: I'm sorry. I have a cousin,
6 Jennifer Gools [phonetic].

7 THE COURT: First, what's your name again?

8 JUROR NUMBER 257: Jolene Kauffman, 257.

9 THE COURT: Okay. And how do you respond?

10 JUROR NUMBER 257: She is an officer in Travelers
11 Rest.

12 THE COURT: Okay. Could you still be fair and
13 impartial in the trial in this case?

14 JUROR NUMBER 257: Yes.

15 THE COURT: All right. Thank you.

16 All right. Anybody else? Make sure.

17 (No response.)

18 THE COURT: Okay. Is there any member of the jury
19 panel a member of any groups or contributor to any groups
20 which promote victims' rights or law enforcement or any
21 other advocacy group which promotes the interest of law
22 enforcements or victims' rights or any group that is
23 against law enforcement? If so, please stand.

24 (No response.)

25 THE COURT: All right. And no response.

1 Other than those that have already responded earlier,
2 has any member of the jury panel read any newspaper
3 articles, any postings on any Internet sites, social media
4 or any information about the defendants or issues relating
5 to this case? If so, please stand. I believe we had one
6 lady earlier.

7 All right. Okay. We'll start over here. Ma'am,
8 your name and number?

9 JUROR NUMBER 119: Jocelyn Kay, 119.

10 THE COURT: Okay.

11 JUROR NUMBER 119: And I just saw it this morning.

12 THE COURT: I'm sorry?

13 JUROR NUMBER 119: I just saw the article this
14 morning on Fox News.

15 THE COURT: All right. Could you still be fair and
16 impartial in the trial of this case?

17 JUROR NUMBER 119: Yes, sir.

18 THE COURT: All right. Thank you.

19 Yes. Your name and number?

20 JUROR NUMBER 37: Kyle Coleman, 37.

21 I just saw the headline picture.

22 THE COURT: All right. Do you have any information
23 about this case?

24 JUROR NUMBER 37: No.

25 THE COURT: All right. Could you still be fair and

1 impartial in the trial of the case?

2 JUROR NUMBER 37: Yes.

3 THE COURT: All right. Thank you. And what was your
4 name again? I'm sorry.

5 JUROR NUMBER 37: Kyle Coleman.

6 THE COURT: Okay. Yes. And your name and number?

7 JUROR NUMBER 4: Charles Alexander, 4.

8 THE COURT: Okay.

9 JUROR NUMBER 4: I saw the article this morning on
10 Fox News web site.

11 THE COURT: Okay. And did you get any information
12 about this case?

13 JUROR NUMBER 4: The only thing was that it happened
14 four or five years ago.

15 THE COURT: Okay. Could you still be fair and
16 impartial in the trial of this case?

17 JUROR NUMBER 4: Yes, sir.

18 THE COURT: All right. Thank you.

19 All right. Anyone else?

20 (No response.)

21 THE COURT: All right. Is any member of the jury
22 panel, a member of your immediate family related by blood
23 or marriage to anyone employed with the 13th Circuit
24 Solicitor's Office? If so, please stand.

25 (No response.)

1 THE COURT: Okay. And no response.

2 Is there any member of the jury panel a member of any
3 political, religious, social, industrial, fraternal, law
4 enforcement or other organizations whose beliefs or
5 teachings would prejudice him or her against the State or
6 the defendants? If so, please stand.

7 (No response.)

8 THE COURT: All right. No response.

9 Is any member of the jury panel aware of any
10 physical, mental or emotional condition which would
11 prevent them from giving both parties a fair and impartial
12 trial of the case? If so, please stand.

13 (No response.)

14 THE COURT: Okay. And no response.

15 Has any member of the jury panel or member of your
16 immediate family been charged with or been a victim of a
17 crime of violence resulting in injury or death? If so,
18 please stand.

19 Okay. Yes. Your name and number?

20 JUROR NUMBER 132: My name is Jacqueline Lipscomb.
21 My number is 132.

22 My brother-in-laws were murdered.

23 THE COURT: Okay. And how long ago has that been?

24 JUROR NUMBER 132: One was, I believe, ten years ago,
25 maybe, and the other was like 20 years ago.

1 THE COURT: All right. Do you think you can still be
2 fair and impartial in the trial of this case?

3 JUROR NUMBER 132: No, no.

4 THE COURT: You don't think you could be.

5 JUROR NUMBER 132: No.

6 THE COURT: All right. Thank you. Then I will
7 excuse you from this case. If you'll just remain seated.
8 Anyone else?

9 (No response.)

10 THE COURT: All right. Does any member of the jury
11 have children who are teenagers and that would cause you
12 to -- you don't believe because of that you can be fair
13 and impartial in the trial of the case?

14 Yes. Your name and number?

15 JUROR NUMBER 52: Taletha Drummer, 52.

16 THE COURT: All right.

17 JUROR NUMBER 52: I have two teenage boys.

18 THE COURT: All right. Do you believe because of
19 that that you could ---

20 JUROR NUMBER 52: I can't.

21 THE COURT: You cannot be fair and impartial?

22 JUROR NUMBER 52: No.

23 THE COURT: All right. Thank you.

24 All right. Anyone else?

25 (No response.)

1 THE COURT: All right. Has any member of the jury
2 panel or member of your immediate family ever been
3 employed by any law enforcement agency? If so, please
4 stand. That's any law enforcement.

5 All right. We'll start with you, ma'am, over here to
6 the right. Your name and number?

7 JUROR NUMBER 119: Jocelyn Kay, 119.

8 THE COURT: Okay. And what's your connection?

9 JUROR NUMBER 119: I had an uncle retire from Pickens
10 County. Also worked for SLED for many years.

11 THE COURT: All right. Can you still be fair and
12 impartial in the trial of this case?

13 JUROR NUMBER 119: (Nods head affirmatively.)

14 THE COURT: All right. Thank you.

15 Yes. I've already excused you, ma'am. So thank you
16 for standing, though.

17 Yes?

18 JUROR NUMBER 263: I was an MP ---

19 THE COURT: First of all, name and number?

20 JUROR NUMBER 263: Andrew Nix, 263.

21 THE COURT: Okay.

22 JUROR NUMBER 263: And I also worked for the
23 Department of Corrections for a number of years.

24 THE COURT: All right. And do you think you could
25 still be fair and impartial in the trial of this case?

1 JUROR NUMBER 263: Yes, sir.

2 THE COURT: All right. Thank you.

3 Stand up again. I think you said something at first
4 and then you said "also."

5 JUROR NUMBER 263: I was an MP on Fort Stewart.

6 THE COURT: A what?

7 JUROR NUMBER 263: Military ---

8 THE COURT: Oh, military. Okay. I couldn't hear the
9 first part.

10 All right. And because of all that, you can still be
11 fair and impartial?

12 JUROR NUMBER 263: Yes, sir.

13 THE COURT: All right. Thank you.

14 Your name and number?

15 JUROR NUMBER 264: I'm Carly Plumley, 264.

16 I have a brother who is currently a sergeant with
17 Anderson County Sheriff's Office.

18 THE COURT: Can you still be fair and impartial in
19 the trial of this case?

20 JUROR NUMBER 264: Yes.

21 THE COURT: All right. Thank you.

22 Yes?

23 JUROR NUMBER 191: Name is James Smith. Number is
24 191.

25 My brother-in-law is an active duty police officer in

1 Lynchburg, Virginia.

2 THE COURT: Okay. Could you still be fair and
3 impartial in the trial of this case?

4 JUROR NUMBER 191: Yes, sir.

5 THE COURT: All right. Thank you.
6 Yes, ma'am?

7 JUROR NUMBER 236: My name is Erika Worden. I'm
8 Juror Number 236.

9 My mother-in-law is retired from the Department of
10 Corrections.

11 THE COURT: All right. Can you still be fair and
12 impartial in the trial of this case?

13 JUROR NUMBER 236: Yes.

14 THE COURT: All right. Thank you.
15 Yes. Gentleman right here.

16 JUROR NUMBER 41: Shaun Cooke, Number 41.

17 My mother is still currently a clerk of court with
18 the justices for Mauldin, and then my aunt was the judge
19 -- was recently the judge as well. She just resigned this
20 past year.

21 THE COURT: All right. Can you still be fair and
22 impartial?

23 JUROR NUMBER 41: Me personally, no.

24 THE COURT: You cannot be because your -- of that?

25 JUROR NUMBER 41: Yeah.

1 THE COURT: All right. And what's your name again?

2 JUROR NUMBER 41: Shaun Cooke, Number 41.

3 THE COURT: All right. Thank you. I'll excuse you
4 from this case then.

5 Yes, ma'am?

6 JUROR NUMBER 7: My name is Kimberley Austin I'm
7 Number 7.

8 And my dad worked for the Department of Defense in
9 the Pentagon, and my brother-in-law is a law enforcement
10 officer in Laurel Park, North Carolina.

11 THE COURT: Could you still be fair and impartial in
12 the trial of this case?

13 JUROR NUMBER 7: Yes.

14 THE COURT: All right. Thank you.

15 JUROR NUMBER 4: Charles Alexander, Juror Number 4.

16 My son is currently an Orange County sheriff's deputy
17 in Florida.

18 THE COURT: Okay. Can you still be fair and
19 impartial in the trial of this case?

20 JUROR NUMBER 4: Yes.

21 THE COURT: All right. Thank you.

22 Yes?

23 JUROR NUMBER 70: John Fleming, Juror Number 70.

24 My sister retired from the Department of Corrections
25 in Connecticut.

THE COURT: All right. And can you still be fair and impartial in the trial of this case?

JUROR NUMBER 70: Yes, sir.

THE COURT: All right. Thank you.

All right. Is there anyone on the jury panel that was actively involved in the campaign for sheriff -- current sheriff of Greenville County, Hobart Lewis, or the solicitor, Walt Wilkins? If so, please stand.

(No response.)

THE COURT: Okay. And no response.

I think I kind of asked this before, but this is a little bit different. Has any juror or member of your immediate family ever been a victim of a serious crime, a victim of a serious crime that you did not respond earlier? If so, please stand. Okay. I thought I kind of covered that before.

Okay. Yes. First of all, your name and number?

JUROR NUMBER 37: Kyle, 37.

My dad was the victim of a hit-and-run when I was younger.

THE COURT: Okay. And do you believe you can still be fair and impartial in the trial of this case?

JUROR NUMBER 37: Yes.

THE COURT: All right. Thank you.

Anyone else?

1 (No response.)

2 THE COURT: All right. Does any member of the jury
3 panel believe that a law enforcement officer is more
4 believable just because they are a law enforcement
5 officer? If so, please stand.

6 (No response.)

7 THE COURT: All right. No response.

8 Does any member of the jury panel, because of your
9 beliefs about the rights to own and carry a gun, could not
10 give both the State and the defendants a fair trial if the
11 allegations involve the use of a gun? If so, please
12 stand. In other words, can you still be fair and
13 impartial based on your beliefs about gun ownership in
14 this case? If so, please stand.

15 (No response.)

16 THE COURT: Okay. No response.

17 Is there any member of the jury panel -- is there any
18 member of your immediate family ever been convicted in
19 regards to the possession of a firearm or a crime
20 involving the use of a firearm? If so, please stand.

21 And I believe you've been excused. Didn't I excuse
22 you? Okay. You're good then.

23 All right. Yes. Your name and number?

24 JUROR NUMBER 57: Aimee Eccles, 57.

25 THE COURT: Okay.

1 JUROR NUMBER 57: My son was convicted of
2 first-degree burglary with use of a firearm.

3 THE COURT: And do you believe that you can still be
4 fair and impartial in the trial of this case?

5 JUROR NUMBER 57: Yes.

6 THE COURT: All right. Thank you.

7 All right. Is any member of the jury panel, because
8 of your opinions or beliefs about attorneys, could not
9 give the State and the defendant a fair and impartial
10 trial? If so, please stand.

11 All right. Yes. Your name and number?

12 JUROR NUMBER 7: Kimberley Austin, Number 7.

13 And I'm so sorry. But I worked for a criminal
14 defense attorney and ---

15 THE COURT: I don't want to get too -- can you still
16 be fair and impartial in the trial of the case because of
17 that?

18 JUROR NUMBER 7: No.

19 THE COURT: All right. And your name again?

20 JUROR NUMBER 7: Kimberly Austin, Number 7.

21 THE COURT: Okay. I will go ahead and excuse you
22 from this case then. Thank you.

23 All right. Is anybody, a member of the jury panel
24 had to give any report to law enforcement as to any
25 particular crime or activity? Have you ever had to make a

1 report to law enforcement? If so, please stand.

2 Yes. Your name and number?

3 JUROR NUMBER 139: 139, Rachel McCracken.

4 I had to give a report on a rape when I was in
5 college.

6 THE COURT: All right. Can you still be fair and
7 impartial in the trial of this case?

8 JUROR NUMBER 139: Yes.

9 THE COURT: Thank you.

10 Yes. Your name and number?

11 JUROR NUMBER 173: Joe Roth, 173.

12 THE COURT: Yes.

13 JUROR NUMBER 173: I had someone broke in my car,
14 stole something out of it.

15 THE COURT: Okay. Can you still be fair and
16 impartial in the trial of this case?

17 JUROR NUMBER 173: Yes, sir.

18 THE COURT: All right. Thank you.

19 Yes. Your name and number?

20 JUROR NUMBER 264: Carly, 264. And I am currently a
21 victim of a case going on in Greenville County involving
22 voyeurism.

23 THE COURT: Okay. And could you still be fair and
24 impartial in the trial of this case?

25 JUROR NUMBER 264: Yes.

1 THE COURT: You've got a current matter?

2 JUROR NUMBER 264: Yes.

3 THE COURT: Is that being prosecuted by ---

4 JUROR NUMBER 264: I don't know a lot of the
5 information because -- as we haven't been given a lot of
6 it.

7 THE COURT: What was your name and number?

8 JUROR NUMBER 264: Carly Plumley, 264.

9 THE COURT: I'm going to excuse you from this case.
10 Okay. Just you can remain seated then.

11 All right. Yes. Your name and number?

12 JUROR NUMBER 214: 214, Richard Vogt.

13 My identity was stolen.

14 THE COURT: All right. Could you still be fair and
15 impartial in the trial of this case?

16 JUROR NUMBER 214: Yes.

17 THE COURT: All right. Thank you.

18 All right. Under our system of justice, a defendant
19 is innocent until proven guilty and has no burden of proof
20 in any case. It is all on the State. Just because
21 somebody is indicted, arrested and charged with a crime,
22 that does not change that burden or does not change that
23 presumption of innocence. Is there anyone that cannot
24 accept this as the law? If so, please stand.

25 (No response.)

1 THE COURT: All right. Thank you.

2 All right. Is there any member of the jury panel
3 aware of any bias or prejudice whatsoever that you would
4 have against the State or the defendant? If so, please
5 stand.

6 (No response.)

7 THE COURT: Is there any member of the jury panel
8 know any reason whatsoever that they could not be fair and
9 impartial in the trial of this case? If so, please stand.

10 (No response.)

11 THE COURT: All right. Anything else from the State?

12 MR. RICHARDSON: Nothing further from the State.

13 THE COURT: Oh, I'm sorry. Yes. Is this something
14 you need to come forward or you want to say it ---

15 JUROR NUMBER 116: Yeah. Can I come forward?

16 THE COURT: Okay. You can come up here with the
17 court reporter.

18 Just take a deep breath. First of all, name.

19 JUROR NUMBER 116: I'm sorry. Jessica Johnson, 116.

20 I had a tumor that was removed in December. So my
21 doctors cleared me for work and everything, but I've been
22 through a lot in the last year. I could not do this.

23 THE COURT: Okay. All right. I'll go ahead and
24 excuse you. I didn't realize. You should have told me
25 that before -- I know you didn't realize -- I understand.

1 It's no problem. I'll go ahead and excuse you, okay?

2 Thank you.

3 All right. Anything else from the State?

4 MS. McCALL: Nothing from the State, Your Honor.

5 THE COURT: All right. Defendant Brown?

6 MR. CANTRELL: Nothing, Your Honor.

7 THE COURT: Defendant Mosley?

8 MR. PRINGLE: No, Your Honor.

9 THE COURT: And Defendant Hill?

10 MR. WARDER: No, Your Honor.

11 THE COURT: All right. Ladies and gentlemen, let me
12 kind of tell you a little bit about this process. What's
13 going to happen now is each side will have to -- they'll
14 have strikes, okay? And in this case, the State has ten
15 strikes, the defendants jointly have 20 strikes. So
16 beforehand they agreed they'd have one individual present
17 these strikes and that represents -- that doesn't mean
18 that person is representing all defendants. It's just
19 they've agreed that that's the person that will announce
20 their strikes. So I just kind of want to let you know
21 it's a little bit different when you have multiple
22 defendants. So that's the process here.

23 So just to let you know, make sure there's no issue
24 -- one other thing is, I guess I should have done a
25 catch-all question here at the end. Is there anybody that

1 feels like they need to bring anything to the Court's
2 attention about them serving on jury duty for this case?
3 If so, I'll be glad to have you come up to the front. I
4 didn't give that opportunity earlier. Okay. And there's
5 no response to that.

6 Now -- yes. Okay. Do you want to come up?

7 You're number 22. Okay.

8 JUROR NUMBER 22: I have to leave at 5:30 for the
9 twins.

10 THE COURT: I'm sorry?

11 JUROR NUMBER 22: I said I leave at 5:30 for the
12 twins.

13 THE COURT: Okay. 5:30. Okay.

14 JUROR NUMBER 22: That's all.

15 THE COURT: All right. Okay.

16 All right. I anticipate -- it's hard to predict how
17 long cases are going to be, especially when you have
18 multiple lawyers involved. But I expect, for your
19 planning purposes, that this should last all week. So it
20 will be well into Friday. So I'm just letting you know
21 that for your purposes.

22 So I think -- I know there was a couple people that I
23 protected for Friday morning. Does anybody -- does that
24 present a specific problem that you didn't bring up to the
25 Court earlier?

1 Okay. At this time, then, I will turn it over to the
2 clerk. Again, we have ten, State, 20 jointly for the
3 defense. We will pick two alternates. Okay.

4 JURY SELECTION

5 THE CLERK: When your name and number are called,
6 please stand.

7 Juror Number 104, Nichole Henderson.

8 What says the State?

9 MR. RICHARDSON: Please present Ms. Henderson.

10 THE CLERK: What say the defendants?

11 MR. PRINGLE: Please seat the juror.

12 THE COURT: Ma'am, please bring your things to the
13 jury box.

14 MR. PRINGLE: What was her number again, please.

15 THE CLERK: 104.

16 Juror Number 45, Alexis Arch.

17 What says the State?

18 MR. RICHARDSON: Please present Ms. Arch.

19 MR. PRINGLE: I had trouble hearing you on that. I'm
20 sorry.

21 THE CLERK: Number 45, Ms. Alexis Arch.

22 MR. PRINGLE: Right. Thank you.

23 Please seat the juror.

24 THE CLERK: Ma'am, please bring your things to the
25 jury box.

1 Juror Number 37, Kyle Coleman.

2 What says the State?

3 MR. RICHARDSON: Please present Mr. Coleman.

4 THE CLERK: What say the defendants?

5 MR. PRINGLE: Please seat the juror.

6 THE CLERK: Sir, please take your things to the jury
7 box.

8 Juror Number 85, Susan Gartman.

9 What says the State?

10 MR. RICHARDSON: Please present Ms. Gartman.

11 THE CLERK: What say the defendants?

12 MR. PRINGLE: Please excuse the juror.

13 THE CLERK: Ma'am, you may take a seat.

14 Juror Number 71, Christopher Fortner.

15 What says the State?

16 MR. RICHARDSON: Please present Mr. Fortner.

17 THE CLERK: What say the defendants?

18 MR. PRINGLE: Please seat Mr. Fortner.

19 THE CLERK: Please bring your things to the jury box.

20 Juror 198, Darin Spitzer.

21 What says the State?

22 MR. RICHARDSON: Please excuse the juror from the
23 trial of this case.

24 THE CLERK: Sir, you may take a seat.

25 Juror Number 268, Amy Roberts.

1 What says the State?

2 MR. RICHARDSON: Please excuse the juror from the
3 trial of this case.

4 THE CLERK: Ma'am, you may take a seat.

5 Juror Number 4, Charles Alexander.

6 What says the State?

7 MR. RICHARDSON: Please present Mr. Alexander.

8 THE CLERK: What say the defendants?

9 MR. PRINGLE: Please excuse the juror.

10 THE CLERK: Sir, you may take a seat.

11 Juror Number 265, Julie Rawlings.

12 What says the State?

13 MR. RICHARDSON: Please present Ms. Rawlings.

14 THE CLERK: What say the defendants?

15 MR. PRINGLE: Please seat the juror.

16 THE CLERK: Ma'am, please take your things to the
17 jury box.

18 MR. PRINGLE: That was 268, right?

19 THE CLERK: 265.

20 MR. PRINGLE: 265. Sorry.

21 THE CLERK: Juror Number 273, James Trusko.

22 What says the State?

23 MR. RICHARDSON: Please present Mr. Trusko.

24 THE CLERK: What say the defendants?

25 MR. PRINGLE: Please excuse the juror.

1 THE CLERK: Sir, you may take a seat.

2 Juror Number 236, Erika Worden.

3 What says the State?

4 MR. RICHARDSON: Please present Ms. Worden.

5 THE CLERK: What say the defendants?

6 MR. PRINGLE: Please excuse Ms. Worden.

7 THE CLERK: Ma'am, you may take a seat.

8 Juror Number 258, Lacy Kelly.

9 What says the State?

10 MR. RICHARDSON: Please excuse Ms. Kelly from the
11 trial of this case.

12 THE CLERK: Ma'am, you may take a seat.

13 Juror Number 98, Aimee Harney.

14 What says the State?

15 MR. RICHARDSON: Please present Ms. Harney.

16 THE CLERK: What say the defendants?

17 MR. PRINGLE: Please seat the juror.

18 THE CLERK: Ma'am, you may take your things to the
19 jury box.

20 Juror Number 97, John Hanson.

21 What says the State?

22 MR. RICHARDSON: Please present Mr. Hanson.

23 THE CLERK: What say the defendants?

24 MR. PRINGLE: Please excuse the juror.

25 THE CLERK: Sir, you may take a seat.

1 Juror Number 56, Melissa Eardley.

2 What says the State?

3 MR. RICHARDSON: Please present Ms. Eardley.

4 THE CLERK: What say the defendants?

5 MR. PRINGLE: Please excuse the juror.

6 THE CLERK: Ma'am, you may take a seat.

7 Juror Number 58, Tami Eimen.

8 What says the State?

9 MR. RICHARDSON: Please present Ms. Eimen.

10 THE CLERK: What say the defendants?

11 MR. PRINGLE: Please excuse the juror.

12 THE CLERK: Ma'am, you may take a seat.

13 Juror Number 9. And I'm sorry. I'm not going to say
14 it very well. But Ayush --- can you say your last name?

15 JUROR NUMBER 9: Bajracharya.

16 THE CLERK: Thank you.

17 What says the State?

18 MR. RICHARDSON: Please present Mr. Bajracharya.

19 THE CLERK: What say the defendants?

20 MR. PRINGLE: Please excuse the juror. Thank you.

21 THE CLERK: Sir, you may take a seat.

22 Juror Number 256, Susan Jones.

23 What says the State?

24 MR. PRINGLE: One more time on the number, please.

25 THE CLERK: 256.

1 MR. RICHARDSON: Please present Ms. Jones.

2 THE CLERK: What say the defendants?

3 MR. PRINGLE: Please seat the juror.

4 THE CLERK: Ma'am, please take your things to the
5 jury box.

6 Juror Number 105, Sean Hendrickson.

7 What says the State?

8 MR. RICHARDSON: Please excuse Mr. Hendrickson from
9 the trial of this case.

10 THE CLERK: Sir, you may take a seat.

11 Juror Number 162, Teresa Poinsette.

12 What says the State?

13 MR. PRINGLE: 162?

14 THE CLERK: Yes, sir.

15 MR. RICHARDSON: Please present Ms. Poinsette.

16 THE CLERK: What say the defendants?

17 MR. PRINGLE: Please excuse the juror.

18 THE CLERK: Ma'am, you may take a seat.

19 Juror Number 263, Andrew Nix.

20 What says the State?

21 MR. RICHARDSON: Please present Mr. Nix.

22 THE CLERK: What say the defendants?

23 MR. PRINGLE: Please excuse the juror.

24 THE CLERK: Sir, you may take a seat.

25 Juror Number 255, Michelle Jones.

1 What says the State?

2 MR. RICHARDSON: Please present Ms. Jones.

3 THE CLERK: What say the defendants?

4 MR. PRINGLE: This was 25 ---

5 THE CLERK: 255.

6 MR. PRINGLE: 255.

7 Please excuse the juror.

8 THE CLERK: Ma'am, you may take a seat.

9 Juror Number 70, John Fleming.

10 What says the State?

11 MR. RICHARDSON: Please present Mr. Fleming.

12 THE CLERK: What say the defendants?

13 MR. PRINGLE: Please excuse Mr. Fleming.

14 THE CLERK: Sir, you may take a seat.

15 Juror Number 166, Jayelon Rasmussen.

16 What says the State?

17 MR. RICHARDSON: Please present Ms. Rasmussen.

18 THE CLERK: What say the defendants?

19 MR. PRINGLE: Please excuse the juror.

20 THE CLERK: Ma'am, you may take a seat.

21 Juror Number 151, Cierra Ogles.

22 What says the State?

23 MR. RICHARDSON: Please present Ms. Ogles.

24 THE CLERK: What say the defendants?

25 MR. PRINGLE: Please excuse the juror.

1 THE CLERK: Ma'am, you may take a seat.

2 Juror Number 267, Laura Reed.

3 What says the State?

4 MR. RICHARDSON: Please present Ms. Reed.

5 THE CLERK: What say the defendants?

6 MR. PRINGLE: Please excuse the juror.

7 THE CLERK: Ma'am, you may take a seat.

8 Juror Number 136, Jasmine Martinez.

9 What says the State?

10 MR. RICHARDSON: Please excuse Ms. Martinez from the
11 trial of this case.

12 THE CLERK: Ma'am, you may take a seat.

13 Juror Number 203, Elizabeth Styles.

14 What says the State?

15 MR. RICHARDSON: Please present Ms. Styles.

16 THE CLERK: What say the defendants?

17 MR. PRINGLE: Please excuse the juror.

18 THE CLERK: Ma'am, you may take a seat.

19 Juror Number 86, Geoffrey Getty.

20 What says the State?

21 MR. RICHARDSON: Please present Mr. Getty.

22 THE CLERK: What say the defendants?

23 MR. PRINGLE: Seat the juror, please.

24 THE CLERK: Sir, please take your things to the jury
25 box.

1 Juror Number 257, Jolene Kauffman.

2 What says the State?

3 MR. RICHARDSON: Please present Ms. Kauffman.

4 THE CLERK: What say the defendants?

5 MR. PRINGLE: Please excuse the juror.

6 THE CLERK: Ma'am, you may take a seat.

7 Juror Number 91, Kevin Goldsmith.

8 What says the State?

9 MR. RICHARDSON: Please present Mr. Goldsmith.

10 THE CLERK: What say the defendants?

11 MR. PRINGLE: That's 91, right?

12 THE CLERK: Yes.

13 MR. PRINGLE: Please seat the juror. Thank you.

14 THE CLERK: Sir, please take your things to the jury
15 box.

16 Juror Number 173, Joseph Roth.

17 What says the State?

18 MR. RICHARDSON: Please present Mr. Roth.

19 THE CLERK: What say the defendants?

20 MR. PRINGLE: Please seat the juror.

21 THE CLERK: Sir, please take your things to the jury
22 box.

23 Juror Number 212, Titus Vance.

24 What says the State?

25 MR. RICHARDSON: Please present Mr. Vance.

1 THE CLERK: What say the defendants?

2 MR. PRINGLE: Please excuse the juror. Thank you.

3 THE CLERK: Sir, you may take a seat.

4 Juror Number 174, Daisy Ruiz.

5 What says the State?

6 MR. RICHARDSON: Please present Ms. Ruiz.

7 THE CLERK: What say the defendants?

8 MR. PRINGLE: Please seat the juror. Thank you.

9 THE CLERK: Ma'am, please take your things to the
10 jury box.

11 Juror Number 19, Matthan Brody.

12 What says the State?

13 MR. RICHARDSON: Please present Mr. Brody.

14 THE CLERK: What say the defendants?

15 MR. PRINGLE: Please seat the juror. Thank you.

16 THE CLERK: Sir, please take your things to the jury
17 box.

18 THE COURT: All right. The first alternate.

19 THE CLERK: Juror Number 272, William Styles.

20 What says the State?

21 MR. RICHARDSON: Please present Mr. Styles.

22 THE CLERK: What say the defendants?

23 MR. PRINGLE: Please excuse the juror.

24 THE CLERK: Sir, you may take a seat.

25 Juror Number 246, Steven Eoute.

1 What says the State?

2 MR. RICHARDSON: Please present Mr. Eoute.

3 THE CLERK: What say the defendants?

4 MR. PRINGLE: Please excuse the juror.

5 THE CLERK: Sir, you may take a seat.

6 Juror Number 142, Valerie Meadows.

7 What says the State?

8 MR. RICHARDSON: Please present Ms. Meadows.

9 THE CLERK: What say the defendants?

10 MR. PRINGLE: Please present the juror.

11 THE CLERK: Ma'am, you may take your things to the
12 jury box.

13 THE COURT: All right. Second alternate.

14 THE CLERK: Juror Number 84, Keith Garrison.

15 What says the State?

16 MR. RICHARDSON: Please present Mr. Garrison.

17 THE CLERK: What say the defendants?

18 MR. PRINGLE: Please seat Mr. Garrison. Thank you.

19 THE CLERK: Sir, please take your things to the jury
20 box.

21 THE COURT: All right. Any exceptions, objections
22 from the State, the jury selection process?

23 MR. RICHARDSON: None from the State.

24 THE COURT: All right. On behalf of Defendant Brown?

25 MR. CANTRELL: None, Your Honor.

1 THE COURT: Defendant Mosley?

2 MR. PRINGLE: No, Your Honor.

3 THE COURT: And Defendant Hill?

4 MR. WARDER: No, Your Honor.

5 THE COURT: All right. Ladies and gentlemen, let me
6 talk to this crowd first. We're going to start this trial
7 this afternoon. I'd like to get it started, maybe get in
8 one short witness. I don't plan on keeping you long. We
9 do want to get this started today.

10 I'm going to ask you to go back in your jury room.
11 Do not discuss the case, though, okay? I'll give you some
12 more instructions on that in just a few minutes. But
13 we'll bring you back out probably in about ten minutes,
14 okay? All right. Thank you.

15 (WHEREUPON, the jury exits the courtroom at 4:03 PM.)

16 THE COURT: All right. For the rest of the panel,
17 y'all need to go back downstairs for further instructions
18 for our coordinator for the jury. And I do want to thank
19 you very much. I know this has been a trying day for
20 y'all. It's been very difficult for everyone, quite
21 frankly. But I do appreciate your attention and your
22 dedication and your service. Thank you very much. And I
23 probably won't see you the rest of the week, but thank you
24 again for your service. Go back downstairs, and good
25 luck.

1 (WHEREUPON, the remaining jury panel exits the courtroom
2 at 4:04 PM.)

3 THE COURT: How long do you expect your first witness
4 to be?

5 MS. McCALL: 30 minutes, if that. Probably not even
6 that long.

7 THE COURT: All right. We're going to take a
8 ten-minute break and then we'll go into opening statements
9 and your brief witness.

10 (WHEREUPON, a recess is taken at 4:07 p.m.)

11 THE COURT: All right. Is the State ready?

12 MR. RICHARDSON: The State's ready.

13 THE COURT: Defendant Brown?

14 MR. CANTRELL: Ready, Your Honor.

15 THE COURT: Defendant Mosley?

16 MR. PRINGLE: Yes, sir.

17 THE COURT: And Defendant Hill?

18 MR. WARDER: Yes, Your Honor.

19 THE COURT: As you know, I do a little preliminary
20 information to the jury and then I'll turn it over to
21 y'all for closing arguments.

22 All right. Bring the jury in.

23 (WHEREUPON, the jury entered the courtroom at 4:17 PM.)

24 THE COURT: All right. Ladies and gentlemen, as I
25 told you, I know it's late in the day, but we need to get

1 this started because one of the witnesses had an issue as
2 far as being able to come back tomorrow so we shouldn't be
3 too long. But anyway, I'm going to have her swear you in
4 and then I'll give you some information.

5 THE CLERK: Please stand and raise your right hand.
6 The correct response will be "I will."

7 (WHEREUPON, the jury is duly sworn.)

8 THE CLERK: Thank you.

9 JURY INSTRUCTIONS

10 THE COURT: All right. Ladies and gentlemen, I
11 usually like to start off by telling you a little bit
12 about some of the people in the courtroom. And seated in
13 front of me is the court reporter. She takes down all the
14 testimony.

15 You've already met the clerk of court. She's in
16 charge of swearing in witnesses and kind of keeping of the
17 documents and so forth.

18 Seated to my right here is my law clerk. She's a
19 graduate from law school and assists me in anything that's
20 needed research-wise.

21 You've already met the attorneys and the parties.

22 But the most important people for you are the folks
23 in the red jackets. And those are our bailiffs. And
24 Greenville has wonderful bailiffs. Let me tell you, if
25 you need anything, you just need to direct your attention

1 to them and they will be able to assist you. If there's
2 anything that I need to get involved in, they'll let me
3 know.

4 First of all, I also want to alert you, I know that
5 all of y'all are probably very much aware of something to
6 your left, and that's a TV camera. First of all, under
7 our laws, that TV camera will never be focused on any of
8 the jurors and you will not be in any way identified or
9 any camera footage of you. I just want you to be --
10 that's the rules of the law and they all know that, so
11 it's nothing for you to be concerned and that should not
12 be a distraction.

13 Now, one of the things I will tell you, too, and this
14 is just something that's very, very important along that
15 line, and that is you are not to pay attention to any
16 media coverage regarding this trial, okay? Because it's
17 very important that all of the information that you get on
18 this case and you're making your decision is gotten in
19 this courtroom under our rules of evidence. That's very
20 important that you not pay any attention to any coverage,
21 particularly as to -- it may be for this week or during
22 this trial maybe not even watch Fox Carolina. The reason
23 I say that, because that's where the coverage is as far as
24 we know at this point. And that's just important that you
25 not be tainted in any way on that. I'm not saying

1 anything against them. I'm just saying that's just
2 something that you should carefully consider.

3 Now, as far as what is your role, you're to determine
4 the facts of this case. And what that means is you're to
5 hear the evidence. And evidence might be in the way of
6 testimony here, it may be in the way of testimony from
7 video, it may be in the way of statement, video
8 statements, it may be stipulations, it may be written
9 documents, exhibits. And all of that, you are to give it
10 the weight and the value which you feel is appropriate.

11 And when I say how are you going to determine the
12 facts, at the end of this case, there will be a verdict
13 form. And it will be as to each charge that's presented
14 to you, and as to each defendant it will be guilty or not
15 guilty. And your determination of the facts is deciding
16 whether a defendant under those particular charges is
17 guilty or not guilty. Okay.

18 And if there's anything that I do or say throughout
19 this trial that makes you think I have an opinion of the
20 facts, you're to disregard that because that's not my
21 role. I'm to preside over the trial, I'm to rule on
22 objections and I'm to charge you with the law at the end
23 of the case.

24 Now, as you know, as you've been introduced, there's
25 three defendants. And the burden is on the State to prove

1 the allegations against these defendants guilty beyond a
2 reasonable doubt. And that is as to each element of each
3 charge as to each defendant.

4 Now, when you begin your deliberations, you will look
5 at each charge independently and you will look at each
6 defendant independently and make your decision as to each
7 of those charges as to each defendant. The fact that we
8 have three defendants sitting at a table, you're still to
9 consider them all separately when the time comes, and
10 that's very important.

11 As I also mentioned, the burden is totally on the
12 State in this case. The fact that somebody is arrested,
13 charged, indicted, those are merely allegations. Those
14 are what the State says this is what we're going to be
15 proving. And they have the burden of proof beyond a
16 reasonable doubt.

17 The defendants in this matter have absolutely no
18 burden whatsoever. They don't have the burden to prove
19 anything. They don't have to prove that the State has not
20 met its burden. They have no burden whatsoever. That's
21 their constitutional right.

22 Now, as we go through the trial, I'm going to ask
23 that you not take notes. You'll have exhibits that are
24 presented to you, and I think it's important for you to
25 pay very close attention to each of the witnesses.

1 Because one of the things you may need to determine is the
2 credibility of witnesses, the believability of those
3 witnesses in making your determination.

4 The procedure of the trial is that we'll start off
5 with opening statements. That's not evidence. That's
6 just the summary that the attorneys will tell you. And
7 each -- like I said, each defendant has the right to
8 present their argument and to cross-examine each witness.

9 And then after all the evidence has been presented,
10 then we will have closing arguments by the attorneys.
11 Then I will charge you on the law. And that's when I tell
12 you what the law that applies to this case. And then you
13 can begin your deliberations.

14 Now, there are several rules that are very important
15 throughout your deliberation and throughout this trial and
16 when you take breaks. Do not discuss the case, okay? And
17 I know that's a very difficult rule to follow because when
18 you take breaks and you go on back there, the only thing
19 you have in common at this point as far as you know is
20 that you all are jurors on this case. It's very important
21 that you don't discuss the case, one, is you start making
22 up your mind. And at this point you don't have all the
23 evidence, you don't have the law. So you've got to keep a
24 clear mind all the way through the end of the trial so
25 that you can consider everything when you start making up

1 your mind. So do not discuss the case.

2 When you discuss the case -- and it's another thing
3 difficult. When you go home, it's hard not to discuss the
4 case with your friends and your family. But then you're
5 actually getting outside influence. So you just have to
6 tell if anybody asks, I can't talk about the case. That's
7 very, very important.

8 Second thing is not to do any type of research. In
9 our day of Google, it's very easy that everything that you
10 have a question in your mind -- as you get older, that's
11 everything that you can't remember -- Google always saves
12 you. But do not do any type of research. Don't research
13 about the law in this case, the issues, the defendants,
14 the lawyers. Anything like that. That's totally
15 inappropriate. Again, everything that you will need
16 you'll get in this courtroom under our rules of evidence.
17 And that's very specific.

18 Also, as I said, don't pay any attention to media
19 coverage, even if there may be social media. Anything
20 like that. That's for you to disregard totally.

21 We'll try to take breaks every -- probably about
22 every hour, hour and a half. It kind of depends on where
23 a witness may be and where they are in their case. We
24 will try to shoot for as close to closing out at 5 o'clock
25 as we can. Sometimes, like today, we may be going a

1 Little bit past five just so we can get everything we need
2 to get in done today since we got a little bit later
3 start. We'll normally start about 9:30. In the morning I
4 think it might be a little bit later because we've got a
5 couple matters we have to go over. And then we'll try to
6 break -- we try to kind of shoot for about 12:30 is our
7 target time for breaking for lunch. It may depend on
8 where we are with witnesses. Sometimes we have to maybe
9 break a little bit earlier, sometimes a little bit later.
10 And we'll give you sufficient time to have your lunch.

11 So with that being said, I'm going to now turn it
12 over to the attorneys for opening statements.

13 MS. McCALL: Thank you, Your Honor. May it please
14 the Court.

15 THE COURT: Yes.

16 OPENING STATEMENTS

17 MS. McCALL: Attorneys, ladies and gentlemen of the
18 jury, Kerolos Zaky was a 15-year-old son, brother and
19 friend. And one bitter, cold night in December of 2019,
20 these three codefendants attempted to rob him. They beat
21 Kerolos until they realized that he had nothing to give
22 them. They wanted to steal what they thought was a few
23 dollars in his pocket and ended up with nothing. And in
24 the end, Kerolos was shot and killed for nothing.

25 Just a few days before Christmas in December of 2019,

1 Kerolos and two of his friends decided to go riding.

2 Kerolos had a car. He drove a four-door sedan. And they
3 were hanging out that night. And one of his friends knew
4 some of these codefendants. And the friend said, hey,
5 we'll go pick up these other guys. We'll hang out for the
6 night. No real plans.

7 So they go pick up a few guys. There ended up being
8 eight teenagers in that small car: three in the front,
9 one in the driver's seat, two in the passenger's seat and
10 five in the backseat.

11 So they're trying to decide what to do. They go to
12 Spinx, Spinx in Greenville County. They go, and they pull
13 in and park. They spend a little time there at Spinx. A
14 few of them go inside here and there. In fact, they get
15 one adult to go and buy them a cigar. They end up smoking
16 weed in the car.

17 They stay there for a little while, and the cameras
18 at Spinx catch it. It's on camera. We see a lot of this
19 taking place.

20 So then they decide to leave. We see them pull out
21 of the Spinx. Kerolos is told that there are some girls
22 that they can hang out with. They tell Kerolos where to
23 drive. They drive to a neighborhood. Tell him where to
24 park in the street. He parks. They tell him to get out.
25 Everyone starts getting out of the car to go hang out with

1 some girls. That was never the plan. There were never
2 any girls.

3 These boys conspired to rob Kerolos because they
4 thought he had a few dollars in his pocket. When he was
5 at Spinx in the car, he made a comment about maybe having
6 some hundreds on him. That was all it took. They decided
7 and planned to rob Kerolos of that money.

8 So they're in that neighborhood. They get out in the
9 street. He goes to the back of the car. One of them says
10 he has to get something out of the trunk. He gets
11 pistol-whipped in the back of the head. So the beating
12 begins.

13 It wasn't just one that beat him. Multiple guys are
14 beating this victim all because they think he has money on
15 him. They want to rob him. That is their plan, to rob
16 him, to rob him at all cost.

17 His two friends that were with him, as soon as their
18 friend starts getting beat, they run. They're scared.
19 They run. They flee the scene. A little while later,
20 though, they hear gunshots.

21 Kerolos was beat. He was beat and tried to get away.
22 He goes to get in his car to drive away to save his life.
23 And one of these defendants decides we're not letting him
24 get away. So what do they say? The one without the gun,
25 David Mosley, says "blast that" -- and I won't finish it

1 for you at this point because it is vulgar. And Braelon
2 Brown, the one holding the 9 millimeter gun, what does he
3 do? He opens fire on Kerolos's car as he's trying to get
4 away. Boom, boom, boom, boom. He fires into the car.
5 Glass breaks. Kerolos is shot. He suffered one fatal
6 gunshot wound to his back. Immediately debilitates him.
7 He's not able to drive.

8 So what happens to the car? It slowly comes to a
9 rest in an individual's front yard.

10 These defendants take off running. They flee the
11 scene. See, they thought Kerolos had money on him. And
12 when they realized he didn't have those hundreds he talked
13 about, they decided to kill him for no reason. They had
14 no beef. They had no prior dealings. This was not a
15 fight that they decided to fight him for no reason. These
16 defendants conspired, planned together to rob this
17 15-year-old boy. And when they realized he didn't have
18 anything to give them, they shot and killed him.

19 These three defendants are charged with murder,
20 possession of a weapon during the commission of a violent
21 crime, attempted armed robbery and conspiracy.

22 Murder is the unlawful killing of another with malice
23 aforethought.

24 What is malice? Malice is ill will, an evil heart.

25 Aforethought, what does that mean? It can be a split

1 second. It doesn't have to be premeditated. We know that
2 the armed robbery, the attempted armed robbery was
3 premeditated, but the murder doesn't have to be
4 premeditated. It can occur in a single second. They
5 decide that they're going to take Kerolos's life. That's
6 murder, because they do it. They shoot and kill him.
7 They had a gun in the group.

8 And conspiracy, they planned all of this together.
9 They planned it after Kerolos said he had some money on
10 him in that Spinx parking lot.

11 The judge at the end of the trial will instruct you
12 on what the law is in South Carolina. And a little bit of
13 what you will hear is that in order to be charged with
14 murder, it doesn't require that all three of these
15 defendants shot the victim. There can be one gun. There
16 can be one shooter. But if you conspire together to
17 commit a crime and then a natural result of that happens,
18 they're all guilty of murder. You may have referred to it
19 -- heard it referred to as the hand of one is the hand of
20 all. That is what you have here. And it is the State's
21 burden to prove to you beyond a reasonable doubt that that
22 is what happened.

23 Beyond a reasonable doubt means that the State
24 throughout this week, we will prove to you and leave you
25 firmly convinced that these three defendants conspired to

1 attempt to rob Kerolos, to beat him up and to murder him
2 with a firearm. And that is what they did.

3 At the end of the trial, you will go back and
4 deliberate. And that is part of your job as a jury. You
5 all have life experiences. You bring your common
6 knowledge, your education. You all get together in a room
7 and you talk about it. You deliberate. That is not
8 hesitation. That is deciding what the facts are in the
9 case. That is your job. And that is when you decide that
10 -- you will decide that you're firmly convinced that this
11 defendant -- these defendants, all three of them, are
12 guilty of the crimes for which they have been charged.

13 You'll see all different types of evidence this week:
14 testimony from that witness stand, physical evidence,
15 video evidence. You will take all of that information
16 with you back into the jury room and decide the guilt of
17 these three codefendants.

18 Kerolos was only 15 years old when he was shot and
19 killed for giving these boys a ride and for looking like
20 an easy target.

21 Thank you.

22 THE COURT: All right. Defendant Brown?

23 MR. CANTRELL: Ladies and gentlemen, on December 19,
24 2019, yes, eight boys got together. They got together
25 because Nijah Croskey and one of the other young men,

1 Jaylin Hill, communicated and said let's get together.
2 And Mr. Kerolos was driving the vehicle, and he -- they
3 all agree and they got together and he went and picked
4 them up.

5 So you've got eight teenage boys riding around in a
6 small car. For whatever reason, you've heard that they
7 went to Spinx and hung out there for an hour or so.
8 You've heard that Kerolos at one point made some comment
9 about having money, but it became obvious pretty quickly
10 he had none because he couldn't pay for gas. Couldn't buy
11 gas. Nobody in this car had any money, and nobody had
12 anything worth stealing.

13 But they're still hanging out as boys will do. And
14 from Spinx they drove to a neighborhood with a discussion
15 of finding girls while smoking weed. All of them
16 including Mr. Kerolos.

17 Braelon Brown did not set up this visit. He was just
18 among the group that was picked up as were the other four
19 fellows with him.

20 And, again, this was just a December evening where
21 boys that had nothing better to do got together and ride
22 around. But it turned tragic pretty quickly. And I'll
23 just tell you and warn you from somebody that's been
24 working and dealing with this for a good while just like
25 all the rest of these folks, it's not an easy thing to

1 think about or consider. It is tragic to see and hear
2 what happened and that a young 15-year-old lost his life
3 and that seven other teenagers have irreparably harmed
4 their own lives and each other's life. That's just the
5 fact. That is what we have here before us, and that is
6 sad. And nothing that we do here today is going to change
7 that. Certainly, everyone here is looking for a just
8 verdict and for justice.

9 But the fact of the matter is, after leaving Spinx
10 and determining that nobody had money, they decided to
11 maybe go look for girls. They did stop in the
12 neighborhood. And almost immediately a dispute broke out
13 between Mr. Kerolos and one of the other young men. Not
14 Braelon Brown, my client. And there was a dispute and
15 there was a -- you could call it a beatdown. Mr. Kerolos
16 got hit several times by someone holding a gun, again, not
17 Mr. Brown. And then people are running.

18 Mr. Kerolos's two friends who were very young and
19 very scared, they took off immediately. They saw the
20 beatdown start and nothing else after that because they
21 went and ran down the street behind the building, behind
22 some fences and then heard some shots.

23 You've got a number of young men that are there at
24 the car involved in this. And they all have their story
25 as to in their minds, I'm sure, what happened.

1 What you will hear in this trial are a number of
2 different and varying stories about an incident that was
3 traumatic, spur of the moment, shocking and out of the
4 blue even for these young men. So you're going to hear a
5 number of different stories, a number of different
6 explanations, a number of different accounts as to who had
7 what, who did what, who said what. And then it's going to
8 fall on you to take all of that back into the jury room
9 and try to reach a verdict. That's your job.

10 I won't say it's a thankless job because everybody in
11 this room is thankful for the job that you will be doing
12 in this trial. All any of us can ask you to do is to
13 review all of the testimony, the various versions of the
14 testimony, the various statements that people have said
15 from the very beginning till very recent times about this
16 incident. You're going to have to compare the versions of
17 all of the people. You're going to have to compare
18 different versions that one individual might say on a
19 number of different occasions. You're going to have to
20 put all that together to, again, render a verdict which
21 speaks the truth beyond a reasonable doubt. And I think
22 you will see at the end of this that some of it's a little
23 clearer than others. And that's what you've got to figure
24 out.

25 All we can do is ask you to look at it intently. We

1 ask that you pay attention to everything. And I'm sure
2 you will. And do a job that is very difficult, to do a
3 job that you will receive thanks from all of us and
4 appreciation for your service on this jury.

5 Thank you very much.

6 THE COURT: Mr. Pringle?

7 MR. PRINGLE: Thank you. May it please the Court,
8 Your Honor, solicitors, co-counsel. I'm Kraig Pringle.
9 I'm here representing David Mosley. And this is what we
10 call opening statements. I've got a few notes, but
11 really, frankly, at this stage of the game and the day,
12 I'm going to cut it a little bit short for everybody's
13 benefit.

14 I generally don't like to go into a whole lot of
15 detail making promises or predictions about what you're
16 going to hear or see. We all have a pretty good idea. As
17 you can imagine, we've all prepared and we all have very
18 strong ideas and opinions about what happened.

19 The one thing that I'll tell you that I'm convinced
20 of and you may or may not agree when it's all over with is
21 I'm not sure any of us is ever going to know exactly what
22 happened out there. Okay. The one thing that you heard
23 the judge say, and it's very clear and we all know it,
24 these three -- I say young men. When this all allegedly
25 happened, they were boys, just like the victim in this

1 case.

2 And this was a tragedy. There's not much that the
3 State and we're going to agree upon, but that was a tragic
4 waste when this young man was killed. Now, we differ on
5 how that happened and who exactly played what part in that
6 happening. That's all going to be up to you to decide.
7 That's the beauty of our system. The judge doesn't
8 decide, the State doesn't decide, we don't decide. Y'all
9 decide. That's why we went through this whole process of
10 both sides picking you out is we needed to have a group of
11 people that we had that faith in. And, frankly, on behalf
12 of the rest of the defense, we have that faith in y'all.
13 Okay.

14 You're here for jury duty. What is that duty? I'm
15 going to say that that duty is simply to pay close
16 attention, examine all the evidence, all the testimony.
17 Use your common sense, not ours. Nothing you've heard --
18 as the Court has said, nothing that anybody has said to
19 this point is evidence.

20 The charges, we know what they are and we know
21 there's a big one in there. It sticks out, doesn't it?
22 Murder, murder. Okay. We all know what "murder" means.
23 But you're going to hear all kinds of stuff over the next
24 few days about what they might think it means, what we
25 might think it means. And then ultimately, it's going to

1 be about what you believe that it means.

2 You know, again, it's a tragedy. It's a tragedy for
3 everybody in this courtroom. But never forget we did have
4 someone that died, and so someone has to be held
5 accountable for that. Okay. That's their job to convince
6 y'all.

7 And each one of these young men, you've got to make
8 findings about each one of them separately. As the Court
9 said, it's not a collective thing.

10 You're going to hear evidence and testimony. You're
11 going to see a lot of stuff. A lot of it's going to be
12 painful. It's not going to be comfortable. But then
13 again, that's why we're calling on you. This is your duty
14 and -- for all three. They all deserve that consideration
15 from the jury. Okay. That's part of our system. You've
16 got to make the call with what each one of them, whether
17 they did anything or guilty of anything or not guilty.
18 It's got to be determined with each and every one of them
19 individually. You may find that different ones of these
20 -- you know, may have done some things, others did other
21 things. You may find that there's not much here at all.
22 Again, I think there's a lot of confusion. Hopefully,
23 we'll all have a little bit better idea about what
24 happened when this is over with. But I know as I sit
25 here, part of my fear is when it's all over with, we may

1 never exactly know.

2 Again, murder is as big as it gets. It takes a lot
3 to commit murder. It can be pretty complicated. It takes
4 a lot to prove it as you're going to find and you'll be
5 instructed.

6 Just remember, everybody that sits in that chair is
7 innocent till proven guilty. You've heard a lot of stuff.
8 You hear murder, you hear robbery. You've got media here.
9 There's all these people. Clearly, we're all here for
10 something big. You can't let that impact you. Okay.
11 We've got to sit here, and we've got to make the State go
12 through what they've got to go through against anybody
13 that's in the same position. It's a tough burden. We
14 don't believe they're going to be able to make it.

15 But really, up until that point, anything any of us
16 says, it's all smoke. It's all noise until the case is
17 over and you've heard it all and seen it all. Then y'all
18 get to go back in that room and figure it out. I pray on
19 behalf of David that you come to the right conclusion.

20 Again, we certainly feel strongly about what we
21 believe happened or just as importantly didn't happen out
22 there that night that the State's talking about. A
23 terrible day for a lot of people. But we also don't want
24 to compound what happened, a terrible incident, and
25 perpetuate further injustice, further bad incidents

1 because we want to try to make something right. Okay.

2 So again, on behalf of the rest of the defense,
3 certainly on behalf of David Mosley who was not quite 16
4 when this happened, really they were all boys when this
5 allegedly took place. Even now he's barely pushing, you
6 know, young adulthood. So it was a really horrible thing
7 that's going to be hard for any of us to figure out. But
8 I just ask you to just pay close attention, try to stay
9 awake and be diligent. Because if you go through it in
10 detail with regards to each one of the boys and you give
11 each one of them their day in court and their due, you're
12 going to come up with some conclusions. And we hope that
13 you come up with the right ones.

14 Again, we're not here to seek revenge. It's terrible
15 what happened to the young man that died. Somebody's got
16 to pay for it. But it's got to be in the right way, the
17 right person and under the law. Okay. We believe that
18 the State made a lot of big jumps, logically made some
19 bets on their case. We're hoping y'all will see it the
20 same.

21 Until then, just soak it all up and listen to it all,
22 view it, use your collective common sense. Again, until
23 then it's all noise. And when it's time, y'all will do
24 the right thing. And we pray that you will.

25 Thank you.

1 THE COURT: Mr. Warder?

2 MR. WARDER: Thank you, Your Honor.

3 Ladies and gentlemen, there's two things that you
4 have to do in this case. And the first thing you have to
5 do is to keep an open mind until you've heard it all. As
6 you'll notice, the State gets to go first. And they'll
7 present their case over hours, a day, maybe even into two
8 days. But you have to keep an open mind until you've
9 heard everything. You can't make the decision early in
10 the case. The statistics show that if a person makes up
11 their mind, they seldom change it. You've got to fight
12 any urge you have to reach a decision until you've heard
13 everything in this case.

14 Now, the other thing you have to do in this case
15 outside of keep an open mind until all of the evidence is
16 in and even past that -- because part of the best will
17 come at the last. His Honor will define "reasonable
18 doubt," the most powerful concept in American justice.
19 He'll tell you how it exists, when you can find it, when
20 it should be applied. So you've got to keep an open mind
21 clear up until the point His Honor tells you the law.

22 Now, he will tell you at some point before that that
23 you can't deliberate or discuss the case now, and you
24 can't do that until you're sent back at the end of the
25 trial. And only then can you deliberate and start

1 discussing the case. And that means you must do the
2 second most important thing, which is remember and pay
3 close attention. And if you feel distracted, if you need
4 something, I'm sure if you indicate to one of the people
5 in the court they'll take a short break if you need that.
6 But you need to be up and where you can hear everything,
7 you can remember.

8 And why is remembering so important is because we'll
9 have something at the end of the case that we call jury
10 deliberations. And a deliberation is where you discuss it
11 with your fellow jurors. And you will discuss whether or
12 not there exists a reasonable doubt. That is the only
13 question you have to answer is has the State proven it
14 beyond a reasonable doubt. So you'll have to begin
15 deliberations where you will discuss this concept of
16 reasonable doubt as His Honor will give it to you.

17 And in discussions, you will find you don't all
18 remember everything just the same. And you have to apply
19 the facts as you remember them, because you'll be asked to
20 have deliberations to reach a verdict. And a verdict will
21 be the total of all the facts in your personal mind as
22 your personal belief as to whether or not the State has
23 reached this reasonable doubt standard. And the jury vote
24 is the total of all your verdicts. In other words, all 12
25 of you have to agree.

1 And so -- and each of you has to reach your own
2 verdict. It would be wrong, His Honor will tell you, to
3 vote for one verdict when you didn't believe that was true
4 just so you'd be in the majority or just so the
5 deliberations would end and then you can go home. It's
6 ideally a jury listens to all the evidence, all the law,
7 listens to His Honor tell you about this very important
8 concept of real reasonable doubt and then goes back and
9 deliberates and discuss with these fellow jurors until
10 they each all together reach their 12 verdicts that make
11 up the whole jury verdict.

12 So I ask you to keep an open mind, to try and
13 remember, pay close attention, and after you've heard
14 everything, then start to reach a decision, a decision
15 that really speaks the truth.

16 I thank you very much.

17 THE COURT: All right. Ladies and gentlemen, as I
18 said, normally, I wouldn't have a witness but I did
19 indicate to the parties that I would let them call this
20 witness today, so we're going to be running a little bit
21 late. So please hold that against me and not the lawyers
22 here. My understanding, this should be a relatively short
23 witness, but this is the only time this person can
24 testify.

25 So with that being said, is everybody okay with that?

1 All right. Call your first witness, please.

2 MR. RICHARDSON: Allyson Wright.

3 THE COURT: All right. If you'll come forward and be
4 sworn.

5 THE CLERK: Please place your left hand on the Bible
6 and raise your right hand.

7 WHEREUPON,

8 ALLYSON WRIGHT

9 After having been duly sworn, testified as follows:

10 THE CLERK: Thank you. Please take a seat and state
11 your name for the record.

12 THE WITNESS: Sergeant Allyson Wright.

13 DIRECT EXAMINATION

14 BY MR. RICHARDSON:

15 Q Good afternoon, Sergeant.

16 Just so we're clear, you've recently been married.
17 And at the time of this case, your last name was what?

18 A Roller.

19 Q Okay. And where do you presently work?

20 A I work with Greenville County Forensics.

21 Q Okay. And how long have you been with Greenville
22 County Forensics?

23 A Almost seven years.

24 Q Okay. And what are your duties? Can you just
25 briefly explain to the jury what you do?

1 A As a sergeant, I still take calls while also helping
2 newer technicians. I train them, I read their reports,
3 make sure that they don't have any questions.

4 Q Okay. And as part of your duties back -- we go back
5 to 2019, part of your duties then, was that to go out to
6 crime scenes?

7 A Yes. I was an evidence technician.

8 Q Okay. So what exactly does an evidence technician do
9 at a crime scene?

10 A So we respond to all different types of crime scenes.
11 When we first get on scene, we get information from
12 whoever's on scene whether it's the investigator or the
13 victim. And then we do a walk-through of the scene,
14 photograph it, collect any evidence that we find. And
15 then the last thing is process for latent fingerprints.

16 Q Okay. So basically, you're gathering the evidence
17 that you secure and then put into a secure facility?

18 A Correct.

19 Q Okay. Now, back in December, December 19, 2019, were
20 you working on that day?

21 A Yes, I was.

22 Q Okay. And do you recall responding to Mansion
23 Circle?

24 A Yes, I do.

25 Q Okay. That's an area within Greenville County?

1 A Yes.

2 Q Okay. Were you the initial tech? I mean, how do
3 they decide who goes out in response to these scenes,
4 these crime scenes?

5 A There were two of us working that night. I was the
6 responding officer. And my sergeant was working with me,
7 and he came and scanned the scene.

8 Q Okay. And when you got to the scene, just generally,
9 what is the first thing that you do? What's kind of your
10 procedure when you first get to a crime scene?

11 A We make contact with the investigator or the deputy
12 that was first on scene.

13 Q And why do you do that?

14 A To get any information that they have at the time,
15 see if they've located any evidence.

16 Q Okay. And they kind of guide you as to what may have
17 happened and what to look for?

18 A Correct.

19 Q And as part of that, do you also -- do you also take
20 photographs?

21 A Yes. Once we do the walk-through, we photograph the
22 scene.

23 Q Now, in this particular case, you did a walk-through?

24 A Yes, I did.

25 Q Okay. And during that walk-through, was there a

1 particular vehicle that you saw that gained your
2 attention?

3 A Yes. There was a vehicle in the front yard.

4 Q Okay. And do you recall the color or the make or the
5 model of that vehicle?

6 A It was a red Chrysler 200.

7 Q Okay. Let me show you what's been marked State's
8 Exhibit 24 [sic], 27, 28. And just do you recognize those
9 photographs?

10 A (Reviews exhibits) Yes.

11 Q Okay. And are those photographs that you took at the
12 scene?

13 A Yes. There at the scene.

14 Q Okay. And these accurately depict what you saw. And
15 the photographs you took, have they been changed or
16 altered in any form or fashion?

17 A No. They have not been changed.

18 MR. RICHARDSON: Your Honor, at this time the State
19 would offer ---

20 THE COURT: All right. Any objection from Brown?

21 MR. CANTRELL: None, Your Honor.

22 THE COURT: Mosley?

23 MR. PRINGLE: None, Your Honor.

24 THE COURT: And Hill?

25 MR. WARDER: No, Your Honor.

1 (WHEREUPON, State's Exhibit Numbers 26, 27 and 28 were
2 admitted into evidence.)

3 BY MR. RICHARDSON:

4 Q Okay. Ma'am, now, in reference, I'm going to
5 reference first what's been marked State's Exhibit 26. Is
6 that the vehicle that you saw?

7 A Yes.

8 Q Okay. And was there anybody inside that vehicle?

9 A Yes. There was in the front driver's seat.

10 Q Okay. And this vehicle, is that the same vehicle?

11 A Yes, it is.

12 Q That's what I'm referring to is State's 28 and
13 State's 27. Is that the same vehicle?

14 A Yes, it is.

15 Q Okay. And did you also notice in that vehicle any
16 damage to it such as to the windshield?

17 A The rear driver window was completely shattered out,
18 and the front driver window was shattered but some of the
19 glass was still intact. And there were suspected
20 projectile holes on the driver's side of the vehicle.

21 Q Okay. Let me show you what's been marked State's
22 Exhibit 29 and State's 30. Do you recognize those
23 photographs?

24 A (Reviews exhibits) Yes.

25 Q Okay. Did you take these photographs?

1 A Yes, I did.

2 Q And do these accurately depict what you saw, what was
3 taken?

4 A Yes.

5 MR. RICHARDSON: Your Honor, at this time, we would
6 move State's Exhibit 29 and 30 into evidence.

7 THE COURT: All right. Any objection from Brown?

8 MR. CANTRELL: No objection.

9 THE COURT: Mosley?

10 MR. PRINGLE: No, Your Honor.

11 THE COURT: And Hill?

12 MR. WARDER: No, Your Honor.

13 THE COURT: All right. In without objection.

14 (WHEREUPON, State's Exhibit Numbers 29 and 30 were
15 admitted into evidence.)

16 BY MR. RICHARDSON:

17 Q I'm going to refer first, ma'am, to State's
18 Exhibit 29. Can you tell the jury what this is?

19 A That is a suspected projectile hole in the doorframe.

20 Q So when you say a projectile hole -- and correct me
21 if I'm wrong. I don't want to put words in your mouth,
22 okay? Is this what you're referring to?

23 A Yes. That is correct. (Indicating) And there is a
24 -- looks like a fragment of a projectile in there as well.

25 Q Is that fragment here (indicating)? Or are you

1 talking about back here (indicating)?

2 A Within the hole. Within the projectile hole.

3 Q I understand. Thank you for clearing that up.

4 And also, in relation to that, we see a broken
5 shattered windshield or piece of glass?

6 A Yes. The front driver window was shattered as well
7 as the rear driver window.

8 Q Okay. And State's Exhibit 30, what is this, ma'am?

9 A These are projectile stickers that we put on to mark
10 our suspected projectile holes.

11 Q Okay. So your projectiles, P-1 and P-2, were those
12 two separate projectiles?

13 A Yes, they are.

14 Q Now, is part of also your duties is to look for shell
15 casings?

16 A Yes, it is.

17 Q And in this particular case, you said you did a
18 walk-through. Is that one of the things you were looking
19 for?

20 A Yes. We mark evidence that we see as we do our
21 walk-through.

22 Q Okay. And did you, in fact, located any shell
23 casings at this Mansion Circle here?

24 A Yes. There were shell casings located in the
25 roadway.

1 Q Okay. And is part of your job and duties as a
2 forensic tech is to take photographs of those, of the
3 scene and those projectiles?

4 A Yes. I take pictures of the casings before we
5 collect them.

6 Q Okay. I'm glad you brought that up. Ultimately, you
7 collect the shell casings and any projectiles and placed
8 them into evidence; is that right?

9 A That is correct.

10 Q All right. Let me show you what's been marked
11 State's Exhibit 18, 19, 20 and 21. Are these photos that
12 you took at the scene at Mansion Circle?

13 A (Reviews exhibits) Yes, they are.

14 Q Okay. And do they accurately depict what you saw
15 that night?

16 A Yes.

17 Q Have they been changed or altered in any form or
18 fashion?

19 A No, they have not.

20 MR. RICHARDSON: At this time, we move State's 18,
21 19, 20 and 21 into evidence.

22 THE COURT: All right. Objection from Brown?

23 MR. CANTRELL: None, Your Honor.

24 THE COURT: And Mosley?

25 MR. PRINGLE: One moment, please.

1 THE COURT: All right.

2 MR. WARDER: Your Honor, on behalf of Defendant Hill,
3 I have no objection.

4 MR. PRINGLE: No objection. Thank you.

5 THE COURT: All right. You said no objection from
6 Hill?

7 MR. WARDER: Yes.

8 MR. PRINGLE: No objection from Mosley.

9 THE COURT: All right. In without objection.

10 (WHEREUPON, State's Exhibit Numbers 18 through 21 were
11 admitted into evidence.)

12 MR. RICHARDSON: Mr. Brown?

13 THE COURT: He's already said that.

14 MR. RICHARDSON: I apologize.

15 BY MR. RICHARDSON:

16 Q Okay. Ma'am, I'm going to show you -- and I'm
17 referring to State's Exhibit 18. Now, those yellow
18 markers that we can see in that photograph, what are those
19 markings?

20 A Those are evidence placards that we use to mark all
21 of our evidence. And in the roadway we did find cartridge
22 casings and a cartridge.

23 Q So some of those are cartridge casings?

24 A Yes.

25 Q Do you recall how many cartridge casings you found?

1 And we'll get to that in a minute. But do you recall
2 right now how many you found?

3 A I do not recall the exact number.

4 Q And I'm referring to State's Exhibit 19. What is
5 that?

6 A A different view of the placards and the evidence
7 that we located.

8 Q Once again marking evidence at the scene?

9 A Yes.

10 Q Just so we're clear to the jury, I didn't know this
11 until I became a prosecutor, but what do you put those
12 markers down there? What's the purpose of that?

13 A That way we have an item number so we can separate
14 each item that we collect, and in our photos we can go
15 back and see what each item number was.

16 Q Thank you.

17 And now I refer to State's Exhibit 20. What is that
18 from?

19 A That is a cartridge casing in the roadway.

20 Q Okay. And did you place the circle around it?

21 A Yes, I did. It helps with photographs on night shift
22 scenes.

23 Q Okay. Ma'am, and I'm showing you now State's
24 Exhibit 21. What is that?

25 A That was a cartridge in the roadway.

1 Q Is that a live round?

2 A Yes, it is.

3 Q So this is a round that was not fired.

4 A Correct.

5 Q Now, when you -- let me also just show you State's
6 Exhibit 31. Is that also a photograph you took?

7 A Yes.

8 Q Okay. Of cartridge casings -- or excuse me --
9 the ---

10 A Projectiles.

11 MR. RICHARDSON: --- projectiles. Okay.

12 And we would also move State's Exhibit 31 into
13 evidence.

14 THE COURT: All right. Any objection from Hill?

15 MR. WARDER: No, Your Honor.

16 THE COURT: Mosley?

17 MR. PRINGLE: No, Your Honor.

18 THE COURT: Brown?

19 MR. CANTRELL: None, Your Honor.

20 THE COURT: All right. Sorry to go back. Just a
21 change of pace.

22 (WHEREUPON, State's Exhibit Number 31 was admitted into
23 evidence.)

24 BY MR. RICHARDSON:

25 Q Okay. State's Exhibit 31, that is projectiles?

1 A Those are projectile holes, and there is a projectile
2 in one of the projectile holes.

3 Q Which hole has a projectile in it?

4 A P-2.

5 Q Okay. Did you take that into evidence?

6 A That was processed at a different location, so
7 somebody else would have processed that vehicle.

8 Q Okay. So to explain that, at this point you're
9 taking photographs, but you're not dealing with the
10 evidence inside the car?

11 A Correct.

12 Q And the car is taken where?

13 A A secured location.

14 Q Okay. And do you -- before you take that car, do you
15 seal it?

16 A Yes. I seal the vehicle.

17 Q And let me show you what's been marked State's
18 Exhibit 17. Did you take this photograph?

19 A Yes, I did.

20 Q Okay. Does that accurately depict what you saw?

21 A Yes.

22 MR. RICHARDSON: Okay. At this time, we would move
23 State's 17 into evidence.

24 THE COURT: All right. Objection from Brown?

25 MR. CANTRELL: None, Your Honor.

1 THE COURT: Mosley?

2 MR. PRINGLE: No, Your Honor.

3 THE COURT: And Hill?

4 MR. WARDER: No, Your Honor.

5 THE COURT: All right. In without objection.

6 (WHEREUPON, State's Exhibit Number 17 was admitted into
7 evidence.)

8 BY MR. RICHARDSON:

9 Q Okay. State's 17, so just tell the jury what exactly
10 that is.

11 A That is red evidence tape. When we seal a vehicle
12 and transport it to another location to be processed
13 further, we put red evidence tape on the doors, the hood
14 and the trunk. We put our initials and the date. That
15 way if it's tampered with, we would know that someone has
16 been in the vehicle.

17 Q Okay. And that particular thing, I assume, I see the
18 initials AR?

19 A Correct.

20 Q Which is your former name?

21 A Yes. It was for "Roller" instead of "Wright."

22 Q So that is, in fact, your initials that you wrote to
23 seal the car.

24 A Yes. That is mine.

25 Q Prior to sealing the car, you testified that you went

1 and you viewed the inside of the car; is that correct?

2 A That is correct.

3 Q And so was the victim in the car?

4 A Yes. In the front driver's seat.

5 Q Okay. And at the time that you got there, was the
6 victim alive?

7 A No. When I responded, he was not alive.

8 Q Okay. And did you also notice anything unusual about
9 his feet?

10 A Yes. He was not wearing shoes while sitting in the
11 driver's seat.

12 Q And did you, in fact, take photographs of that?

13 A Yes, I did.

14 Q And I'm going to show you what's been marked
15 State's 24 and State's 25. Do you recognize these
16 photographs?

17 A (Reviews exhibits) Yes, I do.

18 Q And those are photographs that you took?

19 A Yes. I took them.

20 Q Do they accurately depict what you saw?

21 A Yes.

22 Q They have not been changed or altered in any form or
23 fashion?

24 A No, they have not.

25 MR. RICHARDSON: At this time, we move State's

1 Exhibit 24 and 25 into evidence.

2 THE COURT: All right. Objection from Brown?

3 MR. CANTRELL: None, Your Honor.

4 THE COURT: Mosley?

5 MR. PRINGLE: No, Your Honor.

6 THE COURT: Hill?

7 MR. WARDER: No, Your Honor.

8 THE COURT: All right. In without objection.

9 (WHEREUPON, State's Exhibit Numbers 24 and 25 were
10 admitted into evidence.)

11 THE COURT: What numbers were those again?

12 MR. RICHARDSON: It's 24 and 25.

13 THE COURT: All right.

14 BY MR. RICHARDSON:

15 Q And I'm referring to first 24. What is that a
16 photograph of, ma'am?

17 A That is the victim's legs in the front driver's seat
18 with no shoes on.

19 Q And I'm referring to State's Exhibit 25. What is
20 that?

21 A That is also a picture of the victim sitting in the
22 front driver's seat with no shoes on.

23 Q And what now is this (indicating), these items --
24 these items on the floorboard?

25 A Those are pieces of broken glass from the broken

1 window.

2 Q So there was glass found inside the vehicle?

3 A Yes.

4 Q Was glass found on top of the victim?

5 A I do not recall.

6 Q Okay. In addition to -- in addition to sealing the
7 vehicle and dealing with the vehicle in your walkabout, do
8 you recall any shoes being found?

9 A Yes. Down the roadway there was two shoes found.

10 Q And it was in the roadway?

11 A No. They were found in front of another house.

12 Q In front of another house.

13 I'll show you what's been marked State's Exhibit 22
14 and 23. Did you take any photographs?

15 A Yes, I did.

16 Q Okay. And these photographs that you took, do they
17 accurately depict what you saw?

18 A Yes, they do.

19 Q Have not been changed or altered in any form or
20 fashion?

21 A No, they have not.

22 THE COURT: All right. Any objection from Brown?

23 MR. CANTRELL: None, Your Honor.

24 THE COURT: Mosley?

25 MR. PRINGLE: No, Your Honor.

1 THE COURT: And Hill?

2 MR. WARDER: No, sir.

3 THE COURT: All right. In without objection.

4 (WHEREUPON, State's Exhibit Numbers 22 and 23 were
5 admitted into evidence.)

6 BY MR. RICHARDSON:

7 Q Okay. Ma'am, I'm referring to State's Exhibit 22.
8 Is that one of the shoes that you found?

9 A Yes. That's one of the shoes we located.

10 Q And ma'am, do you know, can you recall how far from
11 the car this shoe was located?

12 A It was at least a block away.

13 Q A block away?

14 A Uh-huh.

15 Q And referring to State's Exhibit 23, is that separate
16 and different shoe distinguishable?

17 A Yes. That is different.

18 Q Okay. And how far away was that shoe found?

19 A Again, about a block away from where the vehicle was
20 located.

21 Q Were these shoes found close to each other or in
22 different locations; do you recall?

23 A They were near the house, but they weren't close to
24 each other.

25 Q They weren't close to each other?

1 Now, you stated that part of what you did out there,
2 and we showed the placard to all the jury, is locate shell
3 casings. That's certainly one of your duties; is that
4 correct?

5 A That is correct.

6 Q Okay. Let me hand you what's been marked State's
7 Exhibit 7, 8, 9, 10, 11 and 12. Can you look at those and
8 identify those for me please, ma'am.

9 A (Reviews exhibits) These are the cartridge casings
10 and the cartridge that were located in the roadway.

11 Q Okay. As well as this?

12 A That is -- yes. That is the cartridge.

13 Q All right. And when you take these into evidence,
14 how do you do that? Do you pick it up and put it in one
15 of these envelopes? Or how do you do that?

16 A Yes. After we finish photographing everything, we
17 switch out our gloves to avoid cross-contamination, and we
18 pick up the individual cartridge casings and put them in
19 an envelope.

20 Q Individual envelopes?

21 A That is correct. Individual envelopes.

22 Q And do you seal these?

23 A Yes. We bring them back to the office. They're in a
24 secured location. And then we make the barcodes and seal
25 them, package them, bring them over to Property and

1 Evidence.

2 Q Okay. And what's the purpose of the barcode?

3 A To scan it into our Property and Evidence to keep
4 track of each case number.

5 Q Okay. And your facility is locked and secure?

6 A That is correct. You need a key card to get in.

7 Q Okay. And then once you put it in that facility,
8 what do you do with it?

9 A Once I'm ready to transport it, I package it and
10 bring it over to Property and Evidence.

11 Q Okay. And then when you bring it to Property and
12 Evidence, do you sign it into Property and Evidence?

13 A Yes. They sign it over to them.

14 Q And Property and Evidence is located down at the Law
15 Enforcement Center?

16 A Correct.

17 MR. RICHARDSON: At this time, Your Honor, we move
18 State's ---

19 THE COURT: 7 through 12.

20 MR. RICHARDSON: --- 7 through 12, thank you, into
21 evidence.

22 THE COURT: Any objection from Brown?

23 MR. CANTRELL: No, your Honor.

24 THE COURT: Mosley?

25 MR. PRINGLE: No, Your Honor.

1 THE COURT: Hill?

2 MR. WARDER: No, Your Honor.

3 THE COURT: All right. In without objection.

4 (WHEREUPON, State's Exhibit Numbers 7 through 12 were
5 admitted into evidence.)

6 BY MR. RICHARDSON:

7 Q I'm going to refer, ma'am, to State's Exhibit 7.

8 What -- it says Item Number AR-4. Does that indicate it's
9 your item number?

10 A Yes. With Placard 4.

11 Q Okay. What caliber shell casing is that?

12 A That is a 9 millimeter.

13 Q Okay. And when I say "shell casing," this is a shell
14 that has been shot already.

15 A That is correct.

16 Q So this is -- is it the casing that the bullet is
17 kept in?

18 A Yes.

19 Q Okay. And I'm referring to State's 12. Same
20 question. What is the caliber of that?

21 A This is also a 9 millimeter.

22 Q Okay. Same question. I'm referring to State's 11.

23 A This is a 9 millimeter.

24 Q State's 10?

25 A Also a 9 millimeter.

1 Q State's 9?

2 A This is a 9 millimeter.

3 Q And State's 8, what is that?

4 A I do not know for sure.

5 Q Okay. But it is a spent shell casing?

6 A Correct.

7 Q So with the exception of that one, all these -- these
8 are all 9 millimeter shells?

9 A Correct.

10 Q And they were found where those placards were in the
11 roadway?

12 A Yes. They were found in the roadway.

13 Q After you processed the scene -- do you recall how
14 long you were out at the scene at Mansion Circle?

15 A I believe we were out for about six hours.

16 Q After you processed the scene at Mansion Circle, were
17 you then called to another location?

18 A I went to a secondary location as we're in the middle
19 of processing. Sergeant Ellison was scanning the scene,
20 and I responded to a secondary location.

21 Q Okay. And what was the purpose of responding to that
22 location?

23 A We received a call that four males responded to this
24 residence saying that they needed to use a cell phone, and
25 their knuckles were bloody. So the homeowner cleaned off

1 their knuckles and threw the bloody cotton pads in the
2 garbage can.

3 Q And is part of your job as a tech to collect any type
4 of bloody material as I mentioned?

5 A That is correct.

6 Q And prior to you collecting that, do you take
7 photographs?

8 A Yes. I always photograph before I collect any
9 evidence.

10 Q Okay. And why do you do that?

11 A So that we can document how the item was before we
12 manipulate anything.

13 Q Okay. So let me show you what's been marked
14 State's 15 and also State's 16. Do you recognize those
15 photos?

16 A (Reviews exhibits) Yes, I do.

17 Q Did you take those photos?

18 A Yes, I did.

19 Q Have they been altered in any form or fashion?

20 A No, they have not.

21 Q Do they accurately depict what you saw that evening
22 at that residence?

23 A Yes, they do.

24 THE COURT: You let them -- let everybody see them.

25 Objections from Brown?

1 MR. CANTRELL: None, Your Honor.

2 THE COURT: Mosley?

3 MR. PRINGLE: No, Your Honor.

4 THE COURT: And Hill?

5 MR. WARDER: No, sir.

6 THE COURT: All right. They're in without objection.

7 (WHEREUPON, State's Exhibit Numbers 15 and 16 were
8 admitted into evidence.)

9 BY MR. RICHARDSON:

10 Q Do you recall how far this residence was from Mansion
11 Circle where the initial scene was?

12 A I do not recall the exact distance.

13 Q Let me show -- and I'm referring to State's 15. What
14 are we seeing here?

15 A That is a picture of the inside of the garbage can
16 with the cotton pads with suspected blood on top of the
17 Dial box.

18 Q Okay. And if I'm pointing here (indicating), is that
19 what you're referring to?

20 A Yes.

21 Q Okay. And State's 16, what is that?

22 A That is a closer picture of the cotton pads with
23 suspected blood.

24 Q These pictures were taken before you manipulated
25 anything in the trash?

1 A Correct.

2 Q Did you ultimately take those items into evidence?

3 A Yes. I collected them after I photographed them.

4 Q Okay. And do you wear gloves when you do that?

5 A Yes. And I change my gloves right before I collect
6 them. That way I didn't touch my camera or pen or
7 anything before collecting.

8 Q Okay. And what kind of container do you put these
9 items in?

10 A I put it in a coin envelope just like the casings.

11 Q Okay. And do you seal it? Do you seal that
12 envelope?

13 A Yes.

14 Q And let me show you what's been marked as State's 13.
15 Can you identify that, please, ma'am.

16 A (Reviews exhibit) Yes. This is the cotton pads with
17 suspected blood that I collected from the garbage can.

18 Q Okay. What we just saw in the previous photos?

19 A Yes.

20 MR. RICHARDSON: Your Honor, at this time we would
21 move State's Exhibit 13 into evidence.

22 MR. WARDER: Your Honor, I can't see it. It's in an
23 envelope but I've been informed by the solicitor it's a
24 cotton swab. And if that's what it is, I have no
25 objection to it.

1 THE COURT: All right. That's for Hill.
2 Mosley?

3 MR. PRINGLE: No objection.

4 THE COURT: And Brown?

5 MR. CANTRELL: No objection.

6 THE COURT: All right. In without objection.

7 (WHEREUPON, State's Exhibit Number 13 was admitted into
8 evidence.)

9 BY MR. RICHARDSON:

10 Q And this, ma'am, once you seal it, does this also go
11 back to the forensics lab initially?

12 A Yes. Once it was collected, I brought it back to the
13 office, put it in my secured evidence locker. And then I
14 packaged it and brought it to Property and Evidence.

15 Q And it remained sealed the entire time, this item?

16 A Yes. Well, it is closed up and then I put tape on it
17 when I bring it to Property and Evidence.

18 Q Would Property and Evidence take it if it was not
19 sealed?

20 A No. They would make me seal it.

21 MR. RICHARDSON: Beg the Court's indulgence.

22 Thank you, ma'am. That's all the questions I have.

23 Please answer any questions ---

24 THE COURT: Cross from Mr. Brown -- on behalf of
25 Mr. Brown?

1 MR. CANTRELL: Thank you, Your Honor.

2 CROSS EXAMINATION

3 BY MR. CANTRELL:

4 Q The one shell casing that had not been fired, do you
5 remember where you found it?

6 A I believe that was also in the roadway.

7 Q Was it in the same area as the spent shell casings or
8 was it in a different location in the roadway?

9 A No. It was in the same vicinity of the spent shell
10 casings.

11 Q So where we see this accumulation of placards, one of
12 those would have been the unused shell casing and the
13 others would be the spent ones; is that correct?

14 A That is correct.

15 Q Now, the shoes, you said they were about a block
16 away. How close were they? Did you say they were a block
17 away from the car?

18 A From the vehicle, yes.

19 Q And how close were they to the shell casings you
20 collected?

21 A They were at the house that was in front of the shell
22 casings, so it was in the grass.

23 Q All right. So the shoes were found at the shell
24 casings.

25 A Yes.

1 Q Which would presumably be where the gun was fired ---

2 A Correct.

3 Q --- to create the shell casings. Okay.

4 And the pads that you show in this -- well, in both
5 pictures, are those all the pads that you found at the
6 residence?

7 A Yes.

8 Q And those pads, all of them are the ones that are in
9 the package that we just identified.

10 A Correct.

11 Q No other pads, no other blood evidence or anything
12 like that was found at the residence.

13 A No. That was all.

14 MR. CANTRELL: No further questions. Thank you.

15 THE COURT: On behalf of Mr. Mosley?

16 CROSS EXAMINATION

17 BY MR. PRINGLE:

18 Q Okay. The first thing I want to ask you about was
19 there were a series of shell casings. You said they were
20 all 9 millimeter.

21 A That is correct.

22 Q And then Mr. Richardson showed you that one.

23 A Correct.

24 Q And at the bottom there of the caption it says
25 WMA-18.

1 A Yes. That is the headstamp that was on the casing.

2 Q And when Mr. Richardson asked you to identify it, you
3 said you don't know what it is, right?

4 A Correct.

5 Q And was this fired or not fired? Or do you not know
6 that?

7 A I would have to double check my report.

8 Q Does it help if you see the ---

9 A Yes. That was fired.

10 Q All right. But you don't know what WMA-18 means?

11 A No. I'm not a firearms examiner so I do not know
12 exactly what caliber that would be.

13 Q But certainly -- and neither am I. But certainly,
14 this is captioned differently than the other shells that
15 were recovered at the scene.

16 A Yes. It has a different headstamp on the bottom of
17 the cartridge casing. I wrote down what the headstamp
18 said.

19 Q Okay. So can we conclude that this doesn't come from
20 the same gun?

21 A No, we cannot.

22 Q We can't?

23 A No.

24 Q Is it possible that it's from a different gun?

25 A It's possible that it's from a different gun, but

1 it's possible it's from the same one.

2 Q I mean, when all the other bullets match and have the
3 same caption, how do you explain that this one doesn't?

4 A They could have put a different cartridge in there
5 that's a different headstamp.

6 Q Okay. And do you know, were any of these bullets or
7 shell casings, were they fingerprinted? Did we try to get
8 fingerprints or DNA off those?

9 A No. We did not fingerprint them.

10 Q Why not?

11 A When they are fired, they get extremely hot and we
12 don't have the technology or the equipment to try to
13 fingerprint them at our office.

14 Q So what happens after they cool down? Like this
15 right here, this doesn't feel hot, right?

16 A Right.

17 So I submit them to Property and Evidence, and it's
18 up to the investigator if he wants to have anything done.

19 Q Right. So you're not responsible for fingerprinting
20 or taking DNA off of this kind of thing.

21 A We do not have the equipment to do the fingerprints
22 on it, so we do not fingerprint them. And DNA would be
23 the ones to swab them if they were to do anything.

24 Q Okay. So we have an unfired shell at the scene,
25 correct?

1 A Correct.

2 Q And it doesn't match any of the others.

3 A The one in your hand? The cartridge casing?

4 Q That's right. It doesn't match any of the others
5 that say 9 millimeter, does it?

6 A Correct. It doesn't match, but it was fired.

7 Q And you don't know what this is. You don't know what
8 it means, right?

9 A No. I'm not a firearms examiner.

10 Q And to be clear, it is possible at some point to test
11 these for whether it be fingerprints or DNA, isn't it?

12 A It could be possible.

13 Q That didn't happen, though, did it?

14 A I did not process for fingerprints because we don't
15 have the equipment.

16 Q Okay. Do you think it would have been helpful in
17 this investigation if that happened?

18 A I do not know.

19 Q It had to be helpful, right? It couldn't hurt.

20 Let's get that out of here.

21 Forgive me. I'm not very good with tech.

22 All right. Let's start with this one. Okay. You
23 told Mr. Richardson that you took this photo, right?

24 A Yes.

25 Q Okay. Did you observe how that came to be? Did you

1 see anybody put anything in that trash can?

2 A No, I did not.

3 Q Okay. So by the time you got there, you have no idea
4 how any of that stuff got there; fair?

5 A That is correct.

6 Q Okay. And would you agree -- well, I guess you said
7 -- I believe you're saying that that is the cotton swab
8 that's wrapped up in that package that we can't see; is
9 that correct?

10 A Yes. That's the cotton -- cotton pads.

11 Q Could you say if that is the one that was tested?

12 A I cannot say. I did not test them. That would be
13 DNA.

14 Q Okay. So those -- oh. So there was DNA done on at
15 least that cotton swab as far as you know?

16 A I -- I put it into Property and Evidence. I'm not
17 sure if they tested it.

18 Q Okay. Are we sure that it's even a cotton swab?

19 A It's a cotton pad.

20 Q Okay. So when you look at that, whatever that thing
21 is, that's what we're saying was collected.

22 A Yes.

23 Q Regardless of what it is, right?

24 A Correct. I collected that with the suspected blood.

25 Q Okay. Was any of this other stuff tested or

1 collected?

2 A No, it was not. It did not have suspected blood on
3 it.

4 Q Okay. But you're not an expert on DNA, right?

5 A Right.

6 Q Okay. Does it take an expert to know that if you
7 take samples and mix them up in a trash can, what may or
8 may not -- what might that do to a sample?

9 A It could contaminate and have DNA on it.

10 Q Okay. And so by the time it gets wrapped up and put
11 in that little package, there's a lot of things that could
12 have happened to that thing that you're saying that you
13 collected.

14 A Yes.

15 Q And, again, we didn't test any of this other stuff,
16 right?

17 A Correct.

18 Q So this here, can you see what that says?

19 A Yes. It says "functional draw cord for a perfect
20 fit."

21 Q Does that have anything to do with this cotton swab?

22 A No, it does not.

23 Q Does it appear to be stuck to it?

24 A I cannot tell from this picture if it's actually
25 stuck to it.

1 Q Okay. Does it appear to be making contact with it?

2 A It's possible, but you can't tell with this picture.

3 Q If I zoom it in there, zoom out. All right. How
4 about this. It's in very close proximity?

5 A Yes. That is in close proximity.

6 Q And it looks like it's touching, maybe not on top; is
7 that fair?

8 A Yes.

9 Q Okay. Let me go back to this one again.

10 Would you call that a sorted-out trash can, or would
11 you say that's a typical trash can?

12 A That looks like a typical bathroom trash can.

13 Q And none of us go into our trash and organize what's
14 in the trash can, do we?

15 A No.

16 Q Okay. So that is obviously a whole lot of stuff in
17 that trash can, isn't it?

18 A Yes.

19 Q And we didn't test anything else in there.

20 A No.

21 Q And you don't know how that got in there. You never
22 saw how that got in there, did you?

23 A No, I did not.

24 Q And you don't know how any of the other stuff got in
25 there either.

1 A No, I do not.

2 THE COURT: Is that it?

3 MR. PRINGLE: Yes, Your Honor.

4 THE COURT: All right. On behalf of Mr. Hill?

5 CROSS EXAMINATION

6 BY MR. WARDER:

7 Q State's Exhibit 25 and 24 show the sock-clothed feet
8 of the driver of the car; is that right? I'll try my
9 technical skills. Here.

10 A Yes. It shows that he's not wearing any shoes.

11 Q Okay. And that his feet are in about the exact
12 position you'd be if you were driving with no shoes on; is
13 that correct?

14 A Yes.

15 Q In State's Exhibit 21 which you recovered at a house,
16 those shoes, is that the condition you found them in?

17 A Yes. That is how I found the shoes.

18 Q Okay. And they were laced up?

19 A Yes.

20 Q And was 20 -- the shoes that was upside down, was it
21 laced up like 21, the shoe that wasn't? In other words,
22 were both the shoes laced up?

23 A No. It appears that 21 -- or that 20 was not laced
24 up.

25 Q Okay.

1 THE COURT: Refer to the exhibit number. I don't
2 want to get them mixed up because the 20 on there is the
3 placard number. But what exhibits were you referring to?

4 MR. WARDER: Okay. You're saying 20 was ---

5 THE COURT: 20's the number on there, but what's the
6 exhibit number?

7 MR. WARDER: I'm sorry. 23 is the exhibit number ---

8 THE COURT: Okay.

9 MR. WARDER: --- was unlaced and 21 was completely
10 laced up.

11 THE COURT: I think that's Exhibit 22.

12 MR. WARDER: 22.

13 THE COURT: Okay. There we go. I just want to make
14 sure the record is clear.

15 MR. WARDER: I get confused because there's a little
16 white sticker and then there's a big placard that they
17 use.

18 THE COURT: That's my job to keep it clear.

19 BY MR. WARDER:

20 Q Has anybody laced up that shoe and tied it before you
21 got there or do you know?

22 A I do not know. I was not there.

23 MR. WARDER: Thank you. That's all the questions I
24 have.

25 THE COURT: All right. Redirect?

1 MR. RICHARDSON: No redirect, Your Honor.

2 THE COURT: All right. Thank you very much. You may
3 step down.

4 Counsel, approach just right quickly for a scheduling
5 discussion. I'll come over here.

6 MR. RICHARDSON: Your Honor, may the witness be
7 excused?

8 THE COURT: Yes.

9 (WHEREUPON, a bench conference was held off the record.)

10 THE COURT: All right. Ladies and gentlemen, thank
11 you again for staying with us. But since we went a little
12 further today, there's some matters that we have to go
13 over in the morning outside your presence, so we're going
14 to be a little bit later start. Y'all are getting a later
15 start. We're not. So I'm going to have you come back at
16 10:30 to be in your jury room, okay?

17 A couple of rules. One thing, I'm going to give you
18 an assignment that when everybody gets in your jury room,
19 I want y'all to select -- from the original 12, I want you
20 to select a foreperson. The foreperson is merely somebody
21 to lead the discussion in your deliberations and have any
22 communications with the Court if needed. As I always tell
23 everybody, your paycheck's the same. It's not very much.

24 So my four rules. Do not discuss the case among
25 yourselves or family members. Do not do any type of

1 research. That's very important that you get everything
2 you need in this courtroom. Third, do not pay any
3 attention to any media coverage, especially that one over
4 there. And finally, if anybody contacts you other than
5 somebody from the clerk's office, please let the bailiffs
6 know.

7 And once again, my apologies for making you run so
8 late today and all that. But thank you very much. And I
9 will see you in the morning. Y'all have a good evening.

10 (WHEREUPON, the jury exits the courtroom at 5:43 PM.)

11 THE COURT: All right. A couple things that -- one,
12 I feel like we need to go ahead and make a couple of
13 rulings that we took under advisement after lunch. One is
14 there was an issue of the -- on behalf of Mr. Hill, the
15 providing of the records, the juvenile records, of Mr. --
16 what was his last name?

17 MR. PRINGLE: McMahand.

18 THE COURT: McMahand.

19 MR. PRINGLE: Tyreke McMahand.

20 THE COURT: Okay. Here's the way I look at this. I
21 had looked at the cases involving this. One, there's kind
22 of two issues. Before we even get to the admissibility,
23 there's kind of two issues. One, is it a discovery issue
24 from the State; and two, is it something that the defense
25 are entitled to.

1 Normally, since it's a record, the discovery that
2 took place in the event that y'all -- the State puts that
3 person on the record, then they are to provide you with
4 their criminal record. Okay. So therefore, I don't think
5 there's really any discovery issue.

6 As far as getting the records from Family Court, the
7 way I look at the statutes, that is really something
8 that's not -- I'm not sure that I have the jurisdiction to
9 release Family Court records. The case of State vs.
10 Spartman had a very similar situation where they were
11 trying to get records of a key witness in a General
12 Sessions court. And in that one they had to go through
13 Family Court. They issued a subpoena to the Department of
14 Corrections -- or the Department of Juvenile Justice,
15 tried to get the records that way, went through Family
16 Court to petition and then they denied the access. And so
17 I think that the actual producing those records, having
18 access to them just in general is something through Family
19 Court.

20 Now, in the event that the State decides to put that
21 person up on the stand, then I think we would have a
22 different issue there as far as providing those records.

23 So I believe that, based on the showing up to this
24 point, I'm going to find that those records are not
25 necessarily producible to the defendants. So that's the

1 ruling of the Court on that.

2 As to the other issue that was kind of left open was
3 a witness for WebEx purposes. Again, explain to me
4 exactly what -- I wasn't really sure -- clear on what this
5 witness is going to be testifying to.

6 MS. McCALL: This particular witness, Your Honor ---

7 THE COURT: And just for definition, too, who is the
8 witness?

9 MS. McCALL: It is Kimberly Libus. She was
10 previously a forensics officer with Greenville County.
11 She has now moved away and lives in, I believe,
12 Philadelphia and is working in a lab there.

13 So she responded to the service center to process the
14 vehicle that we have spoken about. So she processed the
15 vehicle. That was in the presence of Investigator Garrett
16 when she did that. So there is a little bit of evidence
17 to address with her through that as well as she executed
18 the search warrant for the buccal swab of Mr. Mosley. So
19 she took that swab of Mr. Mosley for his DNA.

20 THE COURT: All right. And she was not the one that
21 processed it.

22 MS. McCALL: No. She is not the ---

23 THE COURT: Took a buccal swab, and she ---

24 MS. McCALL: Processed the vehicle.

25 THE COURT: --- processed the vehicle in the presence

1 of ---

2 MS. McCALL: Investigator Garrett.

3 THE COURT: Okay.

4 MS. McCALL: That's correct. I believe he says that
5 he was present for both of those as well.

6 So in theory we could call him to get that evidence
7 admitted, but the State just believes that it is the best
8 -- you know, the testimony would come best from,
9 obviously, the person who did that act, and we believe
10 that she can efficiently do that through remote testimony.

11 THE COURT: And I believe you said that she also had
12 a funeral.

13 MS. McCALL: Yes. A family member of hers passed
14 away, and that funeral is tomorrow afternoon, Tuesday
15 afternoon.

16 THE COURT: Okay. All right. Mr. Warder, I believe
17 that you indicated that you wanted them to make that
18 showing, so I'll be glad to hear from you on behalf of
19 Mr. Hill.

20 MR. WARDER: Your Honor, I'm a little unsure what
21 she's going to say. But certainly, we would want to
22 cross-examine her.

23 THE COURT: Well, I mean, you can cross-examine her.

24 MR. WARDER: I understand that. But it's much more
25 less effective on the TV.

1 THE COURT: No. I mean, I understand.

2 MR. WARDER: And, you know, you're going to lose all
3 the facial expression, you lose all the body language. It
4 just doesn't come through the same.

5 THE COURT: I mean, I think that they'll -- I mean,
6 any facial expressions and body language is going to be
7 made even more accented by TV.

8 Anything else?

9 MR. PRINGLE: Can I say something, Judge?

10 THE COURT: Well, I mean, you consented to it. Are
11 you going to back out now.

12 MR. PRINGLE: Well, no.

13 THE COURT: Well, then I just want to hear from
14 Mr. Warder, okay?

15 MR. PRINGLE: Okay.

16 MS. McCALL: Your Honor, in the alternate, the State
17 would propose that if Mr. Warder just wants to have
18 face-to-face testimony, that if he would consent to
19 allowing that testimony to come through Investigator
20 Garrett, I believe it still can appropriately come through
21 Investigator Garrett. We just think the best person to
22 testify to it would be Ms. Libus. But if he wants to
23 consent to that, then we can just have Investigator
24 Garrett admit that evidence.

25 THE COURT: Well, I mean, from what I've heard, I

1 believe -- and I'm looking at, again, State vs. Johnson.
2 They kind of went back and forth and discussed all of the
3 different elements required. But I think exceptional
4 circumstances, and I believe in light of the particular
5 testimony that you're seeking, that it would be
6 appropriate. And I will allow it to be by WebEx,
7 especially the fact that the investigating officer can
8 also -- was there and followed through with it as well.

9 MS. McCALL: Thank you.

10 THE COURT: So I'm going to allow, I know, subject to
11 your objection.

12 All right. So also -- let me get my little notes
13 here -- we have -- I'd like the attorneys to be ready to
14 go at 9 o'clock in the morning because we're going to have
15 a Jackson v. Denno and, I think, a Biggers hearing.

16 All right. Anything else from the State?

17 MS. McCALL: And, Your Honor, just for the record,
18 the Jackson and Biggers hearing is out of an abundance of
19 caution. Although if the defense attorneys aren't making
20 any allegations that there is anything improper with those
21 statements, we may could -- I mean, obviously, it's on the
22 defense to move for those. The State is just, out of an
23 abundance of caution, wanting those. But if they do not
24 have an objection and want to consent to those coming in,
25 we can do away with those hearings.

1 THE COURT: I mean, we've got the jury not coming
2 until 10:30.

3 MR. PRINGLE: Yeah. I think we need to go through
4 it.

5 THE COURT: All right. Let's go through with it.
6 Okay. We'll have those in the morning.

7 Anything else then before we break?

8 MS. McCALL: Your Honor, I would just like to put on
9 the record, I believe that Your Honor may have been aware
10 as well, we had a juror that was sleeping throughout a
11 good bit of that testimony.

12 THE COURT: He closed his eyes, but he came back.

13 MS. McCALL: Okay. And I just wanted to put it on
14 the record if it continued to be a problem.

15 THE COURT: I know. I was watching him very
16 carefully, and he was with us there.

17 All right. Anything else then from the State?

18 MS. McCALL: Nothing from the State, Your Honor.

19 THE COURT: On behalf of Brown?

20 MR. CANTRELL: Nothing, Your Honor.

21 THE COURT: Mosley?

22 MR. PRINGLE: No, Your Honor.

23 THE COURT: And Hill?

24 MR. WARDER: No, sir.

25 THE COURT: All right. And I would like to see the

1 attorneys if you could back here for a second.

2 (WHEREUPON, proceedings recessed at 5:54 PM; Court's

3 Exhibit Number 1 was marked for identification.)

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1 Tuesday, June 18, 2024

2 (WHEREUPON, State's Exhibit Numbers 32 through 35 were
3 marked for identification; proceedings reconvened at
4 9:22 AM.)

5 THE COURT: All right. Are we ready? I believe the
6 State was going to the Biggers hearing.

7 MS. McCALL: Yes, Your Honor. We are ready.

8 At this time, the State calls Investigator John
9 Garrett to the stand.

10 THE CLERK: Please place your left hand on the Bible
11 and raise your right hand.

12 WHEREUPON,

13 JONATHAN GARRETT

14 After having been duly sworn, testified as follows:

15 THE CLERK: Thank you. Please take a seat and state
16 your name for the record.

17 THE WITNESS: My name is Jonathan Garrett.

18 DIRECT EXAMINATION

19 BY MS. McCALL:

20 Q Investigator Garrett, where do you work?

21 A Greenville County Sheriff's Office.

22 Q And what's your role there?

23 A I'm a homicide investigator.

24 Q And how long have you worked for the sheriff's
25 office?

1 A 22 years.

2 Q And has your role always been a homicide investigator
3 during that time?

4 A No. I've worked 14 years in narcotics, eight years
5 on a federal task force, three years undercover, gangs,
6 arson and bomb squad.

7 Q In December, specifically December 19, 2019, were you
8 involved with investigating this particular case in the
9 death of Kerolos Zaky?

10 A I was.

11 Q And what was your role in that investigation?

12 A I was an on-call homicide investigator for the
13 Greenville County Sheriff's Office.

14 Q And as part of your responsibilities as that
15 investigator, were you tasked with interviewing witnesses
16 or potential suspects?

17 A I was.

18 Q And at some point, did you interview Nijah Croskey?

19 A I did.

20 Q What was Nijah Croskey's involvement in this case?

21 A He was a witness that was in the vehicle just before
22 the shooting occurred. He fled from the area, went to his
23 parents house in which they were about to go to the Law
24 Enforcement Center. When I received this information, I
25 went to his residence inside the same neighborhood where

1 the incident occurred and met him out in the roadway.

2 Q Did you meet with Mr. Croskey more than one time?

3 A I did.

4 Q And were all of those times that you met with him and
5 interviewed him either audio or video recorded?

6 A They were.

7 Q And at some point, did you present a photo lineup to
8 him?

9 A I did.

10 Q Do you recall the approximate date and time of day
11 that you presented this photo lineup?

12 A The following day, the 20th at about 1 o'clock in the
13 afternoon.

14 Q And where was the location that you presented that
15 photo lineup?

16 A At his mother's residence at an apartment complex on
17 Woodruff Road in Greenville County.

18 Q Was that the first time that you had met with
19 Mr. Croskey?

20 A No. I met with him the night before at the scene.
21 Well, several blocks from the scene.

22 Q And you stated that it was the day following this
23 homicide that you met with him and showed him this photo
24 lineup?

25 A Correct. December 20th.

1 Q Okay. Who was present during your meeting with him
2 at that point?

3 A Investigator David Picone.

4 Q Were any other witnesses to this crime present at
5 that time?

6 A No.

7 His mother was there also.

8 Q I know you said you had met with Mr. Croskey a few
9 times before this, but can you just give us a brief
10 explanation of what, if any, photographs or other videos
11 of potential suspects that you had shown Mr. Croskey prior
12 to showing him a photo lineup.

13 A So the night before we had received information from
14 witnesses, one being Mr. Croskey and a relative -- no.
15 Another witness that was in the vehicle, that they had
16 went to Spinx convenience store in Moonville, which is a
17 community in Greenville County, prior to the incident, the
18 shooting, minutes before. And they went inside or using
19 the Wi-Fi. So that gave us a lead that we needed to
20 follow up on.

21 We followed up on it the next morning, the 20th. The
22 morning of the 20th, I think Investigator Picone went to
23 that location, viewed video, observed the victim's vehicle
24 and individuals coming and going from the vehicle and
25 going inside the store. And he obtained photographs from

1 that video.

2 Q And so you showed that video to Mr. Croskey prior to
3 this photo lineup; is that correct?

4 A Yeah. The photos from it. They were grainy. All
5 you could make out, really, not faces, but clothing.

6 Q Clothing.

7 Did Mr. Croskey at any time indicate that he knew who
8 the suspects were prior to you showing him the photo
9 lineups?

10 A He did.

11 Q Okay. Let's talk specifically about those photo
12 lineups. How many did you provide for Mr. Croskey to
13 view?

14 A I think two.

15 Q Two? Okay.

16 And we're going to start with one in particular. I'm
17 going to hand you what is premarked as State's Exhibit 34
18 for purposes of this hearing. Do you recognize that?

19 A I do.

20 Q And I'm going to ask you some questions about this
21 particular exhibit that I gave you. What is that?

22 A It's a photo lineup I presented to Nijah Croskey the
23 following day on the 20th.

24 Q Okay. And let's talk a little bit about the details
25 of that photo lineup. Is it in color or black and white?

1 A It's in color.

2 Q And how many photos are presented there?

3 A Six.

4 Q And can you explain generally how a photo lineup is
5 prepared and how you would have prepared it or obtained it
6 in this case?

7 A Me or another investigator would have got the person
8 of interest, his photo, and then we start looking for
9 other photos that are similar: skin tone, hairstyle,
10 facial hair and age range.

11 Q And is that consistent with this photo lineup?

12 A It is.

13 Q Okay. When you asked Mr. Croskey to view this photo
14 lineup, what was the dialogue between you and Mr. Croskey
15 at that point?

16 A I'll tell him I have a series of photos on a page I
17 want him to look at, and he may or may not know anyone on
18 this page. And that's all I say. I present the photos.

19 Q Okay. And was Mr. Croskey able to identify any
20 person that he knew to be involved in this crime in that
21 photo lineup?

22 A Yeah. Photo Number 2, Braelon Brown.

23 Q Did Mr. Croskey identify that photograph as
24 Mr. Braelon Brown?

25 A He did. He identified him as Spaz.

1 Q And during your investigation, did you determine that
2 Spaz, that Braelon Brown is known as Spaz?

3 A I did.

4 Q And the first page of that exhibit, what is that that
5 you have?

6 A It's an affidavit of photo identification.

7 Q And who is that signed by?

8 A It's done by Nijah Croskey. It states his name, how
9 many photos were involved, when it was presented and what
10 number photograph is identified. And then they sign it.

11 Q Did you present Mr. Croskey with a second photo
12 lineup?

13 A I did.

14 Q And is the way that you prepared this photo lineup
15 consistent to what you already testified?

16 A I did.

17 Q Was Mr. Croskey able to identify anyone in that photo
18 lineup that was related to this homicide?

19 A He did.

20 Q And who did he identify?

21 A Photo Number 5, which was of Jamazzeo Glover.

22 Q And did he also prepare a statement and sign that
23 statement indicating who was in that photo lineup?

24 A He did.

25 Q In Mr. Croskey's identification of these two

1 individuals in these photo lineups, did he express any
2 hesitation when being asked to identify?

3 A No. Almost immediately.

4 Q Okay. How certain was Mr. Croskey of these
5 identifications?

6 A 100 percent.

7 Q Investigator Garrett, did you meet with and interview
8 Mr. Jamazzeo Glover at any point?

9 A I did.

10 Q Do you recall when that was?

11 A That was on the 20th also, I think earlier in the day
12 -- or later in the day on December 20th after this.

13 Q Okay. And where was the location of that interview?

14 A That was at the Law Enforcement Center at 4 McGee
15 Street downtown.

16 Q Was that interview recorded?

17 A It was.

18 Q Video recorded, correct?

19 A It was.

20 Q And at that point, was Mr. Glover a suspect in this
21 case?

22 A He was.

23 Q At any point in time, did you present him with a
24 photo lineup?

25 A I did.

1 Q And what did you state to Mr. Glover -- well, let me
2 back up. Prior to presenting him with that photo lineup,
3 did he also see the Spinx video or photographs ---

4 A He did.

5 Q --- prior to that time?

6 Okay. And was he able to identify suspects?

7 A He was. He was able to recognize clothing, what
8 people were wearing that night.

9 Q And did he inform you prior to this photo lineup that
10 he was familiar with suspects in this case?

11 A Very familiar.

12 Q Okay. And then at that point in the interview, did
13 you provide him with a photo lineup?

14 A I did.

15 Q And is it consistent with the type of photo lineup
16 that you testified to previously ---

17 A It is.

18 Q --- with Mr. Croskey?

19 A Yes.

20 Q Is it a color photo lineup?

21 A It's color.

22 Q And do the individuals in that photo lineup, do they
23 possess the same characteristics and look similar?

24 A They do.

25 Q Okay. And in your expert opinion, are they at all

1 suggestive, the photographs?

2 A No. They're not suggestive. They look similar.

3 Q Okay. And when you asked Mr. Glover -- or when you
4 presented him with the photo lineup, what did you say to
5 Mr. Glover?

6 A All I usually say on every one of my photo lineups,
7 you may or may not know someone in these series of photos.
8 I want to get you to look at them and tell me if you do,
9 how you know them.

10 Q Okay. And did Mr. Glover identify anyone in that
11 six-photo lineup?

12 A Yes. He immediately identified Number 5 as Braelon
13 Brown.

14 Q Okay. And did he also prepare a statement within --
15 and I'm not sure if I put it on the record, but for
16 purposes of this hearing, State's Exhibit 35. Did he also
17 prepare a statement for that photo lineup?

18 A An affidavit of identification, he did. He
19 identified Number 5 as Braelon Brown and signed it.

20 Q Okay. How long did it take him to identify
21 Mr. Brown?

22 A Immediately.

23 Q Did he previously know Mr. Brown?

24 A He did.

25 Q And did he show any hesitation in identifying

1 Mr. Brown?

2 A He did not.

3 Q Okay. Investigator Garrett, we are going to ---

4 THE COURT: Let me see the -- before you -- let me
5 see the exhibits that you placed in the record, the photo
6 lineup. State's Exhibit 33, 34 and 35. All right.

7 MS. McCALL: I am presenting State's Exhibit 33, 34
8 and 35 to defense attorneys to review.

9 (Pause in proceedings.)

10 MS. McCALL: Your Honor, while they're reviewing
11 that, would you like me to continue with the Jackson
12 hearing related to one of the defendant's statements or
13 would you like to address the Neil v. Biggers issue?

14 THE COURT: That's fine. You can ---

15 MS. McCALL: Okay.

16 THE COURT: Let me ask y'all, Counsel, would y'all
17 rather wrap this up and then go into asking questions
18 about this?

19 MR. PRINGLE: I'm sorry?

20 THE COURT: Do you want us to split these hearings up
21 or do you want to just let her go ahead and then y'all
22 address it all at one time?

23 MS. McCALL: So we'll have the photo lineup issue and
24 then the admissibility of Mr. Brown's recorded statement.

25 (Pause in proceedings.)

1 THE COURT: My question to y'all was do y'all want to
2 cross-examine him now about the Biggers issues before we
3 go into Jackson or just wait till all at one time?

4 MR. PRINGLE: On behalf of Mr. Mosley, I don't need
5 to ask him any questions at this time.

6 THE COURT: Okay. All right. Let's do that. let's
7 just go ahead.

8 BY MS. McCALL:

9 Q Okay. Investigator Garrett, let's transition to
10 talking about the defendant Braelon Brown. Did you
11 interview him at any point?

12 A I did.

13 Q And at the point in time that you interviewed him,
14 was he already under arrest for these charges that we're
15 here about this week?

16 A Yes.

17 Q Where was the interview? Where did it take place?

18 A At the homicide office, 4 McGee Street at the Law
19 Enforcement Center downtown in Greenville.

20 Q Was he handcuffed at that point?

21 A Yes.

22 Q And was that interview audio and video recorded?

23 A It was.

24 Q Who was present during this interview?

25 A Myself and investigator Tracy King.

1 Q During this interview, at some point in time, did you
2 provide him with his rights?

3 A I did.

4 Q I'm going to show you what has been premarked as
5 State's Exhibit 32 for purposes of this hearing. Do you
6 recognize that?

7 A I do.

8 Q What is that?

9 A It is a waiver of rights form with my signature on
10 it.

11 Q And you -- I'm sorry.

12 A With my signature at the bottom.

13 Q And was anyone else's signature or initials on that
14 form?

15 A Yes. Tracy King, investigator.

16 Q Okay. And he signed as a witness?

17 A He did.

18 Q Okay. And who is the person who was being advised of
19 their rights that signed this form?

20 A Braelon Brown.

21 Q All right. Can you tell the Court the circumstances
22 and how you explained Mr. Brown's rights to him?

23 A I did. First, I cuffed him in the front. I don't
24 like talking to people cuffed in the back. So when I
25 came, I introduced myself, cuffed him in the front and

1 advised him, asked him if he knew why he was here. He
2 did. And I told him, I explained it to him before we
3 could talk to him, we had to explain -- advise him of his
4 constitutional rights at which time I get this form and I
5 read the constitutional rights to him. After that I asked
6 him if he understands, which he said he did. And I asked
7 him to initial each one of the rights. And I think -- I
8 know, not I think, but Tracy -- Investigator King told him
9 in no way are you admitting or wanting to talk. It's just
10 saying you understand your rights. And then he initialed
11 each one of them and signed it.

12 Q Okay. You stated that Tracy King was present. Was
13 anyone else present in the room besides yourself?

14 A No.

15 Q Okay. And you mentioned that you put his handcuffs
16 in the front. What is the reason for that?

17 A Makes him more comfortable and me more comfortable.

18 Q Okay. And were you trying to make him as comfortable
19 as possible in this interview room?

20 A I was.

21 Q Okay. How long was the interview with Mr. Brown,
22 approximately?

23 A Six minutes.

24 Q Okay. And was there a short portion of time before
25 the interview began when he sat in the room by himself?

1 A He did.

2 Q Okay. And at any point in time between you bringing
3 him over for that interview and him leaving, was he
4 offered a bathroom break or something to drink if he
5 needed it?

6 A Before he went in, he was if he needed anything
7 before we started to interview. I think the warrants
8 division arrested him and brought him up, and we went and
9 got ready with our notes and our photos to do an
10 interview.

11 Q Okay. Did you have any reason to believe that
12 Mr. Brown was under the influence of alcohol or drugs at
13 the time you interviewed him?

14 A No. He seemed very coherent.

15 Q Did you believe that he had any type of physical or
16 mental disability when you interviewed him?

17 A I did not.

18 Q Were any threats or promises made in exchange for
19 Mr. Brown's statements?

20 A None.

21 Q After you advised Mr. Brown of his Miranda rights,
22 did he speak with you?

23 A He did.

24 Q Okay. And was there an open dialogue between the two
25 of you, you asking questions and him answering?

1 A I did.

2 Q And at some point, did you show him photographs?

3 A I did.

4 Q Okay. And at any point in time during that
5 interview, did he ask for counsel?

6 A He did.

7 Q Okay. And what happened at that point in time? Did
8 the interview end?

9 A I closed my notebook and we terminated the interview.

10 MS. McCALL: Okay. Your Honor, at this time, I have
11 no further questions for Investigator Garrett regarding
12 the photo lineups or the admissibility of Mr. Brown's
13 recorded interview. If the defense has any questions
14 they'd like to ask...

15 THE COURT: Do you have the recording of that?

16 MS. McCALL: I do, Your Honor.

17 THE COURT: I'd just like to at least see the ---

18 MS. McCALL: Sure. I will tell you it has not been
19 redacted from what we discussed yesterday.

20 THE COURT: That's fine. I just want to see the, you
21 know, setup and how that was...

22 MS. McCALL: If you'll give me just a moment to get
23 this set up.

24 (Pause in proceedings.)

25 MS. McCALL: Now, the audio on this, Your Honor, is

1 very low and it's very difficult to hear. And again, I
2 will premark this as State's Exhibit 36 for purposes of
3 this hearing.

4 THE COURT: This hearing only.

5 MS. McCALL: Correct. Because this copy has not been
6 redacted as we previously discussed.

7 And I will fast-forward to the point in time that
8 Investigator Garrett ---

9 THE COURT: Well, I just like to see how the general
10 set up was.

11 (WHEREUPON, State's Exhibit 36, a video, was played in
12 open court.)

13 THE COURT: You're going to fast-forward until he
14 comes on the ---

15 MS. McCALL: Yeah. I will.

16 THE COURT: I thought that was him with the hat on.

17 MS. McCALL: Sorry. It's very low. My apologies,
18 Judge. These computers are not great.

19 (WHEREUPON, State's Exhibit 36, a video, continued to play
20 in open court.)

21 MS. McCALL: It's getting there slowly. It's just
22 buffering. We will have this issue resolved before we
23 play it for the jury.

24 There should be some audio, but it is very low. I
25 don't know if we can turn up the volume. We're on max on

1 The computer.

2 (WHEREUPON, State's Exhibit 36, a video, continued to play
3 in open court.)

4 THE COURT: All right. I just wanted to see the
5 general setup and how their interview was going. So thank
6 you.

7 MS. McCALL: Your Honor, I have nothing further to
8 ask Investigator Garrett. If defense counsel doesn't have
9 anything, the State would just make a motion.

10 THE COURT: All right. Let's go around the --
11 Mr. Brown?

12 MR. CANTRELL: Your Honor, I think at this point
13 given the setup and the testimony, that might not be an
14 issue. But I do think that if this -- for whatever reason
15 this might be submitted, if there is an issue with the
16 volume, then I may well reserve the right to object at
17 that point.

18 THE COURT: Yeah. All we're doing is determining
19 Jackson v. Denno and Biggers for this hearing here.

20 MR. CANTRELL: And no questions about this. If I
21 may, just a couple questions about the photo lineups.

22 THE COURT: Yeah.

23 CROSS EXAMINATION

24 BY MR. CANTRELL:

25 Q And that would be the individuals that you presented

1 the photos to, I think that was Croskey and Glover?

2 A Correct.

3 Q They were brought in because they were witnesses or
4 suspects of the I presume entire incident out on Mansion
5 Court; is that correct?

6 A Croskey was a witness, Glover was a suspect.

7 Q Okay. But they were both present for that incident.

8 A Correct.

9 Q To your knowledge, were they both present for the
10 entire incident?

11 A To my knowledge, Croskey ran as soon as he saw the
12 gun.

13 Q But Glover stayed?

14 A A short time later. He said he saw the gun but then
15 heard shots after he ran.

16 Q Okay. He ran prior to the shots?

17 A Correct.

18 MR. CANTRELL: That's all I have. Thank you.

19 THE COURT: Mosley?

20 MR. PRINGLE: I have nothing for this witness. Thank
21 you.

22 THE COURT: On behalf of Mr. Hill?

23 MR. WARDER: No questions.

24 THE COURT: All right. Any redirect?

25 MS. MCCALL: Nothing, Your Honor.

1 THE COURT: All right.

2 MS. McCALL: At this time, the State moves for the
3 admissibility of these three photo lineups that will be
4 elicited through Investigator Garrett's testimony at a
5 later time. The State believes that we have met the
6 burden of showing that these are not unduly suggestive and
7 that there was no undue influence imposed upon these
8 witnesses or suspects by the investigator and that
9 pursuant to Neil v. Biggers, that they are admissible in
10 the trial of this case.

11 And then as far as Braelon Brown's recorded
12 interview, we would seek to admit this also through
13 Investigator Garrett at the appropriate time with the
14 redactions as we had stated. And we will show those to
15 the defense attorneys prior to the admissibility through
16 Investigator Garrett. But we do believe that it has met
17 the requirements to show that it was not -- that there was
18 no improper influence or coercion placed upon Mr. Brown
19 when he provided that statement.

20 THE COURT: All right. Any argument on behalf of
21 Mr. Brown on any of those?

22 MR. CANTRELL: Again, not on those issues. Reserving
23 other rights to object to it.

24 THE COURT: All right.

25 MR. PRINGLE: Just a point of clarification. When

1 the State says the three lineups, you mean the two that
2 were shown to Croskey IDing Brown and Glover and then the
3 one that's shown to Glover?

4 MS. McCALL: Correct. Yes.

5 MR. PRINGLE: Thank you. Nothing further. No
6 objection.

7 THE COURT: On behalf of Hill?

8 MR. WARDER: No.

9 THE COURT: All right. I find that as to the photo
10 lineup, I believe that the State has shown that it meets
11 the requirements of Biggers as adopted by the courts, that
12 it was all -- they had the opportunity to review the
13 defendant, witness degree of attention and so forth and it
14 was reliable. So I find that that is a proper and
15 admissible identification.

16 As to Jackson v. Denno, I find that it meets the
17 requirements set forth in State vs. Miller under South
18 Carolina Supreme Court, that it was voluntary and no
19 coercion.

20 I also find that the State has affirmatively shown
21 that it was not only voluntary, but it was in compliance
22 with Miranda as a separate matter and that that --
23 voluntary and it met the standard of Miranda. So that's
24 the summary of the Court.

25 MS. McCALL: Thank you, Judge.

1 THE COURT: Anything further then at this point?

2 MS. McCALL: Nothing from the State.

3 THE COURT: Anything else before we ---

4 MR. CANTRELL: Nothing from Mr. Brown.

5 THE COURT: All right. We'll take a break. I will
6 let all the attorneys know as soon as I have addressed the
7 issues we discussed back here about the juror.

8 All right. We will be at ease.

9 (WHEREUPON, a recess is taken at 9:51 AM; State's Exhibit
10 Number 36 was marked for identification.)

11 THE COURT: We're back on the record.

12 And here is what has transpired. At every point I
13 have consulted with the attorneys. Okay.

14 We'll start with the alternate. Yesterday as we
15 left, one of the individuals told the bailiffs that there
16 was a possibility that one of the individuals could not be
17 impartial in the trial, one of the jurors could not be
18 impartial and identified that person as Mr. Keith
19 Garrison, one of the alternates. So this morning I talked
20 to the individual that reported that, and he just said
21 there was kind of -- that the juror had gone in there with
22 kind of an outburst that said I can't do this, there's no
23 way, I've got to get off this jury. Something to that
24 effect.

25 I talked to this juror this morning, and he indicated

1 -- it's been reported that you had some problems being on
2 this jury. He indicated that it was all related to work,
3 that he was stressed out, that they had just gone through
4 some type of merger or some project at work that he was
5 over. But in talking with his job, they said they could
6 handle it. And he said he could go forward, and he did
7 not have a problem and he apologized for the kind of
8 outburst. He said that he could still be fair and
9 impartial.

10 So based on that, I felt like there's no reason to
11 take him off. And I'll be glad to hear from the State on
12 any issue as to Juror Number 84. Anything from the State
13 in that regard?

14 MR. RICHARDSON: Nothing from the State, Your Honor.

15 THE COURT: Okay. On behalf of Mr. Brown?

16 MR. CANTRELL: Your Honor, I think in trying to do
17 things logistically, three counsel have discussed this
18 matter, and I think on behalf of all three, we would move
19 to ---

20 THE COURT: I'll tell you what. Let me go through
21 the next phase. It may make more sense to do that, okay,
22 the other juror issue. And that may make more sense.

23 All right. In addition to that, we had Juror
24 Number 174 went downstairs yesterday and indicated that
25 she was not coming back. They sent her back up, and I

1 talked to her. Again, both -- all my conversations have
2 been with Teresa Caldwell, the clerk of court, one bailiff
3 and usually my law clerk. And she indicated she was not
4 comfortable going forward. She could not be fair and that
5 she felt like this was bringing back some issues that she
6 had had personally. And so I basically told her come back
7 this morning.

8 I talked to her again this morning, and she said that
9 she could not be fair and it was that she had not had any
10 discussions with anybody else on the jury and that she
11 just felt like she could not go forward. I felt like,
12 based on my discussions with her, that it was not
13 appropriate to keep her on the jury. So I have released
14 her. Now -- so therefore, we will have to pick an
15 alternate.

16 But now I'll go forward with any response
17 regarding ---

18 MR. RICHARDSON: We have no objection to that
19 procedure and what has happened.

20 THE COURT: All right. Okay. Yes, on behalf of
21 Mr. Brown.

22 MR. CANTRELL: And, Your Honor, I think speaking on
23 behalf of all three counsel, and they'll stop me if I'm
24 wrong, given the overall totality of the circumstances of
25 such unique and unexpected issues with jurors, a number of

1 them, and given the fact that we are never sure whether
2 there has been in the jury room communication, whether
3 it's verbal or otherwise about jury service, about this
4 case, and there's just no way of knowing, but because of
5 the volume of issues and the total circumstances
6 surrounding it, we believe that the only solution fair to
7 the defendants is to move at this time for a mistrial
8 because we do not believe that there can be a fair and
9 impartial jury seated to hear this case.

10 And I defer to counsel if there's anything I missed.

11 THE COURT: All right. On behalf of Mr. Mosley?

12 MR. PRINGLE: Thank you. I certainly join in the
13 motion for mistrial, unfortunately, at this point.

14 Of course, Judge, you know, we're here to advocate
15 and defend these guys. Their lives are on the line. And
16 there's just a lot of smoke. I mean, and I'm not sure
17 that the standard is that we have to have an actual forest
18 fire in order -- you know, to establish that -- and
19 there's a very -- we feel that the jury has already been
20 tainted and there's certainly a likelihood that that will
21 continue. And all the things that have been brought to
22 the Court's attention had to be kicked off somehow.

23 So there were clearly words that were spoken. I
24 think the Court used the term "outburst." We've had
25 multiple situations of that. Of course, we also had other

1 issues prior to the actual seating of those 14 people.
2 It's just been one kind of thing after another, Judge, and
3 it's really cast kind of a pallor or shadow over the
4 entire proceedings. And there's just so much at stake
5 that this seems like it's the only fair remedy with regard
6 to all three of these guys and what they have on the line.

7 Thank you.

8 THE COURT: Mr. Warder?

9 MR. WARDER: Well, Your Honor, I'll certainly join
10 with the other co-counsel on the objection.

11 In addition, I'm very concerned about somebody that
12 the pressures from their job after they come down here
13 they decide are so great they can't maybe serve and then
14 today they're still here willing to serve. But as this
15 trial goes on, you know, who knows if they can keep it
16 together or concentrate fair enough they can be fair.

17 You know, this trial has hardly got started and he's
18 already had -- and that one juror has already had a change
19 of mind that he couldn't possibly be fair or he couldn't
20 possibly serve because of pressures at work, as I
21 understand it. And, of course, we don't know that
22 anything's changed the pressure from work except that
23 instant he was asked whether he thought he could go
24 forward. He agreed he could. But, you know, those
25 pressures are still there and might have an effect on him

1 again. So I don't think that we can get a fair trial with
2 the way it's set up now. I'd certainly move for a
3 mistrial.

4 THE COURT: Well, as to the alternate, there is no
5 indication that he could not be fair and impartial. There
6 was no discussion about -- from any indication about the
7 case. It was just I can't go forward. He indicated that
8 he, after talking with work -- I mean, he was very calm in
9 talking with us. And after talking with his work, that he
10 realized everything was covered and he said he had no
11 problem going forward there.

12 As to the other, Ms. Ruiz, she indicated that there
13 had been no discussions with anyone else and I've not got
14 any information that she made any discussions with
15 anybody. So I don't feel like anything that she did
16 tainted the jury.

17 As to the matters that happened beforehand, those
18 were isolated to three people, and no other jurors were
19 involved or know anything about that. That was taken care
20 of separately. So I don't believe that had any bearing
21 whatsoever on this jury.

22 So I believe that where there's no indication to the
23 Court that any juror cannot be fair and impartial that's
24 remaining on the jury, so I'm going to deny the
25 defendant's motion for a mistrial and we will proceed

1 forward.

2 MR. CANTRELL: I just ask that the objections be
3 noted for the record going forward.

4 THE COURT: I think that's what this lady right here
5 does. She takes down everything you're saying.

6 All right. Now, under the procedure for criminal
7 cases, we now have to select an alternate. And I believe
8 Ms. Caldwell has placed -- let me make sure that you've
9 put both names in there. All right. I would note that
10 both names have been placed. If you would draw one out,
11 please. All right. And Number 142, Valerie Meadows, will
12 be our regular juror.

13 All right. Any objection to the process of the
14 alternate selection?

15 MR. RICHARDSON: Not from the State, Your Honor.

16 THE COURT: From Mr. Brown? I mean, you've already
17 moved for a mistrial, but as far as the actual selection
18 process?

19 MR. CANTRELL: None, Your Honor.

20 THE COURT: All right. On behalf of Mosley?

21 MR. PRINGLE: No, Your Honor.

22 THE COURT: On behalf of Hill?

23 MR. WARDER: No, Your Honor.

24 THE COURT: Okay. So that takes care of all
25 housekeeping except for technical issues.

1 (Pause in proceedings.)

2 THE COURT: Counsel, will y'all approach.

3 (WHEREUPON, A bench conference was held off the record;
4 Ccourt's Exhibit Number 2 was marked for identification.)

5 THE COURT: For the record, as to the alternate,
6 since I am leaving him on the jury, I did want to put on
7 the record his response so we can preserve that.

8 (WHEREUPON, Alternate Juror Number 84 enters the
9 courtroom.)

10 THE COURT: I'm sorry. Mr. Garrison, you need to
11 come up here. Sorry to bring you out again.

12 So you're Keith Garrison?

13 JUROR NUMBER 84: Yes, sir.

14 THE COURT: All right. And the reason we did, just
15 we're keeping you on the jury. I just wanted to preserve
16 our record.

17 I had a discussion, I think yesterday you indicated
18 you had a problem serving on the jury and going forward.
19 And I think you indicated to me it was work-related
20 pressures.

21 JUROR NUMBER 84: Yes.

22 THE COURT: All right. And based on our discussions
23 this morning, do you feel comfortable going forward?

24 JUROR NUMBER 84: Yes, I do.

25 THE COURT: Do you feel like if you go the whole

1 week, you're fine with proceeding forward?

2 JUROR NUMBER 84: Yes, sir.

3 THE COURT: Do you feel like you can be fair and
4 impartial to both the State and all three defendants?

5 JUROR NUMBER 84: Yes, sir.

6 THE COURT: You have no qualms whatsoever about going
7 forward.

8 JUROR NUMBER 84: No, sir.

9 THE COURT: And you've not made up your mind about
10 anything about this case.

11 JUROR NUMBER 84: No, sir.

12 THE COURT: All right. Thank you very much.

13 (WHEREUPON, Juror Number 84 exits the courtroom.)

14 THE COURT: All right. Anything further from the
15 State regarding that?

16 MR. RICHARDSON: No, Your Honor. I thought that was
17 appropriate.

18 THE COURT: Okay. And on behalf of Mr. Brown?

19 MR. CANTRELL: Nothing, Your Honor. Just, again, to
20 renew the motion.

21 THE COURT: Okay. And Mosley?

22 MR. PRINGLE: Yeah. Just with regard to the prior
23 arguments, could apply that as well.

24 THE COURT: All right. And Mr. Hill?

25 MR. WARDER: Nothing, Your Honor.

1 THE COURT: Okay. All right. Are we ready?

2 MR. RICHARDSON: Excuse me, Your Honor. I just got a
3 text from -- she's in and ready to go. She's saying her
4 computer...

5 (Pause in proceedings for technical issues.)

6 THE COURT: All right. State's ready for the jury?

7 MR. RICHARDSON: The State's ready, Your Honor.

8 THE COURT: And let's see. The foreman has been
9 selected as Geoffrey Getty.

10 All right. Anything from the defendants before we
11 bring the jury in?

12 MR. CANTRELL: Nothing for Mr. Brown.

13 MR. PRINGLE: No, Your Honor.

14 MR. WARDER: No, Your Honor.

15 THE COURT: Bring the jury in.

16 (WHEREUPON, the jury entered the courtroom at 11:08 AM.)

17 THE COURT: All right. A couple things. Sorry about
18 the delay there, but we had some technical difficulties.
19 We thought we were going to be able to have a -- first of
20 all, good morning. We thought we were going to be able to
21 have a witness by way of video, but we weren't able to
22 quite work all that out.

23 Also, Mr. Getty, thank you for serving as foreperson.

24 As you can see, because of circumstances, one of the
25 individuals has been released. And then we had two

1 alternates, and under criminal cases, you put both of the
2 alternates -- to be able to select, you put both
3 alternates in a cup and draw them out. And Ms. Meadows,
4 you have been promoted to a regular juror now so y'all can
5 swap seats. Yes. You're no longer an alternate so y'all
6 swap seats.

7 All right. With all that being said, now I will turn
8 it over to the State to call your next witness.

9 MR. RICHARDSON: The State calls Chuck Yates to the
10 stand.

11 THE CLERK: Please place your left hand on the Bible
12 and raise your right hand.

13 WHEREUPON,

14 CHARLES YATES

15 After having been duly sworn, testified as follows:

16 THE CLERK: Thank you. Please take a seat. And
17 state your name for the record.

18 THE WITNESS: Charles Yates.

19 DIRECT EXAMINATION

20 BY MR. RICHARDSON:

21 Q Good morning, Mr. Yates,

22 A Good morning, sir.

23 Q Where are you employed?

24 A With the Spinx company.

25 Q How long have you been with the Spinx company?

1 A Since April of 2017.

2 Q And what are your duties with Spinx?

3 A I'm the corporate risk manager. And I have safety,
4 security liability, risk management.

5 Q And in general at Spinx, do you oversee all the Spinx
6 in Greenville County? Or how does that work?

7 A Yes. All 64 companies.

8 Q All 64 companies?

9 A Yes, sir.

10 Q And so are you familiar with the Spinx located down
11 on Augusta Road in Piedmont?

12 A Yes, sir.

13 Q Okay. And in that particular Spinx, does it have
14 video surveillance?

15 A Yes, sir.

16 Q And is the video surveillance at the Spinx, is this
17 inside? outside? Or just explain to the jury.

18 A Typically, a Spinx store will have both inside,
19 outside. Once you come on Spinx property, you're on video
20 except for the restrooms. Typically, a store will have
21 anywhere from 30 to 40 different cameras.

22 Q Okay. Sir, and when Spinx videos are running, are
23 they running constantly or do they stop? Or how does that
24 work?

25 A It's consistent. It runs 24 hours a day.

1 Q Is it not motion detected or anything of that nature?

2 A There's some that will be, especially in the parking
3 lots.

4 Q Okay. Parking lots may be motion?

5 A Yes.

6 Q Sir, when a video is taken or filming is going on
7 with the cameras throughout a Spinx station, is that video
8 stored?

9 A Yes. I think this was an incident in 2019 so we
10 would have been using a system called 3xLOGIC. And it had
11 a DVR kind of system there, then it backed up to the
12 server at the corporate office.

13 Q Okay. Sir, and when it backs up to the server, it
14 goes into that -- it's in digital format?

15 A Yes, sir.

16 Q Okay. And is this a format, this digital format that
17 y'all keep as business records?

18 A Yes, sir.

19 Q In the regular course of your business at Spinx?

20 A Correct. Yes, sir.

21 Q Okay. And it remains stored there perpetually?

22 A It can go indefinitely.

23 Q Okay. For the case that we're here about today, at
24 some point in time, did you view -- pull and view any type
25 of video from the Spinx there located in Piedmont on

1 Augusta Road?

2 A Yes, sir.

3 Q And in doing that, are you the custodian of those
4 records?

5 A I am. Yes, sir.

6 Q And that system, is it secure?

7 A Yes, sir.

8 Q Password protected?

9 A Two layers of it.

10 Q Two layers of passwords?

11 A Yes, sir.

12 Q When you pulled that video, did you actually watch
13 the video?

14 A I did.

15 Q And did you pull it at the request of law
16 enforcement?

17 A Yes, sir.

18 Q And did law enforcement provide you any type of
19 subpoena or search warrant to do that or did you do that
20 at their request?

21 A It's typically at their request. We may have had a
22 search warrant. I just don't know at the time.

23 Q Okay. And once you downloaded that video from the
24 Spinx, what format did you put it in?

25 A We would have put it typically on either a CD or a

1 thumb drive to give to law enforcement.

2 Q Okay. And you said, you testified, did you watch it
3 that night?

4 A It may have been that morning when I came back in the
5 following day.

6 Q The following day?

7 A Yes, sir.

8 Q Okay. And since we -- since you have -- well, prior
9 to this trial, did you also view it again?

10 A Yes, sir.

11 Q And did you view it in my office?

12 A I did. Yes, sir.

13 Q Sir, I'm going to hand you...

14 (WHEREUPON, State's Exhibit Number 37 was marked for
15 identification.)

16 BY MR. RICHARDSON:

17 Q Let me hand you what's been marked State's
18 Exhibit 37. Is that the video that you viewed prior to
19 this trial?

20 A Yes. It has my initials on it.

21 Q Are your initials, in fact, on there?

22 A Yes, sir. They are.

23 Q And does this accurately depict what you viewed back
24 in 2019?

25 A Yes, sir. It does.

1 Q Has it been changed or altered in any form or
2 fashion?

3 A It cannot be.

4 Q It cannot be?

5 A It cannot be.

6 MR. RICHARDSON: At this time, the State moves
7 State's Exhibit 37 into evidence.

8 THE COURT: All right. Any objection from Brown?

9 MR. CANTRELL: None, Your Honor.

10 THE COURT: Mosley?

11 MR. PRINGLE: No, Your Honor.

12 THE COURT: And Hill?

13 MR. WARDER: No, Your Honor.

14 THE COURT: All right. Without objection.

15 (WHEREUPON, State's Exhibit Number 37 was admitted into
16 evidence.)

17 MR. RICHARDSON: Thank you, sir. We will publish
18 that at a later date. Thank you, sir. That's all the
19 questions I have.

20 THE COURT: Cross-examination from Mr. Brown?

21 MR. CANTRELL: No questions for Mr. Brown.

22 THE COURT: Mosley?

23 MR. PRINGLE: No, Your Honor.

24 THE COURT: And Mr. Hill?

25 MR. WARDER: No, Your Honor.

1 THE COURT: All right. You may step down. Thank
2 you.

3 THE WITNESS: Thank you, sir.

4 MR. RICHARDSON: The State calls Deputy Grant Cooper
5 to the stand. Excuse me. Your Honor, this would be
6 Abraham Achen.

7 THE COURT: Come forward to be sworn, please.

8 THE CLERK: If you'll please place your left hand on
9 the Bible right here at the end and raise your right hand.
10 WHEREUPON,

11 ABRAHAM ACHEN

12 After having been duly sworn, testified as follows:

13 THE CLERK: Thank you. Please take a seat and state
14 your name for the record.

15 THE WITNESS: It's Abraham Achen.

16 DIRECT EXAMINATION

17 BY MR. RICHARDSON:

18 Q Good morning, Mr. Achen. Is it Aiken or Achen?

19 A Achen.

20 Q Achen?

21 A Yeah.

22 Q Sir, do you live in Greenville County?

23 A I do.

24 Q How long have you lived in Greenville County?

25 A About 12 years now, 11 years.

1 Q And are you presently employed?

2 A Yes. I have my own company, yeah.

3 Q Okay. What do you do?

4 A Staircases.

5 Q Build staircases?

6 A Yes.

7 Q How long have you been doing that?

8 A Since I was 14.

9 Q Okay. I want to take your memory back now to
10 December 19, 2019. Do you remember something unusual
11 happening that night?

12 A Yeah. I heard a few gunshots. And I looked out the
13 window and I saw three black guys running away.

14 Q Okay. At the time, so we're clear for the jury,
15 where were you living at that time?

16 A [REDACTED] Mansion Circle.

17 Q Okay. And where were you in your house when the
18 event -- when you first heard gunshots?

19 A I was in my room on my bed.

20 Q Okay. And do you recall how many gunshots you heard?

21 A No. It was three or four of them. It's been so
22 long, I can't remember.

23 Q Multiple gunshots?

24 A Yeah. There was like three -- three or four.

25 Q Okay. And then when you heard the three or four

1 gunshots, what did you do?

2 A I looked out the window and I saw a car just coasting
3 off, driving off.

4 Q Okay.

5 A And then the other three were running away and one
6 had -- they're all wearing hoodies, and one of the hoodies
7 fell off.

8 And one of the guys were tall. He was about probably
9 6'2, or 6'3, or 6'4 with dreadlocks or ponytails.

10 Q Okay. And do you recall what race they were?

11 A They were black.

12 Q Once you saw these individuals, what did you do then?

13 A I just -- I just closed the window, the blinds.

14 Q At some point in time, did you have a conversation
15 with law enforcement?

16 A Yeah. When I heard all the sirens and everything
17 else, I went outside and it was down the street. There
18 was a car that wrecked down the street.

19 Q I'm sorry. Can you repeat what you just said?

20 A Yeah. There was a car down the street that was --
21 all the cops were around. And I went outside and looked.
22 And I called one of the officers down, said the gunshots
23 were in front of my house. And they found the bullets in
24 the ground on the street.

25 Q Did you actually see those bullets on the ground?

1 A Yeah.

2 Q And just in relation from seeing those bullets on the
3 ground, was the car that you saw there or was it further
4 down the road?

5 A Oh, it was down the road.

6 Q Okay. Do you remember what color it was?

7 A It could have been silver or -- it was -- it was
8 nighttime so I don't even know. I couldn't even tell you.
9 It's been so long ago, I don't know.

10 Q All right. And the African-American individuals that
11 you're referring to, were they young? old? Do you recall?

12 A I couldn't -- I didn't see their faces.

13 Q You were unable to see their faces?

14 A Did not see their faces, no.

15 Q So they were running. Which way were they running?

16 A They were running towards Old Pelzer Road ---

17 Q Okay.

18 A --- from my house.

19 Q And is that -- and is that -- is Old Pelzer Road, is
20 that a main thoroughfare?

21 A Yeah. It's a main road that goes from Betsy Street
22 to Old Pelzer. They all run together where the gas
23 station is.

24 Q Okay. Were they running along the road?

25 A Were they running -- they were running down the

1 middle of the street on Mansion.

2 Q They were on Mansion.

3 A Yeah. Some of them were on the line and the other
4 one was running down the street, the one that had the
5 hoodie that flew off that was tall.

6 Q Okay. So...

7 (WHEREUPON, State's Exhibit Number 38 was marked for
8 identification.)

9 BY MR. RICHARDSON:

10 Q Let me just hand you what's been marked State's
11 Exhibit 38. Does that represent the area that you lived
12 when this happened?

13 A I'm trying to see where my house is. Yeah. It's the
14 area, yes.

15 Q That's the area where the incident took place?

16 A Yes, sir.

17 MR. RICHARDSON: At this time, we would move State's
18 Exhibit 38 into evidence.

19 THE COURT: All right. Any objection from -- I'll
20 let you look at it.

21 MR. CANTRELL: None, Your Honor.

22 MR. PRINGLE: None, Your Honor.

23 MR. WARDER: Your Honor, the document handed me
24 contains a street, contains a line and two places circled.
25 It looks to me like it would be a leading document.

1 THE COURT: A what?

2 MR. WARDER: It would be leading in nature.

3 THE COURT: The document?

4 MR. WARDER: Yes, sir. It contains evidence that's
5 not in testimony.

6 THE COURT: Let me see the... (reviews document).

7 And I believe that, based on the testimony yesterday
8 for the witness that talked about the two different
9 locations, I guess that's what you're talking about?

10 MR. WARDER: Well, you hand the witness a map of an
11 area and then you have the map highlighted and no
12 testimony to back up the exact locations. That's
13 certainly ---

14 THE COURT: All right. Well, maybe lay a better
15 foundation then.

16 BY MR. RICHARDSON:

17 Q Sir, State's Exhibit 38 that I showed you ---

18 A Yeah.

19 Q --- is that where you lived?

20 A If you show me where my house is at. I was at the
21 end of a cul-de-sac up by Natick.

22 Q Is this the neighborhood you lived in?

23 A This is the neighborhood I lived in, yes.

24 Q Is that Mansion Circle?

25 A Mansion Circle, yes, sir.

1 Q And it accurately depicts that area.

2 A Uh-huh.

3 Q Yes?

4 A Yes.

5 MR. RICHARDSON: Again, we would move it into
6 evidence, State's Exhibit 38.

7 THE COURT: Any additional objection, Mr. Warder?

8 MR. WARDER: I ---

9 THE COURT: I mean, I see -- the point is because it
10 has an additional line, you've got it marked, he's
11 identified, you can clear that up maybe with another
12 witness?

13 MR. RICHARDSON: Yes, I can.

14 THE COURT: Okay. All right. So it's in for
15 identification purposes.

16 BY MR. RICHARDSON:

17 Q And, sir, just to show you this, this is the area
18 where you lived and where the incident took place?

19 A Yes. Right in front of my house, yes.

20 Q And when these kids that you saw running up the
21 street, did they ever come to your house and ask you for
22 any help?

23 A No.

24 Q Did they ever come to your house and say, "We're
25 being shot at"?

1 A No.

2 Q Did they ever come to your house and say, "Call
3 9-1-1"?

4 A No.

5 Q Did they ever come to your house and say, "We need
6 law enforcement"?

7 A No.

8 Q Did they ever come to your house and say, "We need an
9 ambulance"?

10 A Nope.

11 Q Did they ever say to you at all, "Somebody's hurt,"
12 come to your house and say, "Somebody's hurt"?

13 A No.

14 Q So the last you saw, they just ran off?

15 A They just ran off, yes.

16 MR. RICHARDSON: That's all the questions I have.

17 THE COURT: Cross-examination on behalf of Mr. Brown?

18 MR. CANTRELL: Yes.

19 CROSS-EXAMINATION

20 BY MR. CANTRELL:

21 Q Mr. Achen, first of all, you have no clue who these
22 fellows were; is that right?

23 A No, I did not.

24 Q Never seen them before and haven't seen them since?

25 A I didn't see their faces. I did not see their face

1 at all. I just saw their -- they were -- they were -- on
2 the sides of their faces. I knew they were black,
3 but...

4 Q And one you got a little bit better glimpse of?

5 A Yeah. Because his hoodie flew off. And he was tall,
6 and he had dreads or ponytails or whatever in the back.

7 Q 6'1? 6'2?

8 A Yeah. Somewhere right in there.

9 Q Or I think you said 6'2 or 6'3.

10 A Yeah. Somewhere in there, yeah. He was taller than
11 the other two, yes.

12 Q And dreadlocks and long ponytail type hair?

13 A Yes, sir. Yes.

14 Q You had no idea why they were there or what they were
15 doing or anything.

16 A No. I did not, no. It was right in front of my
17 house on the street, so...

18 Q What amount of time did you see them? One second?
19 ten seconds? How long did you see them?

20 A Once I looked out that window, it was probably around
21 three or four or five seconds when they were running down
22 the street. I just watched the car coast off and they ran
23 the other direction.

24 Q Okay. Was the car to your left or right when you
25 looked out?

1 A It was -- it was going to the -- this way. I was
2 looking out the window, and it was going that. And they
3 were running that way towards Natick (indicating
4 throughout).

5 Q Okay. And the car was in motion one direction.

6 A Yes.

7 Q Did you say where it came to rest?

8 A No, I did not. Only after I heard the siren that it
9 was down the street. Yeah. Did not hear it wreck or
10 nothing or whatever.

11 Q And how long from the time you heard the shots till
12 the time you looked out the window?

13 A Oh, it was just like right away. I was out of my
14 bed.

15 Q Okay. So two or three seconds, I would assume, or
16 so?

17 A Probably one or two seconds if that, yeah.

18 Q Did you see them well enough to see if they were
19 carrying anything or have anything with them?

20 A No.

21 Q Maybe I should ask that differently. Did you see
22 that they were carrying anything or had anything with them
23 at all?

24 A Did not see that, no.

25 MR. CANTRELL: Okay. Thank you, sir.

1 THE COURT: On behalf of Mosley?

2 CROSS EXAMINATION

3 BY MR. PRINGLE:

4 Q All right. You said two or three times that this was
5 a long time ago, didn't you?

6 A Yes. It was a long time ago, yeah.

7 Q And I think I heard you say that you weren't sure how
8 may shots you heard because you said it had been such a
9 long time.

10 A It's three or four. I know that.

11 Q Okay. And, again, you weren't able to tell us what
12 color the car.

13 A No. It was -- it was -- it was late at night. It
14 was dark. I don't know. I don't know what time it was,
15 between 7:30 or nine or ten. I don't even know. I can't
16 tell you what time it was.

17 Q Right.

18 A It's too long ago.

19 Q You know, you said that car, you could clearly see
20 the car.

21 A Yeah.

22 Q Just couldn't tell what color.

23 A No.

24 Q Okay.

25 A There's no streetlights in front of my house.

1 Q Okay. And that car was ---

2 A It's dark.

3 Q When you're looking at the car, it's not like driving
4 away, right? It's just sitting there.

5 A No. It was coasting away. It was driving away. It
6 was driving away.

7 Q Okay. Did you ever see it like come to a stop?

8 A No. I did not, no.

9 Q Right. So you saw the car kind of slow-rolling ---

10 A Slow-rolling, yes.

11 Q --- right by your house.

12 A Yep.

13 Q But clearly could not tell what color it was.

14 A No.

15 Q Okay. But I guess, and it seemed like you had
16 trouble locating your house on that overhead that the
17 prosecutor showed you.

18 A Yeah.

19 Q You had trouble.

20 A Yeah. I couldn't tell.

21 Q Couldn't tell where your house was.

22 So this was, you know, several years ago. By your
23 own admission, tough to remember the details.

24 A Yeah.

25 Q Couldn't tell the color of a vehicle going by your

1 house.

2 A Not on that dark street, no.

3 Q How could you know what color those three guys that
4 you saw were when you said they ran away, running away
5 from you? You couldn't even tell what color the car was
6 that was going right by your front door. How could you
7 tell that these three guys were black?

8 A Well, on the side of my house, there is a light on
9 the side of my house that's in the backyard, and that
10 shines out there. But over here it's black. You can't
11 see nothing.

12 Q Okay.

13 A But from my driveway out that way, I can see
14 everything because that light's shining.

15 Q Okay. But that didn't help with regard to, I guess,
16 the rest of the scene.

17 A No. The only thing I saw was the taillights going
18 down the street and coasting off, and then when I looked
19 through my driveway to the lights behind my house, it's
20 shining out there, and they're running out that way.

21 Q Got you.

22 A That's how I knew.

23 Q All right. Obviously, you can't tell us what
24 happened, can you?

25 A No, no.

1 MR. PRINGLE: Thank you.

2 THE COURT: On behalf of Mr. Hill?

3 CROSS EXAMINATION

4 BY MR. WARDER:

5 Q The solicitor asked you a number of questions that
6 were framed in the way of did the people running ask you
7 this and that.

8 A Yeah.

9 Q They didn't ask you anything, did they?

10 A No. Why would they?

11 Q And so the solicitor could ask a thousand questions
12 of things whether they asked specifically, and there was
13 no conversation.

14 A No conversation. I agree with that one.

15 MR. WARDER: Thank you.

16 THE COURT: Any redirect?

17 REDIRECT EXAMINATION

18 BY MR. RICHARDSON:

19 Q Your house, it happened right in front of your house?

20 A Yeah.

21 Q The no conversation he's talking about, could they
22 have come up to your door and talk to you?

23 A No.

24 Could they have?

25 Q Yeah.

1 A I'm sure they could have if they wanted to, yeah. I
2 understand that. But yeah.

3 MR. RICHARDSON: That's all the questions.

4 THE COURT: All right. Thank you. You may step
5 down.

6 MR. RICHARDSON: The State calls Deputy Grant Cooper.
7 And may this witness be excused?

8 THE COURT: Yes, he can.

9 THE CLERK: Please place your left hand on the Bible
10 and raise your right hand.

11 WHEREUPON,

12 GRANT COOPER

13 After having been duly sworn, testified as follows:

14 THE CLERK: Thank you. Please take a seat and state
15 your name for the record.

16 THE WITNESS: Investigator Jonathan Grant Cooper.

17 DIRECT EXAMINATION

18 BY MR. RICHARDSON:

19 Q Sir, where are you employed?

20 A Greenville County Sheriff's Office.

21 Q And how long have you been employed with them?

22 A Coming up on eight years.

23 Q How long have you been in law enforcement?

24 A Eight years total.

25 Q What's your duties as it stands right now?

1 A Right now I'm the sheriff's office missing person's
2 investigator.

3 Q Okay. And how long have you been doing missing
4 person's investigation?

5 A Only about a month and a half.

6 Q And prior to that and specifically back in
7 December 19, 2019, what were you doing then? What was
8 your job then?

9 A I was assigned to Uniform Patrol on Delta Platoon.

10 Q And Uniform Patrol is you're roaming around being
11 dispatched to different locations depending upon crimes?

12 A Yes, sir. That's correct.

13 Q Is that the general ---

14 A Yes, sir. Answering 9-1-1 calls for service.

15 Q Okay. Sir, and at some point in time, were you
16 dispatched to Mansion Circle in Greenville County?

17 A Yes, sir, I was.

18 Q And that is Greenville County, right?

19 A Yes, sir, it is.

20 Q And when you arrived there -- what was the call for?
21 Do you recall why you were being dispatched there?

22 A So the initial call for service was somebody had
23 stepped outside, found a car that they had believed was
24 wrecked in front of their house, but they had previously
25 also heard gunshots up the street. And they saw somebody

1 unresponsive in the vehicle.

2 Q Okay. Sir, now, upon your arrival, were any other
3 law enforcement there when you got there?

4 A There was one other deputy there before me.

5 Q Okay. And upon your arrival in a scene of this type
6 of situation where you are being dispatched and heard
7 gunshots, what's the first thing you do?

8 A So the first thing is obviously you want to preserve
9 your safety along with the safety of the innocent public,
10 make sure there's still no active threat in the area.

11 Q And did you do that?

12 A Yes, sir, we did.

13 Q Because is this a location that has numerous houses?

14 A Yes, sir, it is. It's a neighborhood.

15 Q Yes. And the houses close together?

16 A Yes, sir.

17 Q Okay. And before, we had State's Exhibit 38 I
18 showed. Do you recognize that?

19 A Yes, sir, I do.

20 Q Okay. And does that accurately depict the area that
21 you went to?

22 A Yes, sir, it does.

23 Q And there's a dotted line on there?

24 A Yes, sir.

25 Q And does that indicate where everything happened?

1 A Yes, sir, it does.

2 MR. RICHARDSON: Okay. At this time, we move, once
3 again, State's Exhibit 38 into evidence.

4 THE COURT: All right. Objection on behalf of
5 Mr. Brown?

6 MR. CANTRELL: None, Your Honor.

7 THE COURT: On behalf of Mr. Mosley?

8 MR. PRINGLE: One moment. No objection.

9 THE COURT: Mr. Hill?

10 MR. WARDER: Your Honor, I do still object. This
11 officer can testify to where he found the car. But the
12 path that's drawn on it is no evidence that this is
13 exactly the path the car went down or traveled or then
14 didn't stop. And it's a document that is leading in
15 nature because it's trying to indicate to the witness
16 where they want to -- or how they want to tie these two
17 houses together or these two locations. I don't think
18 it's proper.

19 THE COURT: All right. I'm going to allow it in
20 subject to your objection. You can cross-examine him on
21 those issues.

22 (WHEREUPON, State's Exhibit Number 38 was admitted into
23 evidence.)

24 MR. RICHARDSON: Thank you, Your Honor.

25 BY MR. RICHARDSON:

1 Q Okay. Sir, State's Exhibit 38, now, do you recall
2 when you came into the scene where you came in?

3 A Yes, sir. I came up this -- if you're looking at the
4 bottom left of the screen, I came up this (indicating) way
5 on Mansion Circle to where the vehicle was in front of me
6 to my left.

7 Q Okay. So unfortunately, our pointers do not work so
8 I'm going to do it. And if I do something that's not
9 right, you let me know.

10 A Yes, sir. I'll do that.

11 Q You came in at this (indicating) point?

12 A Yes, sir.

13 Q You said bottom left?

14 A Yes, sir. That's correct.

15 Q Okay. And what's that dot indicate?

16 A That dot is where the victim's vehicle with the
17 victim inside was located.

18 Q Okay. Sir, and so that was the first thing you saw
19 when you came on scene was this vehicle?

20 A Yes, sir. That's correct.

21 Q Okay. And when you saw that vehicle at that spot in
22 that yard, what did you do at that point in time?

23 A So I approached the vehicle. Upon my approach, I
24 noticed that both the windows on the driver's side were
25 busted out. I also could see that there were gunshots in

1 the side of the vehicle.

2 When I approached the driver's window, I opened the
3 door, saw that he was unresponsive. There was very loud
4 music playing in the car.

5 When I opened the door, we also noticed that the
6 vehicle was still in drive. The victim had no shoes on,
7 still was not responsive. So I checked his pulse first on
8 his wrist and did not locate one and then on his neck and
9 also did not locate a pulse.

10 Q Okay. And based upon your training and experience
11 and all those years in law enforcement, was he deceased?

12 A Yes, sir.

13 Q Okay. Sir, now, once you get to that point and you
14 find a deceased individual in a vehicle, I assume this has
15 happened before, what do you do then? Do you mess with
16 the body? Do you do anything inside the car?

17 A No, sir. After touching, checking for a pulse, and,
18 you know, I'm no medical professional but believing that
19 he was deceased and no aid could be rendered, at that
20 point I step back and begin to secure the crime scene for
21 crime scene preservation.

22 Q Okay. And this is very important. When you secure a
23 crime scene for crime scene verification, why do you do
24 that?

25 A We want to keep others out of the crime scene. We

1 want to make sure it's not tampered with, nothing is moved
2 or changed in any way.

3 Q For the collection of evidence?

4 A Yes, sir. That's correct.

5 Q Okay. Did you do that in this case?

6 A Yes, sir, I did.

7 Q Did anybody enter that crime scene?

8 A That was not authorized, no, sir.

9 Q Okay. And did you -- I'm referring to State's
10 Exhibit 26. Is that the vehicle?

11 A Yes, sir, it is.

12 Q State's Exhibit 27, is that the vehicle you came on?

13 A Yes, sir, it is.

14 Q Okay. And so you referred to the shattered
15 windshield. Was it just the front driver or ---

16 A So it was the front and rear windows on the driver's
17 side of the vehicle. They were both busted out.

18 Q So I'm going to point again. Tell me if I'm wrong
19 when I point.

20 A Yes, sir.

21 Q This (indicating) shattered glass is the driver's
22 window that you're referring to?

23 A Yes, sir.

24 Q And this (indicating) shattered glass in the back
25 here?

1 A Yes, sir. That's correct.

2 Q Okay. Was there any other shattered glass in the car
3 that you recall?

4 A Not that I recall.

5 Q You also referred to bullet holes.

6 A Yes, sir.

7 Q Is that correct?

8 A Yes, sir, it is.

9 Q In your experience as a law enforcement officer,
10 you've seen bullet holes in cars and vehicles?

11 A I have.

12 Q I'm going to show you what's been marked State's
13 Exhibit 30. Were those the bullet holes that you
14 recognized at that time?

15 A What I recall were bullet holes more in the body of
16 the vehicle, so down along the doorframe. When I walked
17 up, that wasn't, you know, what I was looking for exactly.
18 I wasn't, you know, investigating it itself, but what I
19 noticed were along the body of the vehicle.

20 Q Okay. And would State's Exhibit 28, would that
21 be ---

22 A Yes, sir. That's what I'm referring to.

23 Q That's what you're referring to. I appreciate you
24 clearing that up for me, Officer.

25 I'm going to go back to reference State's 38. Once

1 you got to the vehicle, what did you do with your patrol
2 vehicle at that point?

3 A So I parked my car not too far back from the vehicle
4 but left a pathway that medical personnel could get to the
5 vehicle when they arrived on scene. So my vehicle was
6 secured down there.

7 Q Okay. Were you still able to see the vehicle at that
8 point in time?

9 A Yes, sir, I was.

10 Q And did you ever walk up the road or go to another
11 part or another scene?

12 A Yes, sir, I did.

13 So after we secured this area down here in the bottom
14 left of the scene where we referred to where the vehicle
15 was located, once I taped that off with crime scene tape,
16 one of the other deputies on scene informed me that just
17 around the corner he had numerous shell casings that he
18 had located. At that time, I started walking up Mansion
19 Circle. Along Mansion Circle I noticed fresh glass in the
20 roadway which was believed to be coming from the victim's
21 vehicle. So areas along this (indicating) path were taped
22 off to secure that as well.

23 And then once I reached the point up top, I believe
24 it was Master Deputy Waters, he was up there with numerous
25 shell casings. So I taped that area off with crime scene

1 tape as well to preserve that and then marked the shell
2 casings with sheriff's office business cards.

3 Q Okay. If you can, just -- if it pleases the Court,
4 if the witness could stand up and just point up on the
5 screen.

6 Can you just kind of give the jury a general idea?
7 You walk up where?

8 A Yes, sir. So my initial crime scene, I tape through
9 here and then proceed to walk up Mansion Circle. In this
10 vicinity is where we notice some glass all the way along
11 back to here. And then up in this area is where I was
12 called to about other shell casings and where we located
13 numerous shell casings in the roadway. And all of those
14 were marked. So we secured the scene this way as well, so
15 we taped around where these shell casings were located,
16 too (indicating throughout).

17 Q Okay. Sir, so the shell casings are around the dot
18 to the upper right corner; is that correct, sir?

19 A Yes, sir. That's correct.

20 Q Okay. And then you also found shattered glass on
21 down the road?

22 A Yes, sir.

23 Q Approximately where?

24 A In between where the shell casing were located. I
25 recall it was after the bend (indicating), so in between

1 where the victim and the victim's vehicle was located and
2 the shell casings were located (indicating).

3 Q Okay. Thank you, sir.

4 And at some point in time during this investigation,
5 was it your job to collect evidence?

6 A No, sir. It was not.

7 Q Okay. So the evidence that you have referred to, the
8 shell casing and the glass, you didn't have anything to do
9 with as far as those?

10 A That's correct.

11 Q Okay. Now, at some point in time, did you also go to
12 another location?

13 A I did.

14 Q Okay. And what location was that?

15 A It was 7 Pine Bluff Street which is located in
16 Greenville County, South Carolina.

17 Q And what was the purpose of going to that location?

18 A So while on scene at this initial incident location,
19 I heard a 9-1-1 call dispatched over the radio. A female
20 had stated that four younger black males had just run into
21 her house frantic, asked to use the phone. And it was
22 within a close proximity of this location so we believed
23 it could possibly be related.

24 Q Okay. And you were -- that evening you were driving
25 a marked patrol car?

1 A Yes, sir. That's correct.

2 Q Okay. So did you assist the investigators in going
3 to that location?

4 A I did.

5 Q And why is that?

6 A So once this initial crime scene was secured, I can't
7 recall exactly if investigators were already on scene at
8 that point, but we had enough deputies on scene to keep
9 that crime scene secure. So at that point, I responded to
10 this other location close by with another deputy to figure
11 out, you know, is this related or is it some, you know,
12 totally unrelated incident.

13 Q Okay. But as far as any evidence at that scene, you
14 had nothing to do with that?

15 A I observed some, but I did not collect any.

16 Q And what did you observe?

17 A So I was informed by the caller that one of the
18 individuals ---

19 MR. WARDER: Objection.

20 THE COURT: All right.

21 MR. RICHARDSON: I'm not offering it for the truth of
22 the matter asserted. I'm going to the res gestae of him
23 at the scene.

24 THE COURT: I'm going to sustain the objection.

25 BY MR. RICHARDSON:

1 Q Let me ask you this. You went to this house. You
2 observed evidence.

3 A Yes, sir.

4 Q Is that correct?

5 A Yes, sir, it is.

6 Q Okay. And did you -- were you able to -- did you
7 just go in and find that evidence or were you led to that?

8 A I was led to the evidence by the caller.

9 Q Okay. And this home that you went to, is it in
10 fairly close proximity to the Mansion Circle crime scene?

11 A Yes. Yes, sir, it is.

12 Q Walking distance?

13 A Yes, sir, it is.

14 Q Do you happen to know how far?

15 A Off the top of my head, I can't say for certain. But
16 I would say just over a mile.

17 MR. RICHARDSON: Okay. Beg the Court's indulgence.

18 BY MR. RICHARDSON:

19 Q And after your investigation or your purposes at the
20 residence that you just referred to, did you go back to
21 the Mansion Circle scene?

22 A Yes, sir, I did.

23 Q Okay. And why was that?

24 A I just stood by to assist with scene security just to
25 preserve the crime scene.

1 Q Okay. And did you preserve the crime scene?

2 A Yes, sir, we did.

3 MR. RICHARDSON: Thank you, sir. That's all the
4 questions I have.

5 THE COURT: Cross-examination on behalf of Brown?

6 CROSS EXAMINATION

7 BY MR. CANTRELL:

8 Q Can you tell us what -- if you put this picture back
9 up, it might help.

10 When you arrived, you arrived at the house where the
11 little yellow dot is down at the bottom; is that correct?

12 A Yes, sir. The one on the bottom left hand of the
13 screen.

14 Q Can you tell us the house number of that address?

15 A I don't recall off the top of my head.

16 Q Can you recall any of the house numbers? Like up at
17 the top where the shell casings were found, do you recall
18 any of those?

19 A Not off the top of my head. No, sir.

20 Q Were you ever contacted or did you meet with
21 Mr. Achen that lived in that neighborhood? Did he ever
22 speak to you?

23 A I did not. I believe that was another responding
24 deputy.

25 Q And when you went to Pine Bluff, show me what

1 direction on the big screen there you drove to go to Pine
2 Bluff.

3 A If I recall off the top of my head, I believe I drove
4 another deputy's patrol car which was still a marked
5 patrol vehicle. The reason being is mine was -- if I may
6 stand.

7 Q Sure. Yeah.

8 A My patrol vehicle was somewhere in this vicinity.
9 EMS and fire personnel, as we know, their vehicles are
10 rather large so it kind of blocked me in. So to preserve
11 the scene, I obviously was not going to drive through it.
12 So if I recall, I took another deputy's patrol vehicle
13 which was parked up here and went back out of the
14 neighborhood this way (indicating throughout).

15 Q Okay. And about -- total about a mile away?

16 A Yes, sir.

17 Q Was it also a residential neighborhood?

18 A Yes, sir, it was.

19 Q And this (indicating) area here, just judging by this
20 picture, but does this reflect the entire area? A good
21 number of residences in the area?

22 A It does. I would say for that neighborhood there's a
23 few streets that aren't in there. If I had to take a
24 rough guess on that neighborhood, there's probably a
25 hundred houses in close proximity.

1 Q Okay. Maybe a hundred within proximity of this area.

2 A Just within this one neighborhood, yes, sir.

3 Q And are there street lights?

4 A I do not recall.

5 Q Okay. Can you recall what time you received the call
6 to go to this area, approximately?

7 A It was already dark outside. I may have it in a -- I
8 don't have the original report. Just my supplemental
9 report. But it was nighttime hours.

10 Q Okay. But we're not talking midnight or two in the
11 morning. It was just after dark?

12 A I believe so. Yes, sir.

13 Q Nothing in your report will give you a house number?

14 A No, sir. It does not. On my report it just reflects
15 what I typed and who I spoke with.

16 Q Okay. And you discovered some shattered glass in the
17 bend of the road. Is that where you said?

18 A Along the roadway. I can't say exactly where. But I
19 do recall it was in between where the victim's vehicle and
20 the shell casings were located. So within this
21 (indicating) vicinity.

22 Q Just along the roadway?

23 A In the middle of the roadway, yes, sir.

24 Q Okay. And for some distance or all in one area?

25 A I want to say it was a couple different areas of it

1 like it was falling -- actively falling off the vehicle as
2 it was driving away.

3 Q That was my next question. Thank you.

4 And lastly, you said the stereo in the car was still
5 going loudly.

6 A Yes, sir.

7 Q Is that correct? Okay.

8 And the report you responded to at Pine Bluff was a
9 report of four individuals coming to the house; was that
10 correct?

11 A Yes.

12 MR. CANTRELL: Thank you, sir.

13 THE COURT: Cross-examine on behalf of Mosley?

14 CROSS EXAMINATION

15 BY MR. PRINGLE:

16 Q You may have answered this. I'm not honestly sure.
17 Have you had training, any type of special instruction or
18 training on gathering evidence?

19 A Other than just field training that we all go
20 through, but I've never done anything such as forensic
21 technicians or anything of that nature.

22 Q Okay. But clearly, you understand the importance of
23 proper techniques and procedures in gathering evidence.

24 A Correct.

25 Q Okay. I think you said earlier something about using

1 business cards. Could you explain that?

2 A Yes. So when we find shell casings on any type of
3 crime scene whether it be in a roadway, in a grassy field,
4 whatever, obviously, in the middle of the night, they're
5 hard to find. And so once you locate a shell casing, you
6 don't want to lose where that's at. So we would take a
7 business card and place it beside the shell casing, make
8 sure it's not touching the shell casing or anything of
9 that matter. But it just marks the vicinity where it's at
10 so we can locate it in the future.

11 Q All right. So like obviously so if other police are
12 in the vicinity, the idea is you'd see that business card
13 lay there and that's somewhere you don't want to step.

14 A That's correct.

15 Q Okay. That's why the card is used, for like a
16 visual, a quick, easy visual picture?

17 A Correct. Yeah. I don't have any type of placards or
18 anything else to mark it with, so that's why we use that.

19 Q And you said you make sure that the card is not
20 touching the item.

21 A That's correct.

22 Q Why?

23 A We don't want to disturb the crime scene in any way,
24 shape or form.

25 Q Okay. And so that's what I'm getting at. All of

1 these procedures are in place for a reason, right?

2 A Yes, sir.

3 Q What's the main reason?

4 A To preserve evidence.

5 Q Okay. To prevent contamination?

6 A That's correct.

7 Q Okay. And, of course, evidence can be contaminated
8 when it's collected if it's not collected and handled
9 properly, can't it?

10 A It can.

11 Q Evidence can be contaminated by other factors outside
12 of the purview of, say, police showing up at the scene,
13 can't it?

14 A Yes, it can.

15 Q Could you give us an example of how something like
16 that might be contaminated before police become involved?

17 A If another vehicle was driving down the roadway and
18 ran over a shell casing.

19 Q Or somebody maybe touched the evidence?

20 A It's possible.

21 Q Stepped on it?

22 A Yes.

23 Q Like what you're trying to prevent ---

24 A Correct.

25 Q --- when you mark it like you did with a business

1 card.

2 A That's correct.

3 Q What happens to evidence that's contaminated?

4 A I don't collect evidence. I'm not a forensic
5 technician, sir.

6 Q Okay. Are you instructed or have you been instructed
7 or trained by anyone about what the likelihood is, I guess
8 where contaminated evidence ends up?

9 A No, sir.

10 Q Okay. Do we generally try to use contaminated
11 evidence in law enforcement prosecution?

12 A No, sir.

13 Q You try to avoid it at all costs, don't you?

14 A We do.

15 Q But sometimes there are factors that come into play
16 that have nothing to do with you or any other police that
17 may or may not contaminate certain evidence.

18 A Yes, sir.

19 MR. PRINGLE: Thank you. Nothing further.

20 THE COURT: On behalf of Mr. Hill?

21 MR. WARDER: We have no questions, Your Honor.

22 THE COURT: All right. Any redirect?

23 REDIRECT EXAMINATION

24 BY MR. RICHARDSON:

25 Q You just briefly said real clear, when you're talking

1 about the business card, the business card is not on top
2 of the evidence. It's next to the evidence.

3 A That's correct.

4 MR. RICHARDSON: Thank you, sir. That's all the
5 questions I have.

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

7 MR. RICHARDSON: Your Honor, may we approach?

8 THE COURT: Yes.

9 (WHEREUPON, a bench conference was held off the record.)

10 THE COURT: All right. I understand we need to take
11 a short break. So in the meantime we'll get everything
12 set up here. So ladies and gentlemen, don't discuss the
13 case and we'll bring you back out in just a few minutes.

14 (WHEREUPON, the jury exits the courtroom at 11:58 AM.)

15 MR. RICHARDSON: I just wanted -- Officer Cooper, if
16 it's okay, he's released from his subpoena.

17 (WHEREUPON, a recess is taken at 11:59 AM.)

18 THE COURT: Are we ready to bring the jury in?

19 MR. RICHARDSON: The State's ready.

20 THE COURT: All right. Is Brown ready?

21 MR. CANTRELL: Yes, sir.

22 THE COURT: Mosley?

23 MR. PRINGLE: Yes, Your Honor.

24 THE COURT: And Hill?

25 MR. WARDER: Yes, sir.

1 THE COURT: All right. Subject to your previous
2 objection? You objected to video. You did.

3 MR. WARDER: Okay.

4 THE COURT: Okay. Bring the jury in. And I'll give
5 them a little info about what's going on.

6 (WHEREUPON, the jury entered the courtroom at 12:13 PM.)

7 THE COURT: All right. Ladies and gentlemen, as you
8 can see, the next witness will be by way of
9 videoconferencing. Our court system uses what we call
10 WebEx. And this witness is live as you can see. And the
11 purpose -- this is the State's witness. For your
12 purposes, this witness is to be treated like any other
13 witness from the witness stand. Just because they're
14 doing it remotely, that you should still consider -- you
15 give the weight and value which you feel is appropriate.

16 All right. Can you raise your right hand?
17 WHEREUPON,

18 KIMBERLY LIBUS

19 After having been duly sworn, testified as follows:

20 THE COURT: And can you state and spell your name,
21 please.

22 THE WITNESS: Kimberly Libus.

23 THE COURT: Spell your last name.

24 THE WITNESS: L-I-B-U-S.

25 THE COURT: All right. Yes. Mr. Richardson, you may

1 proceed.

2 MR. RICHARDSON: Thank you, Your Honor. May it
3 please the Court.

4 DIRECT EXAMINATION

5 BY MR. RICHARDSON:

6 Q Good afternoon, Ms. Libus. How are you doing?

7 A I'm all right. Thank you.

8 Q Okay. Just right now, where are you located right
9 now?

10 A In Pennsylvania.

11 Q Yes. And unfortunately, you have a funeral to
12 attend; is that correct?

13 A Yes. That's correct.

14 Q Okay. Just explain to the jury and in our
15 condolences on that behalf.

16 Back in -- well, let me ask you this. Where do you
17 work now?

18 A I currently work for the National Medical Services
19 labs. It's an independent lab in Horsham, Pennsylvania.

20 Q Okay. And what do you do for them?

21 A My job title is a specimen processor. So I log in
22 forensic cases and store samples.

23 Q Okay. Ma'am, and so back in 2019, specifically back
24 December 19, 2019, where were you employed at that time?

25 A I was employed with the Greenville County Forensics

1 Division in their Crime Scene Unit.

2 Q Okay. And what were your duties in that capacity?

3 A I was a forensic evidence technician. So my job
4 responsibilities included responding to crime scenes,
5 photographing those crime scenes, processing for
6 fingerprints and collecting evidence.

7 Q Okay. Ma'am, and part of that, the Forensic Unit or
8 Greenville County, did they have an impound lot?

9 A Yes. They have a Greenville County Service Center.

10 Q Is that lot a secured lot?

11 A Yes. That's correct.

12 Q Did you respond to that lot at some point in time in
13 2019 to process a vehicle?

14 A I responded there many times during my years there,
15 but specifically in 2019, yes, I did.

16 Q And pertaining to the case that we're here today
17 about, right?

18 A Yes. That's correct.

19 Q Okay. And when you process a vehicle, first of all,
20 do you process vehicles that are unsealed?

21 A Typically, it depends on the situation. But for
22 situations like this, we typically would not process the
23 vehicle that was unsealed.

24 Q Okay. Ma'am, and I'm going to show you what's been
25 marked State's Exhibit 17. Do you see that, ma'am?

1 A Yes, I do.

2 Q Okay. And is that a seal on the vehicle?

3 A Yes. That would be a piece of evidence tape on the
4 vehicle.

5 Q Okay. And that's generally how vehicles are sealed;
6 is that correct?

7 A Yes. That's correct.

8 Q Okay. Ma'am, now, in this particular case, what were
9 your initial observations of the vehicle that you looked
10 at?

11 A I don't fully recall the vehicle. Just based off of
12 my notes and my report, there was a broken window as well
13 as projectile holes along the driver's side.

14 Q Okay. Ma'am, and specifically, regarding the
15 projectile hole on the side, do you recall taking a
16 photograph of that?

17 A I believe I did, yes.

18 Q Okay. And I'm going to show you just for
19 identification State's Exhibit 39. Can you see that?

20 A Yes, I can.

21 Q Okay. And is that a photograph that you took?

22 A I don't recall specifically the vehicle, but I
23 believe I may have taken that photo, yes.

24 Q Does that accurately depict the vehicle that you
25 actually processed?

1 MR. WARDER: Objection. She doesn't remember the
2 vehicle, you know. She can't -- can't accurately remember
3 what she processed if you don't know the vehicle.

4 THE COURT: Yes. I'm going to sustain unless you lay
5 a better foundation.

6 MR. RICHARDSON: Okay. We'll move on.

7 BY MR. RICHARDSON:

8 Q When you process a car, is part of processing it to
9 look for projectiles if there, in fact, was information
10 that there was a shooting?

11 A Yes. That's correct. If we're given information
12 that gunshots were fired around the vehicle, the standard
13 procedure would be to look for projectile holes as well as
14 projectiles.

15 Q Okay. Ma'am, and I'm going to show you what's been
16 marked State's Exhibit Number 1. Do you recognize that?

17 A I'm sorry. I can't see the label on -- yes. The
18 item number would be my initials with the item.

19 Q KL-17?

20 A Yes. Correct.

21 Q So is that a projectile that you removed from the
22 vehicle?

23 A Yes.

24 Q Let me show you what's been marked State's Exhibit 2.
25 Do you recognize that?

1 A Yes. Again, that would be my item number.

2 Q Okay. Item number being the KL, your initials, and
3 then Number 18?

4 A Correct.

5 Q Okay. And is that a projectile that you removed from
6 the vehicle?

7 A Yes.

8 Q State's 3, do you recognize that?

9 A Yes. Again, by the item number.

10 Q Okay. And is that a projectile fragment that you
11 removed from the vehicle?

12 A Correct, yes.

13 Q State's Exhibit 4, how about that?

14 A Yes. Again, with the item number.

15 Q Okay. And is that a projectile fragment recovered
16 from the rear middle?

17 A Yes.

18 Q And State's 5, do you recognize this?

19 A Yes, I do.

20 Q And is that a projectile recovered from the front
21 passenger of the vehicle?

22 A Yes.

23 MR. RICHARDSON: Your Honor, at this time the State
24 would offer State's 1 through 5 into evidence.

25 THE COURT: All right. Any objection on behalf of

1 Brown?

2 MR. CANTRELL: None, Your Honor.

3 THE COURT: On behalf of Mosley?

4 MR. PRINGLE: No, Your Honor.

5 THE COURT: On behalf of Hill?

6 MR. WARDER: Your Honor, the problem is it seems to
7 me she still -- she's identifying that that code was on
8 her stuff, but she doesn't remember anything about the
9 vehicle other than what that code says and what the
10 description there on the location the solicitor asked her
11 about. She has not kept that, so she has no idea what's
12 in that envelope, what comes from that vehicle or any
13 other except for the label of it. She doesn't even
14 remember the car it comes from.

15 THE COURT: All right. Can you lay a little better
16 foundation in that regard?

17 BY MR. RICHARDSON:

18 Q Ma'am, do you have your report?

19 A I can have it pulled up, yes.

20 Q Can you pull it up and see if you can refresh your
21 memory on the vehicle?

22 A (Witness complies) I have my report pulled up.

23 Q Does that report indicate the vehicle that you
24 examined on the date in question?

25 A Yes. It does list the vehicle.

1 Q And what kind of vehicle is it?

2 A The 2015 Chrysler 200.

3 Q Okay. And is that vehicle where you obtained these
4 fragments and projectiles?

5 A Yes. That's correct.

6 MR. RICHARDSON: At this time, we move it into
7 evidence.

8 THE COURT: All right. Any further objection?

9 MR. WARDER: No, Your Honor.

10 THE COURT: All right. In without objection.

11 (WHEREUPON, State's Exhibit Numbers 1 through 5 were
12 admitted into evidence.)

13 THE COURT: And that was 1 through 5?

14 MR. RICHARDSON: Yes, Your Honor.

15 THE COURT: Okay.

16 BY MR. RICHARDSON:

17 Q Ma'am, is also part of your processing this vehicle
18 that you now know is the 2015 Chrysler is to attempt to
19 lift fingerprints?

20 A Yes. That is part of our procedure.

21 Q Okay. And when you do that, just can you briefly
22 tell the jury how you do that?

23 A So to process for latent fingerprints, we would use a
24 black fingerprint powder which is just a very fine powder
25 that's dusted along the vehicle. And the process would be

1 to fingerprint the large majority of surfaces of the
2 vehicle on the exterior and the interior, any viable
3 surface that would be good for fingerprints.

4 Q Okay. And do you recall doing that in this case?

5 A Yes.

6 Q Okay. And did you process a cigarette pack, an
7 unopened condom and a lighter that came with negative
8 results?

9 A Yes. That's correct.

10 Q Okay. And by negative results, can you just explain
11 what you mean by that?

12 A Negative results just typically means that I was not
13 able to lift anything that could be used for comparison.
14 Typically, there was not enough detail that would be
15 suitable for comparison.

16 Q Okay. And so we're clear, you don't compare
17 fingerprints. You simply lift the latent prints; is that
18 correct?

19 A That's correct.

20 Q Okay. But did you, in fact, have a positive result
21 of the vehicle?

22 A If I can reference my report. Yes. I did have
23 several positive results.

24 Q And when you do that, what do you do with those
25 particular prints?

1 A The prints are lifted and placed on a card that is
2 filled out with all of the case information. Those cards
3 are then placed into an envelope that is -- again, has all
4 the case information. And that is sealed and placed into
5 a secure box at the crime scene office.

6 Q Okay. And I'm going to show you what's been marked
7 State's 14. Is this -- do you recognize that?

8 A Yes. That would be my handwriting.

9 Q Okay. Has that indicated a positive result?

10 A I'm sorry. What was the question?

11 Q Is this an envelope that you use when you get a
12 positive result when you actually lift a latent print?

13 A Yes. That's correct.

14 Q Okay. And do you also fill out a latent fingerprint
15 card?

16 A Yes.

17 Q Let me show you what's marked State's Exhibit 14. Is
18 that a latent print card?

19 A Yes. Those are the latent print cards that we use.

20 Q Okay. And you indicate on there it came from the
21 exterior of the rear of the driver door?

22 A Yes. Correct.

23 Q Okay. As referring to State's 14, what is that?

24 A That would be the latent lift from the vehicle.

25 MR. RICHARDSON: Your Honor, at this time, we would

1 move State's Exhibit 14 into evidence.

2 THE COURT: Any objection from Brown?

3 MR. CANTRELL: None, Your Honor.

4 THE COURT: From Mosley?

5 MR. PRINGLE: No, Your Honor.

6 THE COURT: And from Hill?

7 MR. WARDER: No, sir.

8 THE COURT: All right. In without objection.

9 (WHEREUPON, State's Exhibit Number 14 was admitted into
10 evidence.)

11 BY MR. RICHARDSON:

12 Q Once you lift that print, you take it back to the
13 forensics office; is that correct?

14 A Yes. That's correct.

15 Q Okay. And then is it stored within your office?

16 A Yes. There's a secured box that all of our positive
17 results are placed into.

18 Q And then eventually, what do you do with the latent
19 print that you've lifted?

20 A So once the card is filled out and sealed in the
21 envelope and the envelope is filled out and placed into
22 the box, someone from the latent's division comes to the
23 office and picks up all the positive results.

24 Q Okay. So the latent's division is the ones that do
25 the comparison?

1 A Yes. That's correct.

2 Q Okay. And then subsequent to that, at some point in
3 time, did you take a buccal swab from the defendant
4 Mosley?

5 A Yes, I did.

6 Q What is a buccal swab?

7 A A buccal swab is a swab of the inside of the cheeks
8 for DNA purposes.

9 Q Okay. And when you do that, do you wear any
10 protective gear?

11 A Gloves and sometimes a mask, depending.

12 Q Okay. And to prevent contamination, how do you go
13 about doing the procedure?

14 A So the swabs that we use are sterile swabs that come
15 prepackaged. When we need to use them, we just open the
16 individual package and use the swab that's inside the
17 tube.

18 Q Okay. And once you swab -- you swab the interior of
19 the mouth; is that correct?

20 A Yes. The sides of the cheek inside the mouth.

21 Q The sides of the cheek.

22 How many do you do when you do that?

23 A Two per person.

24 Q Okay. Why do you do two?

25 A It's just part of our procedure.

1 Q Okay. And once you do that, as with the other items,
2 do you label it with an item number?

3 A Yes. That's correct.

4 Q Let me show you -- excuse me, ma'am. Let me show you
5 what's been marked State's 6. Does this indicate -- can
6 you read that?

7 A It's a little blurry.

8 Q Does this indicate the buccal swabs that you took?

9 A Yes. That's correct.

10 Q And then, again, Item Number KL-19A and KL-19B, that
11 would be the single tubes; is that correct?

12 A Yes. That's correct.

13 Q Okay. And let me show you -- this may be hard for
14 you to see. Let me know. KL-19A, what is that?

15 A Yes. That would be the buccal swab based off of my
16 item number.

17 Q Okay. And KL-19B?

18 A Yes. Same for that one, the item number.

19 Q Okay. And once you seal these containers, where do
20 you take them?

21 A They would go to our Property and Evidence section.

22 Q Okay. And once again, stored there?

23 A Yes.

24 MR. RICHARDSON: Your Honor, at this time, we move
25 State's Exhibit 6 into evidence.

1 THE COURT: Any objection from Brown?

2 MR. CANTRELL: None, Your Honor.

3 THE COURT: From Mosley?

4 MR. PRINGLE: No, Your Honor.

5 THE COURT: And from Hill?

6 MR. WARDER: No, sir, Your Honor.

7 THE COURT: All right. In without objection.

8 (WHEREUPON, State's Exhibit Number 6 was admitted into
9 evidence.)

10 THE COURT: Again, that was?

11 MR. RICHARDSON: That was State's Number 6, Your
12 Honor.

13 BY MR. RICHARDSON:

14 Q Once these items leave forensics and leave your
15 purview, you don't have anything else to do with them; is
16 that correct?

17 A That's correct.

18 Q Any DNA analysis is done by a different department;
19 is that right?

20 A That's correct.

21 MR. RICHARDSON: Thank you, ma'am.

22 THE COURT: All right. Cross-examination on behalf
23 of Brown?

24 MR. CANTRELL: No questions, Your Honor.

25 THE COURT: Cross-examination on behalf of Mosley?

1 MR. PRINGLE: Yes, Your Honor.

2 CROSS EXAMINATION

3 BY MR. PRINGLE:

4 Q Okay. This was a few years back. And isn't it true
5 that without your report, you've had trouble recalling the
6 specifics in this case?

7 A That's correct.

8 Q Okay. And, you know, you talked a little bit about
9 how you processed the vehicle at the -- what did you call
10 the impound lot again?

11 A It's called the service center, the Greenville County
12 Service Center.

13 Q All right. So we know that you processed a vehicle
14 at the service center that we're now saying is the vehicle
15 involved in this case, right?

16 A Yes.

17 Q And the prosecutor showed you that photo of that
18 little red piece of tape that's on the doorway. And
19 that's there to keep the interior of the car secure until
20 you can process it, correct?

21 A Correct.

22 Q Okay. Now, you would have no knowledge or you would
23 have no role in anything that happened in that car, around
24 that car or to that car until you broke that tape and
25 started your analysis, correct?

1 A Correct.

2 Q All right. So no idea about how any of that stuff
3 got there or was created. You clearly couldn't say
4 anything or have an opinion on that, correct?

5 A Are you speaking specifically about the seals on the
6 vehicle?

7 Q No. Until you break that seal and get into the
8 vehicle, you have literally nothing to do with whatever's
9 in there.

10 A That's correct.

11 Q Good or bad. Okay.

12 And you mentioned that -- you used the term
13 "positive" with regard to fingerprint evidence.

14 A Yes.

15 Q Now, when you say "positive," does that mean quote,
16 unquote, like that's what we would call a good print?

17 A Yes. It's one that I felt was comparable to use.

18 Q Okay. And so obviously, there are a number of what
19 probably are prints, but they aren't positives, correct?

20 A There's a potential that they are not positively
21 matched to another print.

22 Q Like if you saw what looked like a print but, say, it
23 was smudged or altered in some fashion, that would not be
24 a positive, would it?

25 A Correct.

1 Q Okay. Or maybe even what we might call a partial,
2 that might not be enough to be a positive, correct?

3 A Yes. It may not be enough to get a match.

4 Q Okay. So out of everything in there, we really could
5 only look at the positives as you call them?

6 A I'm not sure what the question is.

7 Q Okay. Only the positives can be considered to have
8 any value evidentiary-wise, correct?

9 A The only thing -- the only prints that are listed as
10 positives is what gets sent in the envelope to the
11 latent's division.

12 Q Okay. So that's what I'm getting at. Everything
13 else doesn't make it to the lab, right? It doesn't even
14 go for analysis.

15 A Correct.

16 Q Okay. Did you swab the vehicle? After you broke the
17 tape and started to process the vehicle, did you swab the
18 vehicle for DNA?

19 A Yes. That's correct.

20 Q Okay. And let's get to that. Can you tell us some
21 of the more common ways that DNA evidence might be
22 compromised?

23 A DNA can be compromised by the weather, like if it
24 rained on the vehicle, multiple people touching the
25 vehicle. I'm not an expert on DNA, so there may be other

1 examples.

2 Q But we take all these steps to avoid that type of
3 contamination, right?

4 A Yes. That's correct.

5 Q Okay. And it can happen in any number of ways as
6 you've just said. Any kind of human interaction, touching
7 and the like ---

8 A Correct.

9 Q --- that would spoil a sample as far as usefulness to
10 law enforcement, correct?

11 A Correct.

12 Q Okay. And, again, you testified that you performed
13 the swabs of David Mosley's mouth, correct?

14 A Correct.

15 Q Okay. What did you use? Specifically, what did you
16 stick in his mouth to do that?

17 A We have sterile tubed swabs where the end of -- the
18 one end of the swab is connected to the cap of the tube.
19 So the sterile swab comes individually packaged. We open
20 the package, unscrew the cap that has the swab at the end
21 and use that swab for the inside of the mouth.

22 Q Right. So like for those of us that haven't really
23 seen that up close, is it kind of maybe like a Q-tip?

24 A The swab looks like a Q-tip, yes.

25 Q Like a Q-tip? Okay. A medical Q-tip type thing.

1 A Correct.

2 Q Okay. And so it's very small. So we're talking
3 about a very small amount of DNA is collected on the tip
4 of that swab, correct?

5 A Again, I'm not an expert on DNA.

6 Q It doesn't take much.

7 A We just use ---

8 Q It doesn't take much, right?

9 A We just use the tip.

10 Q Okay. So a very small amount.

11 And you don't -- you don't touch that tip ---

12 A No.

13 Q --- with your finger or anything else, do you?

14 A No, I do not.

15 Q Why not?

16 A Because that would be cross-contamination to touch
17 the end of the swab.

18 Q And you just testified that any type of touching or
19 co-mingling from any kind of human interaction and the
20 like would contaminate a potential DNA sample, correct?

21 A It can, yes.

22 Q We take great pains to avoid that type of thing
23 because of contamination, correct?

24 A Correct.

25 Q Okay. I'm going to show you this. This has been

1 admitted yesterday. Do you know what that is?

2 MR. RICHARDSON: Your Honor, at this point, I'm going
3 to object. He is getting into -- she's not an expert in
4 DNA. She doesn't do the analysis of DNA. This is more
5 appropriate for other witnesses.

6 THE COURT: Yeah. I'm going to sustain the
7 objection.

8 MR. PRINGLE: So objecting to, what, showing her
9 this? I'm not exactly ---

10 THE COURT: Yeah. I mean, you're asking a question
11 about that. It's like she's not an expert on this. I'm
12 not sure ---

13 MR. PRINGLE: Well, Your Honor, the State put her on
14 the witness stand ---

15 THE COURT: For the buccal swabs specifically.

16 MR. PRINGLE: --- despite the obvious shortcomings in
17 order to try to establish certain things.

18 THE COURT: Right. As to the buccal swabs and the
19 evidence, I'm not going to let you ask her anything about
20 DNA if she did not test that or do anything related to
21 that.

22 MR. PRINGLE: Okay.

23 BY MR. PRINGLE:

24 Q All right. When you take a DNA sample, would it be
25 standard police practice to, say, put it in a can with

1 other samples and shake it up?

2 A I can't say that's something that's typically done.

3 Q That would clearly make no sense whatsoever, would
4 it?

5 A No.

6 MR. PRINGLE: Thank you. Nothing further.

7 THE COURT: Cross-examination on behalf of Mr. Hill?

8 CROSS EXAMINATION

9 BY MR. WARDER:

10 Q You told us about the seal on the door. How many
11 seals are there on a car?

12 A Our typical procedure is to seal the four doors, the
13 trunk and the hood of the vehicle. So six in total.

14 Q Okay. When you looked at this vehicle, I know you
15 have a picture of one of the seals, do you take a picture
16 of the other four or five seals that would have been on
17 it?

18 A It would have been standard procedure for me to take
19 photos of each seal.

20 Q Okay. And where would those photographs be?

21 A All of my photos get downloaded into our photo
22 database, and so that's where they're stored.

23 Q And we only asked about the one seal. You haven't
24 seen the other seals to see if they were broke or
25 contaminated; is that right?

1 A I would have notated in my report if there was a
2 broke seal, but I notated that the vehicle was sealed.

3 Q This seal we talk about is evidence tape. Is that
4 just like standard sticky tape that we'd see?

5 A It's the evidence tape that we use to seal our
6 evidence packages as well.

7 Q Okay. Most tape on a car's surface, you can lift it
8 up and you can put it back down and rub it and it will
9 stick again. Is evidence tape that way?

10 A That's a possibility. I can't say that it couldn't
11 happen.

12 MR. WARDER: Okay. Thank you very much.

13 THE COURT: Redirect?

14 MR. RICHARDSON: Nothing further from the State, Your
15 Honor.

16 THE COURT: All right. Thank you, Ms. Libus. We
17 will end this WebEx.

18 MR. RICHARDSON: Thank you, ma'am.

19 THE WITNESS: Thank you.

20 MR. RICHARDSON: The State calls Tori Fleming to the
21 stand.

22 THE COURT: How long is this witness?

23 All right. It's ten till one. Is that my
24 indication, report that this is going to be a relatively
25 short witness? So we'll take a break for lunch after

1 that. Is everybody good with that? All right.

2 THE CLERK: Ms. Fleming, if you'll come to the Bible.
3 And please place your left hand on the Bible and raise
4 your right hand.

5 WHEREUPON,

6 TORI FLEMING

7 After having been duly sworn, testified as follows:

8 THE CLERK: Please take a seat. State your name for
9 the record.

10 THE WITNESS: Tori Fleming.

11 DIRECT EXAMINATION

12 BY MR. RICHARDSON:

13 Q Good afternoon, Ms. Fleming.

14 A Hello.

15 Q Ms. Fleming, are you employed?

16 A I am.

17 Q And in what capacity?

18 A In what capacity am I employed?

19 Q Yes.

20 A I don't know how to answer. I don't know what that
21 means, in what capacity.

22 Q I'm sorry. What's your work? What do you do?

23 A I work for Samsung. I'm a claims representative.

24 Q Okay. How long have you been doing that?

25 A 13, 14 years. 2011. Since 2011.

1 Q Okay. You've got to speak into that.

2 A Since 2011.

3 Q All right. Thank you.

4 I want to take your memory back to December 19, 2019.
5 Where did you live at that particular time?

6 A Where I live now, ■ Pine Bluff Street in Piedmont.

7 Q Okay. And how long had you lived there?

8 A Since 2017, I believe.

9 Q Okay. And the road that you lived on, is it a dead
10 end?

11 A It is a dead end.

12 Q Okay. Were there other houses down there?

13 A Yes.

14 Q And at some point in time, did you, on that evening,
15 have a knock at your door?

16 A I did.

17 Q And did you open the door?

18 A I did.

19 Q And who was there? Who did you see at your door?

20 A I can't tell you the boys' names, but it was quite a
21 few boys.

22 Q Okay. Do you know how many?

23 A Four or five.

24 Q Okay.

25 A I'm not sure if it were four or five of them.

1 Q Four or five of them?

2 A Uh-huh.

3 Q Okay. And were they African-American or white or
4 what?

5 A African-American.

6 Q And were they old men?

7 A No. These are babies, in my opinion. They're boys.

8 Q They're boys?

9 A Yeah.

10 Q And what did they tell you when they knocked on the
11 door?

12 A That someone's shooting at them and they need help.

13 Q Okay. And what did you do at that point in time?

14 A Look out the door, search the area, make sure I
15 didn't see anyone, advised them to come on in.

16 Q Okay. In an attempt to help them?

17 A Correct.

18 Q Okay. And did you, at some point in time, offer to
19 call the police or 9-1-1?

20 A Correct.

21 Q And did they want you to call 9-1-1?

22 A Originally, I didn't offer to call 9-1-1. I was
23 asking who they were, their names, their ages. I wanted
24 to know who their parents were. I was trying to get phone
25 numbers from them to figure out who they are, where they

1 come -- I was asking a lot of questions trying to figure
2 out what was going on. So the police had not been
3 mentioned yet until we got to the blood, when I saw blood.

4 Q Okay. And so one of the individuals was bleeding?

5 A Yes. One's finger was bleeding.

6 Q And where were they bleeding from?

7 A Like from their knuckles.

8 Q Okay. And did you assist that individual in any form
9 or fashion?

10 A I did. I took him to the bathroom, got some wipes to
11 clean him up, some cotton swabs to wipe them off.

12 Q All right. And ---

13 A I think I gave him a Band-Aid, too, but I might be
14 wrong.

15 Q Gave him a Band-Aid, too?

16 A I think I did, but I could be wrong.

17 Q Let me show you what's been marked State's
18 Exhibit 15. Is that your trash can?

19 A It is.

20 Q And is that the blood swab that you used to help
21 clean?

22 A I'm assuming it is. I don't know what I'm looking
23 at.

24 Q Okay. But that is your trash can?

25 A That's my trash can.

1 Q Okay. And what did you use to help clean the blood
2 off this individual?

3 A I think we used some tissue and some cotton swabs, I
4 believe. I don't know.

5 Q Okay. Now, once you did that, at some point in time
6 were they -- anybody asking to use your phone or anything
7 like that?

8 A Yeah. Don't know who. Quite a few of them. It was
9 a lot of chaotic. But someone was asking for a phone.
10 Their phones were dead, so I was trying to find chargers
11 for them.

12 Q So their phones were dead?

13 A From what I -- yeah. Because I actually gave out
14 chargers.

15 Q And let me ask you, when they came to the door, how
16 were they acting?

17 A Frantic, scared.

18 Q Okay.

19 A They seemed very scared.

20 Q All right. Were they breathing heavy?

21 A Yes. They obviously had been running for a bit a
22 way, I'm assuming.

23 Q Okay. Was it after -- did you help clean up the one
24 guy's knuckles, was it after that did you offer to call
25 9-1-1?

1 A Yeah. Some time. I don't know. I don't know when
2 it was ---

3 Q You're not sure exactly when it was?

4 A --- when the words were said.

5 Q At some point in time, you offered to call 9-1-1?

6 A Correct.

7 Q Okay. And did they tell you why they didn't want you
8 to call 9-1-1?

9 A Hold on.

10 Q I know it's been a while.

11 A Yeah. Hold on.

12 I can't -- I honestly couldn't remember how that
13 played out at that moment when the ---

14 Q Okay.

15 A I don't even know if I said to them I want to call
16 the police, to be honest. I'm sure I did. I just don't
17 remember. I don't know.

18 Q Okay. Fair enough.

19 And did they use your phone?

20 A They did.

21 Q And did they use your phone to call the police?

22 A No.

23 Q Do you know who they used your phone to call?

24 A I know I was asking for numbers. I was trying to
25 figure out who their parents was. I think someone gave me

1 the -- I actually called somebody's sister and spoke with
2 her.

3 Q Okay. And at some point in time, were they picked
4 up?

5 A Yes. Yeah. At that point, I'm on the phone with the
6 police. They had ran out the house. Someone came to pick
7 them up.

8 Q So they ran out of the house after you called 9-1-1?

9 A No. As they're running out, when they took off is
10 when I go to grab my bedroom shoes and my phone and I'm
11 running out the door behind them trying to catch them.

12 Q All right. So you actually ran out after them.

13 A Correct.

14 MR. RICHARDSON: Okay. Beg the Court's indulgence.

15 BY MR. RICHARDSON:

16 Q Eventually, officers did arrive at your house?

17 A Correct.

18 Q Okay. And you told them everything that happened; is
19 that right?

20 A Correct.

21 Q And this trash can, did you direct them to that trash
22 can?

23 A Well, I mentioned it. And they directed themselves
24 and went and got it and poured it in the kitchen floor.

25 Q Okay. And you were there when that happened.

1 A Correct.

2 Q And how long were they in your home during this
3 period of time?

4 A The police or the boys?

5 Q The boys.

6 A Ooh, I don't even think it was ten -- it was -- it
7 was pretty quick. I don't think it was no more than
8 15 minutes. I know it wasn't. It was pretty quick.

9 Q Okay. And these individuals, they came to your
10 house, you didn't know them, right?

11 A No.

12 Q Okay. And everything was so fast you couldn't
13 recognize them; is that right?

14 A No. I couldn't tell you what them boys looked like.

15 Q All right. Other than being African-American and
16 young.

17 A Yeah.

18 Q Okay. And just back in -- back about 12 years ago,
19 you did have a breach of trust; is that correct?

20 A I did.

21 Q Okay. You pled guilty to that?

22 A Correct.

23 MR. RICHARDSON: Thank you, ma'am. That's all the
24 questions I have for you. You have to answer any
25 questions defense has.

1 THE COURT: Cross-examination on behalf of Brown?

2 CROSS EXAMINATION

3 BY MR. CANTRELL:

4 Q Ms. Fleming, just a couple questions.

5 First of all, I think you've already said you didn't
6 know these fellows when they came up.

7 A No, I did not.

8 Q And I think you described them as looking frantic,
9 scared. Would you believe they'd been through something
10 traumatic?

11 A I believe they had.

12 Q Okay. And when they were there with you, other than
13 being traumatized and scared, were they polite and
14 courteous to you?

15 A Definitely were. I'm going to say these young men
16 was definitely respectable.

17 Q And there maybe ten to 15 minutes.

18 A Uh-huh.

19 Q And then they left once their ride had gotten
20 there?

21 A Correct.

22 MR. CANTRELL: Thank you. I think that's all I've
23 got except to say I'm glad to see somebody that doesn't
24 mind helping their fellow man. That's an enlightening
25 thing. Thank you.

1 THE WITNESS: Your welcome.

2 THE COURT: Cross-examine on behalf of Mosley?

3 MR. PRINGLE: Thank you, Your Honor.

4 CROSS EXAMINATION

5 BY MR. PRINGLE:

6 Q Good afternoon, Ms. Fleming.

7 A Good afternoon.

8 Q I also want to say it obviously speaks to you and who
9 you are, somebody comes knocking on the door in the middle
10 of the night, you don't know them, and you chose to try to
11 help them out. That obviously speaks highly of you.

12 But getting by that, let's go back to that night
13 about a few things I want to clear up. Obviously, you're
14 not sure whether there was four or five boys, and you
15 couldn't tell who any of them were specifically.

16 A No. I couldn't point them out if you asked me to.

17 Q They were all boys.

18 A They were all males.

19 Q You used the term "babies."

20 A They're babies to me. These are babies.

21 Q And they're shook. They were ---

22 A They were. They were scared.

23 THE COURT: Only one person talk at a time just for
24 our court reporter.

25 MR. PRINGLE: I'm sorry.

1 BY MR. PRINGLE:

2 Q They were scared kids.

3 A Correct.

4 Q And you said that one of them had a bleeding of the
5 finger, is what you said?

6 A I believe it was on the knuckles.

7 Q On the knuckles. Okay.

8 A Uh-huh.

9 Q And you helped that kid out.

10 A Correct.

11 Q All right. Now, you said this happened really fast,
12 and by your own words, it was very chaotic.

13 A It was.

14 Q And you've never actually like closely inspected each
15 and every one of those boys, did you?

16 A No.

17 Q No. I mean, you didn't do like some kind of quick
18 scan of, you know, their medical condition, body scan,
19 nothing of the like. It just didn't happen, did it?

20 A The one that I noticed bleeding, I was at this
21 point examining him. I wanted to make sure no one was
22 hurt.

23 Q Right. And you didn't closely examine any of the
24 other boys like that one.

25 A No.

1 Q Okay. So it is possible that one or more of the
2 other boys might have had a cut or some bleeding or maybe
3 some kind of minor scrapes. You wouldn't have known,
4 would you?

5 A Is it possible that I came out because I didn't see
6 it.

7 Q Right.

8 A No. I wouldn't have known if it was because I didn't
9 see it.

10 Q Right. And certainly, all you can say is that you
11 didn't notice it and nobody actually asked you to help
12 them out.

13 A Correct.

14 MR. PRINGLE: Okay. Let's put this back up again,
15 please, real quick.

16 BY MR. PRINGLE:

17 Q All right. We've seen this an awful lot. And you
18 recognize this, right?

19 A My trash can. Uh-huh.

20 Q And although you didn't necessarily recognize what
21 the State says is that swab, do you recognize some of the
22 other, for lack of a better term, trash that's in that
23 can?

24 A Yeah. The Dial soap box, tissue roles.

25 Q Okay. To your knowledge, did any of that stuff come

1 from the boy that you helped?

2 A No. They didn't put anything in my trash can.

3 Q How many people do you live with?

4 A Me and my son.

5 Q At that time, was it ---

6 A Well, my sister lived there. Was she there? I think
7 she was there. She was asleep the whole time, yeah.

8 Q Okay. You know, the prosecutor a few times used the
9 word "they." For example, did they use the phone?

10 A No. They did not use the phone.

11 Q Okay. And when we say "they," of course, there were
12 four or five boys there, right?

13 A Uh-huh.

14 Q They didn't all act as one.

15 A Correct.

16 Q There's four or five different kids there. So it's
17 really not fair to say they did anything, is it?

18 A I agree.

19 Q Do you have any idea why they picked your house?

20 A No. I have that same question because I'm the only
21 African-American on my street and everybody else is old.
22 So I wonder what made them choose my door.

23 MR. PRINGLE: Just luck of the draw. Lucky for them,
24 though.

25 You know, I don't have anything further. Thank you.

1 THE COURT: Cross-examination on behalf of Mr. Hill?

2 CROSS EXAMINATION

3 BY MR. WARDER:

4 Q As I understand it, there was one car that came and
5 picked them all up and they all left together.

6 A Correct.

7 Q When you followed them out, did you see anything
8 unusual in the community? Were there other people or cars
9 or people ---

10 A No. Quiet street. Dead and.

11 Q And it was still really a quiet street when they were
12 picked up.

13 A Correct.

14 MR. WARDER: Thank you very much.

15 THE COURT: Any redirect?

16 REDIRECT EXAMINATION

17 BY MR. RICHARDSON:

18 Q And, ma'am, those boys that were in your house, had
19 those boys ever been to your house before?

20 A No.

21 Q Have they been to your house since?

22 A No.

23 Q The only time they were there was the night that I
24 showed you that trash can and that blood was in that trash
25 can; is that correct?

1 MR. PRINGLE: Objection. She already said she
2 couldn't identify that, let alone blood.

3 THE COURT: I don't believe that was what the
4 question was.

5 THE WITNESS: I'm sorry. What was the question?
6 BY MR. RICHARDSON:

7 Q The question was, is that none of those boys you saw
8 that night were in your house before that night, yes or
9 no?

10 A No.

11 Q And none of those boys that you saw that night that
12 were in your house that night were in your house after
13 that night.

14 A No.

15 Q The only time those boys were in your house was that
16 night.

17 A Correct.

18 MR. RICHARDSON: Thank you.

19 THE COURT: All right. Thank you. You may step
20 down.

21 All right. Is this a good time to break for lunch?
22 Mr. Richardson, break for lunch?

23 MR. RICHARDSON: Yes.

24 THE COURT: All right. Ladies and gentlemen, we're
25 going to break for lunch. Give you until about 2:20.

1 That gives you little over an hour, hour and ten,
2 15 minutes. Is that good for everybody? All right.
3 2:20.

4 Don't discuss the case. You're going to be tired of
5 hearing this from me. Don't do any type of research about
6 the case. Do not pay any attention to media coverage
7 including social media or Internet, anything like that.
8 And finally, if anybody contacts you other than somebody
9 from the clerk's office, please let the bailiffs know.
10 Otherwise, you have a good lunch and we'll see back at
11 2:20.

12 (WHEREUPON, the jury exits the courtroom at 1:04 PM.)

13 THE COURT: All right. Anything else from the State?

14 MR. RICHARDSON: Not at this time.

15 THE COURT: On behalf of Brown?

16 MR. CANTRELL: Nothing, Your Honor.

17 THE COURT: On behalf of Mosley?

18 MR. PRINGLE: I'm sorry?

19 THE COURT: Anything on behalf of the defendants
20 before we break for lunch?

21 MR. PRINGLE: No, Your Honor.

22 THE COURT: All right. Be back in here at 2:20.

23 (WHEREUPON, a recess is taken at 1:05 PM.)

24 THE COURT: All right. Is the State ready?

25 MS. McCALL: We are, Your Honor.

1 THE COURT: Are the defendants ready? If anybody has
2 issues, just stand up and holler.

3 All right. Bring the jury in.

4 (WHEREUPON, the jury entered the courtroom at 2:31 PM.)

5 THE COURT: All right. Ladies and gentlemen, hope
6 everybody had a good lunch.

7 As you will recall, the case is still on their case
8 in chief.

9 And, Mr. Richardson, you can call your next witness.
10 Or Ms. McCall.

11 MS. McCALL: Thank you, Judge. The State calls
12 Captain Jackie Kellett to the stand.

13 THE CLERK: Please place your left hand on the Bible
14 and raise your right hand.

15 WHEREUPON,

16 JACKIE KELLETT

17 After having been duly sworn, testified as follows:

18 THE CLERK: Thank you. Please take a seat and state
19 your name for the record.

20 THE WITNESS: Jackie F. Kellett, and the spelling of
21 the last name is K-E-L-L-E-T-T.

22 DIRECT EXAMINATION

23 BY MS. McCALL:

24 Q Good afternoon, Captain Kellett.

25 A Hi.

1 Q Where are you currently employed?

2 A I'm employed by the Greenville County Department of
3 Public Safety Forensic Division.

4 Q And how long have you been employed by Greenville
5 County?

6 A For the last 42 years.

7 Q What is your current position?

8 A I am the captain and manager of the Forensic
9 Division. I manage the latent print section, the drug
10 laboratory, the DNA laboratory, Property and Evidence and
11 the crime scene section.

12 Q That's quite a list. I imagine over the course of
13 42 years, you've probably worked in a number of areas; is
14 that correct?

15 A Yes. I began my career in Greenville County as a
16 crime scene technician, so I would go out and process the
17 crime scenes for law enforcement agencies throughout the
18 county. And then in 1991 I had the opportunity to move to
19 the latent print section to begin fingerprint work as an
20 examiner. So I've been in that position ever since. And
21 in 2001 I was promoted to captain of the entire Forensic
22 Division.

23 Q What education or specialized training do you have
24 that's prepared you for your current role?

25 A Well, I am a Class I certified law enforcement

1 officer. Have been for the last 46 years. And I have an
2 associates degree in criminal justice from Greenville
3 Technical College. I've had 40 hours of training in basic
4 fingerprint classification. I've had 80 hours of training
5 in advanced -- administrative advanced fingerprint
6 training. I've spent three weeks at the FBI Academy in
7 Quantico, Virginia, in latent fingerprint training. And
8 I've completed an 80-hour course called card pack. And
9 that's the combined advanced ridgeology, demystifying palm
10 prints and comparison techniques. I've also attended
11 throughout my career and time as a latent print examiner
12 various conferences, seminars, webinars dealing with
13 latent print comparison.

14 And then every year, as a latent print examiner, you
15 are required to participate in latent print proficiency
16 testing through Collaborative Testing Services. And this
17 is a company that we use at the Forensic Division that
18 sends out a latent print comparison test once a year and
19 we are required to do that as part of our testing
20 procedure.

21 Q So it's safe to say that you passed the most recent
22 year's testing, correct?

23 A Yes, I have.

24 Q Approximately how many fingerprint comparisons have
25 you conducted over the course of your career?

1 A Probably well over a million comparisons, easily.

2 Q And throughout your career, have you ever been
3 qualified as a latent print analyst?

4 A Yes. As a latent print comparison expert, and I've
5 testified as such probably 100 to 150 times.

6 MS. McCALL: Your Honor, at this time, the State
7 offers Captain Jackie Kellett to the Court to be declared
8 an expert in the field of latent print examination.

9 THE COURT: All right. Any objection or voir dire
10 from Brown?

11 MR. CANTRELL: None at all, Your Honor.

12 THE COURT: All right. Any objection or voir dire
13 from Mosley?

14 MR. PRINGLE: No, Your Honor.

15 THE COURT: And from Hill?

16 MR. WARDER: No, sir.

17 THE COURT: All right. What was the category again?

18 MS. McCALL: Latent print.

19 THE COURT: Latent Print.

20 All right. Ladies and gentlemen, normally, a person,
21 a witness can only testify to what they observed directly
22 and cannot give their opinions or conclusions about
23 things. The exception to that is when someone has been
24 qualified as an expert and then they can testify about
25 their conclusions and opinions based on their education

1 and their experience and their training. And in this
2 field, Ms. Kellett has been qualified as an expert in
3 latent print. And like all evidence, you're to give it
4 the weight and the value which you feel is appropriate.

5 You may proceed.

6 MS. McCALL: Thank you, Judge.

7 BY MS. McCALL:

8 Q Captain Kellett, what is a latent print?

9 A The word "latent" means hidden. So normally, you
10 can't see a latent print on something unless you use
11 either powders or chemicals to enhance that print and make
12 it visible to the human eye.

13 Q So how are latent prints developed?

14 A Normally, when we go on a crime scene, when you're
15 processing an item of evidence, the normal procedure is to
16 use a fingerprint powder. And that fingerprint powder
17 will adhere. When you touch something with your hands,
18 you leave an impression behind much like a child does a
19 tattoo stamp. You touch the ink and then touch something,
20 you've left that impression behind. So we use a
21 fingerprint powder or chemical to enhance that print. And
22 the powder or the chemical will adhere to the oils left
23 behind on your fingers when you touch something. So it
24 will make an outline, an impression, and you'll be able to
25 see the fingerprint.

1 Q What is an ink print?

2 A An ink print is a print that we've taken from an
3 individual. We know who that person is. We've identified
4 that individual. And you take all ten fingers, roll them
5 either in ink or on a live scan inkless fingerprinting
6 system. You roll them on a fingerprint card, right hand
7 on top, left hand on bottom. You have all ten prints.
8 You know that they came from that particular person. And
9 that is what we call our inked impressions or known
10 impressions of a fingerprint card.

11 Q How are fingerprints compared and identified?

12 A When we get a latent print or latent prints, the
13 first thing you want to do is see if you can determine
14 what pattern type that that person might have.

15 Now, there's approximately 35 percent of the
16 population have whirl -- loop pattern types and whirls and
17 arches. Arches are 5 percent of the population. Whirls
18 are 35 and loops are 65.

19 Whirls are the bull's-eye looking patterns that you
20 see. If you think of a bull's-eye or a target, that's the
21 way that a whirl looks. An arch is simply the ridges
22 coming from one side of the finger and just slightly rise
23 and go out the other. And then loops do just that. They
24 come in one side and loop back out and go out the other.

25 So the first thing you want to do, take that latent

1 print, see if you can determine what pattern type you had.
2 Is it a loop? Is it a whirl? Is it an arch? Then once
3 you've done that, you're taking your known prints, your
4 known inkprints that you have from an individual, and
5 you're looking to see if they have a similar pattern type.
6 Say my latent is a loop. Do my known prints, are any of
7 those loops? So then you just begin looking in that
8 manner and finding the points of identification.

9 Once I find that I have a whirl pattern type or a
10 loop, I'm going to find the points that they're exactly
11 the same in my known impression versus my latent print
12 impression. And I'm going to compare that throughout the
13 entire latent print. Once that I've confirmed that
14 there's no dissimilarities in that latent print, then you
15 can effect an identification and identify it to a
16 particular person.

17 Q Do you use any type of equipment to identify
18 fingerprints?

19 A Just a plain old simple -- we call it a Henry glass,
20 but it's a magnifier to make it easier because it's rough
21 on your eyes.

22 Q So this science has been around for quite a while.

23 A Yes, it has.

24 Q Can two people have the same fingerprints?

25 A No. No two people have the same prints. They're

1 individualized to each and every person.

2 Q So even twins could not have the same fingerprints.

3 A Identical twins do not have the same prints.

4 Q Let's talk about this specific case, Captain Kellett.
5 Did you have an occasion to examine any latent prints in
6 this case?

7 A I did.

8 Q Okay. And who provided these prints to you or
9 requested that they be examined?

10 A Well, when our crime scene technicians go out to a
11 scene and they develop latent prints, they take the
12 latents that they've developed, put them in an envelope,
13 put the pertinent information on that. We have a barcode
14 system that that latent print envelope is barcoded and
15 then it's placed in a locked dropbox at the crime scene
16 section. No one has access to that dropbox other than the
17 four latent print examiners that work in the latent print
18 section.

19 Every morning a latent examiner goes over to the
20 crime scene section which is located at the campus of
21 Greenville Technical College. We unlock the box, get the
22 latent prints out, barcode them into our custody and then
23 transport them back to the latent print section.

24 On this occasion, forensic evidence technician
25 Kimberly Libus responded to this scene. She developed

1 latents on this case, filled out the information and put
2 the latents in the dropbox. And then a now retired
3 fingerprint examiner, Bill Cromer, he's the one that
4 picked those latents up that morning and transported them
5 back to the latent print section.

6 Q So you mentioned Kimberly Libus. We heard from her
7 earlier. And she testified that she developed latent
8 prints to be examined. Did you review multiple latent
9 prints in this case?

10 A Yes, I did.

11 Q Okay. And I'm going to show you one in particular,
12 and then we'll talk about the rest as well. But I'm going
13 to show you State's Exhibit 14 which has been entered into
14 evidence. Do you recognize that?

15 A Yes, I do.

16 Q And is this one of the latent prints that was
17 provided to you to review in this case?

18 A Yes, it is. It has my initials, JK, and then the
19 date on it. And that's my signature on the front of the
20 latent print envelope, initials.

21 Q So I know you've already gone through the general
22 process of what happens when you identify a latent print,
23 but can you tell the jury specifically in this case where
24 this latent print came from as far as where the print was
25 located on scene and what you did from there to match it

1 if you were able to?

2 A The back of the latent print card is filled out. And
3 it says that this latent was developed on the exterior of
4 a rear driver door of a 2015 Chrysler 200. And then it as
5 the VIN number of the vehicle on there.

6 Once I had these latents, I sit here and determine
7 which ones are comparable, which aren't comparable. Do I
8 have palm prints? Do I have loops, whirls and arches?
9 What type of pattern do I have?

10 In this case, this was a whirl pattern type, which
11 remember I told you looks like the bull's-eye looking
12 pattern. So I took this latent print, I took my known
13 print which was provided to me, my known fingerprint card
14 of an individual. I saw that they had a similar pattern
15 type, a whirl pattern type in their left ring finger,
16 Number 4 left ring finger. And I began to pick out
17 specific points of identification in both the latent print
18 and the known fingerprint card. I went through that
19 process step-by-step, verified that all the points of
20 identification in the latent were in the known ink print.
21 And I was able to identify this latent print.

22 Q And during your examination, who did you identify
23 that latent print to belong to?

24 A This is the Number 4, which is right ring finger, of
25 Braelon Jasper Brown.

1 Q So during your examination, you determined that the
2 print that was taken from the right rear door of the
3 victim's vehicle, that that fingerprint matched Braelon
4 Brown?

5 A That's correct.

6 Q When you do these types of analysis, are they
7 peer-reviewed by anyone?

8 A Yes. We always have a second latent print examiner
9 verify the results. They in turn repeat the same process
10 that I did. They take the latent print card, look at the
11 known inked prints that we have of the person we're
12 comparing it to, and they conduct their own fingerprint
13 comparison method. They confirm what I have done. And
14 then a report is issued and sent out to the investigating
15 officer. In this case, it was John Garrett.

16 Q Thank you.

17 And I think we briefly touched on it earlier, but
18 were you provided multiple latent print cards in this
19 case?

20 A Yes. This envelope alone had 24 latents in the
21 envelope.

22 Q And Ms. Libus explained this a little bit to us this
23 morning, but can you tell the jury just because you have a
24 latent print, does that mean that it's definitely going to
25 be matched to another individual? Or what could be some

1 complications with not being able to match?

2 A No. It's quite common that we don't match a lot of
3 the latents that are lifted. There's a variety of factors
4 that could interfere with that or become involved with
5 that.

6 Just because a person touches something doesn't mean
7 that they're going to leave a latent print. A lot of it
8 depends upon the amount of oil that you have on your
9 fingers. Some people are sweatier than others. It
10 depends upon the weather conditions. Was this object
11 outside? Was it inside? Was it raining? Was it cold?
12 Was it hot? How dirty were your fingers? How dirty was
13 that object that you touched? So a lot of these variables
14 come in. And you may get a lot of latent prints, bits and
15 pieces of different things, cars, doors, whatever, and you
16 just may not be able to match all of them. It could be
17 anyone. In this case, I was not able to identify the
18 remaining 23 latents in this case.

19 Q I think you mentioned weather could cause an issue,
20 possibly. If let's say that an item was outside and it
21 was very cold and there was frost on an item, could that
22 interfere with a forensic technician being able to obtain
23 a latent print?

24 A Definitely. The colder the weather, the harder it is
25 to get a good latent print. You don't have the oils on

1 the hand. You touch something that's cold, it's just not
2 going to stay on there. So it's very difficult a lot of
3 times when you have cold conditions, wet conditions,
4 frozen conditions to get a good latent print off
5 something.

6 MS. McCALL: Captain Kellett, I don't have anything
7 further. Please answer anything the defense has.

8 THE COURT: Cross-examination on behalf of Brown?

9 MR. CANTRELL: Thank you.

10 CROSS EXAMINATION

11 BY MR. CANTRELL:

12 Q Captain Kellett, just briefly, your analysis will
13 tell you -- when possible, identify a fingerprint or
14 connect it with an individual. That's correct?

15 A Yes.

16 Q It will not tell you anything about the circumstances
17 or even the time that that fingerprint was left at the
18 scene or on the item.

19 A That's correct.

20 MR. CANTRELL: That's all I have. Thank you.

21 THE COURT: Cross-examination on behalf of Mosley?

22 MR. PRINGLE: Thank you.

23 CROSS EXAMINATION

24 BY MR. PRINGLE:

25 Q Captain, you said there were 24 latent prints in that

1 envelope.

2 A Correct.

3 Q And you got the one positive ID from the right ring
4 finger.

5 A Ring finger.

6 Q Okay. Were those other latent prints compared to
7 prints from any of the other defendants in this case?

8 A They were.

9 Q And there was no match then, obviously?

10 A There was not.

11 MR. PRINGLE: Okay. Thank you.

12 THE COURT: All right. On behalf of Hill?

13 CROSS EXAMINATION

14 BY MR. WARDER:

15 Q Are there some things you just can't get latent
16 prints off of?

17 A Sure.

18 Q Can you get latent prints off of a cartridge case?

19 A You can. It just depends. Each cartridge casing is
20 going to be individualized. It just depends on what you
21 can get. You know, you're limited to your surface area as
22 well, and then how the person touched it. It's so many
23 variables.

24 Q Well, if I was to load a cartridge into a revolver,
25 for example, and then shoot that revolver, would the

1 explosion of that cartridge make so much heat you couldn't
2 find a latent print?

3 A It's possible. It's also possible to get one. It
4 just depends.

5 Q Well, would the firing of the gun itself destroy the
6 latent print?

7 A It could.

8 Q And why is that?

9 A Because of the amount of heat that comes out of it.
10 Latents are very fragile.

11 Q And latent prints are just what's left from the
12 grooves and ridges on our fingers.

13 A Correct.

14 Q Okay. Are there people that don't have grooves and
15 ridges because of their work, for example?

16 A You're always going to have ridge structure on your
17 fingers. That's not going to go away unless you
18 deliberately try to -- people have tried to disfigure
19 their fingers to hide their fingerprints. People have
20 tried -- have put their fingers in acid. You've had
21 injuries that happened. As you get older, your prints
22 will look bad. People that work with a lot of
23 construction work. I have found that school teachers
24 leave terrible prints because the amount of paper that
25 they handle, they're constantly, constantly rubbing those

THE CLERK: Thank you. Please take a seat and state your name for the record.

1 THE WITNESS: Hannah Burbage.

2 DIRECT EXAMINATION

3 BY MS. McCALL:

4 Q Good afternoon, Ms. Burbage. Where do you work?

5 A At the Greenville County Department of Public Safety
6 in the forensic DNA lab.

7 Q And how long have you been with the Department of
8 Public Safety?

9 A About three and a half years.

10 Q What is your current position there?

11 A I am currently a DNA analyst.

12 Q Have you ever had any other positions within the lab?

13 A Yes. I also perform serology for them.

14 Q In 2019, the end of 2019/beginning of 2020, were you
15 employed there at that time?

16 A The end of 2020, yes.

17 Q Okay. And what position were you in at that time?

18 A As serologist.

19 Q What are the general duties of a serologist?

20 A Let me just kind of give an example of what serology
21 is. It's basically examining items for suspected body
22 fluids such as blood, semen and saliva. So as a
23 serologist, I'm going to be examining items of evidence
24 for suspected body fluids and then taking samples or
25 cuttings and sending those forward for DNA analysis.

1 Q What educational background has prepared you for this
2 job?

3 A I have a bachelors in forensic science from Western
4 Carolina University.

5 Q And do you have any additional specialized training
6 or experience?

7 A Yes. So when I was hired, I began the DNA labs
8 in-house training program for serology. So I went through
9 an observation period of the current serologist seeing
10 what kind of casework, how to perform the different tests,
11 perform screening of evidence. All of our standard
12 operating procedures, manuals, I read through all of that.
13 And then I was given practice samples to start learning
14 how to perform tests. And then I was given mock cases
15 which mimicked real-life scenarios that I might encounter.
16 And once I passed those, I was given a competency test
17 which encompassed all areas of serology. And I also
18 performed in a mock court for training. Once I passed
19 both of those, I was deemed competent in the area of
20 serology.

21 Q Do you have any specific certifications as it relates
22 to serology?

23 A No, I do not.

24 Q Do you have to participate in continuing education or
25 ongoing training?

1 A As a DNA analyst, we are required to do about eight
2 hours of continuing education per year as well as two
3 proficiency tests which are basically tests from an
4 outside source that we use our techniques to stay
5 proficient in. And then that gets graded and saved and
6 all of that kind of stuff.

7 Q Approximately how many cases have you performed
8 serology on?

9 A For serology, almost 500 cases.

10 Q And you mentioned that you're also a DNA analyst.
11 Approximately how many cases have you analyzed for DNA?

12 A For DNA, about 20.

13 Q Have you previously been qualified as an expert in a
14 court of law?

15 A Yes.

16 Q How many times?

17 A Three.

18 MS. McCALL: Your Honor, at this time, the State
19 moves to admit Ms. Burbage as an expert in the field of
20 forensic serology.

21 THE COURT: All right. Any voir dire or objection
22 from Defendant Brown?

23 MR. CANTRELL: None, Your Honor.

24 THE COURT: And from Defendant Mosley?

25 MR. PRINGLE: No, Your Honor.

1 THE COURT: Defendant Hill?

2 MR. WARDER: No, Your Honor.

3 THE COURT: All right. In forensic -- I'm sorry.
4 the qualification?

5 MS. McCALL: Forensic serology.

6 THE COURT: Okay. That's what I thought.

7 All right. Ladies and gentlemen, as I told you
8 before, an expert is allowed to testify about their
9 opinions and conclusions based on their education, their
10 experience and training, and you are to give it the weight
11 and value which you feel is appropriate.

12 You may proceed.

13 MS. McCALL: Thank you, Judge.

14 BY MS. McCALL:

15 Q Ms. Burbage, do you know if the Greenville County lab
16 that you work at has any certifications or accreditations?

17 A Yes. We are accredited.

18 Q And what does that mean for a lab to be accredited?

19 A Basically, we have standards and protocols put in
20 place by accrediting bodies that we have to follow and
21 meet, and then we get audited every year to make sure that
22 we are following and meeting those standards and
23 requirements.

24 Q And between the years of 2019 and to the current
25 date, do you know if the lab was in good standing with

1 those certifications?

2 A Yes, it was.

3 Q Is your particular lab, is it a secure facility?

4 A Yes, it is.

5 Q Who has access to the lab?

6 A Only the analysts.

7 Q And how many analysts currently work at the lab?

8 A We currently have six.

9 Q Before you review any item for serology, what is the
10 protocol for receiving those items into your lab?

11 A So we have a storage facility called Property and
12 Evidence where they store all of the evidence collected.
13 And I will send a request to them for what evidence I need
14 to process. I will go to that location. They will check
15 out the evidence to me, and I will return to the lab and
16 store the evidence at the lab until I process it.

17 Q So all of the evidence stays secure throughout the
18 time that you have it; is that correct?

19 A Yes.

20 Q We'll get into this maybe a little bit more in
21 detail, but how do you prevent contamination of any of
22 these samples that you may be analyzing?

23 A So we are required to wear personal protective
24 equipment, PPE. So I wear a lab coat, face mask, gloves.
25 I change my gloves frequently. We clean down our surface

1 that we'll be working on with 10 percent bleach. We clean
2 all of our instruments. And then we only process one item
3 of evidence at a time, and then it gets sealed back up
4 before and everything gets cleaned before we process the
5 next item. And then we ensure that all evidence items are
6 processed first before any known references are processed.

7 Q You've already explained to the jury what serology
8 is. But can you tell us again in a little bit more detail
9 what your process is for reviewing these items and what
10 you're looking for?

11 A So generally, I will be able to review any
12 documentation provided such as incident reports and
13 anything that investigators might provide to get an idea
14 of the case scenario and then what evidence is requested.
15 And then once I kind of have an idea of am I looking for a
16 specific body fluid, am I processing it to find out who
17 wore the item or handled the item, then I'm able to start
18 processing. And I will open up the item, visually examine
19 it. If I need to perform any of our tests for suspected
20 body fluids, I'll perform those tests. And then if there
21 is a sample I'm moving forward with, I will take that
22 sample, and it will be placed into a tube which gets
23 labeled with its own barcode and chain of custody and then
24 it gets stored for the DNA analyst.

25 Q So let's talk specifically about this case. Did you

1 review any reports in preparation for your work on this
2 case?

3 A Yes. I would have reviewed the incident report.

4 Q So did you have a general understanding of what type
5 of case this was and what you might be looking for?

6 A Yes.

7 Q Did you prepare a report identifying your findings
8 after you conducted your research?

9 A Yes.

10 Q And so I'm just going to go through that report, and
11 I want to ask you about the items that you reviewed.

12 So it looks like there were six casings that you took
13 into your possession from this case; is that correct?

14 A Yes.

15 Q Okay. And what, if anything, did you do with those
16 casings?

17 A So for Item 1, which was a sealed package containing
18 cartridge casing headstamped WMA 18 collected from roadway
19 which was Case Item Number AR-3, I had swabbed it, but was
20 not taken forward for DNA analysis.

21 I did examine Item Number 2 and 3, but no analysis
22 was performed.

23 And then Item 4, a sealed package containing
24 cartridge casing headstamped PPU 9 millimeter Luger
25 collected from roadway which was Case Number AR-8, I took

1 swabs of the entire cartridge casing as Item 4-A. And
2 then the remaining cartridge casings, no analysis was
3 performed.

4 Q Okay. I would like for you to talk to us a little
5 bit about your process in doing that. What would be the
6 reasons that you performed an analysis but stopped there,
7 that you looked at the item but nothing was done after
8 that. What could be the reason for that?

9 A So for this particular reason, when I began to open
10 up the packaging for the initial cartridge casing, I
11 noticed that there were markings on the cartridge casing.
12 And so when I did some -- I reached out to the
13 investigator and found out that five of the cartridge
14 casings had already been processed by SLED, which is the
15 South Carolina Law Enforcement Division, for firearms
16 analysis. We are not allowed to process for DNA after
17 that's happened, so that's why I didn't move forward with
18 processing those items. But Item 1 had not been
19 processed, so that's why I moved forward with processing
20 that item.

21 Q And can you tell the jury why you would not process
22 that item after it's already been opened by SLED? What
23 could be the possible reasons for that?

24 A They have already been processed for another type of
25 analysis and where you just aren't able to process after

1 that for DNA.

2 Q So could that other analysis possibly interfere with
3 any DNA that could have been present on that casing?

4 Could that be a reason?

5 A It's possible.

6 Q Okay. The items that you -- the other casings that
7 you did not analyze, what was the reason for that?

8 A It would have been the same reason. They had already
9 been handled by SLED.

10 Q Let's move on to on your report Item Number 7. I'm
11 going to show you what's been entered as State's
12 Exhibit 13. Do you recognize this? And this white piece
13 was initially inside that envelope. It's just been taken
14 out.

15 A (Reviews exhibit) Yes.

16 Q And how do you recognize what that is?

17 A It has our lab number, item number, my initials and
18 date on both the exterior packaging and the interior
19 packaging.

20 Q Does that indicate that you have analyzed or reviewed
21 that piece of evidence?

22 A Yes.

23 Q Okay. And can you tell the jury what you did in
24 relation to that piece of evidence?

25 A So for Item 7, a sealed package containing cotton

1 pads with suspected blood from bathroom garbage can in
2 kitchen which was originally Case Item Number AR-22,
3 observation revealed two cotton pads with reddish-brown
4 staining present on both. A presumptive examination with
5 phenolphthalein tested positive for the presence of blood.
6 Cuttings from the reddish-brown stains on the cotton pads
7 were taken for DNA analysis as Item 7-A.

8 Q What did you do with the cuttings that you took from
9 this particular item?

10 A So the cuttings would have been placed inside a tube
11 which was then labeled with the lab number and item number
12 and then put inside another envelope that was then
13 barcoded, and the chain of custody was established in our
14 digital system. And then that would have been placed into
15 the freezer for the analyst.

16 Q So at that point, did that conclude your analysis of
17 -- your particular analysis of that cotton pad?

18 A Yes.

19 Q And so you determined that there was blood on it, and
20 that was sufficient to be transferred to the DNA analyst?

21 A The presumptive test for blood was positive, so
22 that's why I moved forward with taking a sample for the
23 DNA analyst.

24 Q What are known standards?

25 A Known standards are samples that are taken directly

1 from a person. Typically, we see that as a buccal swab
2 which is just swabs from the inside of your cheek. If the
3 person is deceased, the coroner or medical examiner will
4 take a blood spot from that person. And so it's known
5 because it's taken directly off of that person.

6 Q And you mentioned buccal swabs. Did you obtain any
7 buccal swabs in this case to be examined?

8 A Yes.

9 Q And whose buccal swabs did you obtain?

10 A Oh, I apologize. It was actually a blood spot.

11 Q Okay. And whose blood spot did you obtain?

12 A It was the blood spot from -- I apologize if I don't
13 pronounce this correctly -- Kerolos Mina Zaky, which was
14 Case Item Number JG-1.

15 Q And when you say "blood spot," what is a blood spot?

16 A The coroner or medical examiner will take blood from
17 the body. And it looks like a spot of blood on a card,
18 basically.

19 Q And did you take a sample of that blood spot to be
20 transferred for DNA analysis?

21 A Yes. It was taken as Item 10-A.

22 Q Did that conclude all of your involvement in this
23 case, Ms. Burbage?

24 A I did process fingernail clippings.

25 Q Okay. And were samples taken from that as well?

1 A Yes.

2 Q Were those transferred to the DNA analyst?

3 A Yes.

4 Q And did you do anything else in the case?

5 A No. That was it.

6 MS. McCALL: Thank you. I have no further questions.

7 Please answer anything the defense may have.

8 THE COURT: Cross-examination on behalf of

9 Mr. Brown?

10 MR. CANTRELL: Nothing, Your Honor.

11 THE COURT: Cross-examination on behalf of

12 Mr. Mosley?

13 CROSS EXAMINATION

14 BY MR. PRINGLE:

15 Q Is there any material specifically or substance that
16 you can think of that we can never get DNA from? Can you
17 think of anything out there?

18 A I'm not really certain. I -- you would have to try
19 everything.

20 Q I mean, is it fair to say you can get DNA off pretty
21 much everything, right? I mean, like right here, if I
22 just do this.

23 A Yes. It's possible. There could be DNA on that.

24 MR. PRINGLE: Okay. And may I approach the witness?

25 THE COURT: You may.

1 BY MR. PRINGLE:

2 Q So I just -- I just touched this and I set it down.
3 Could you pick it up, please.

4 A (Witness complies.)

5 Q Okay. Is it safe to say that both of our DNA could
6 be on that?

7 A It is possible.

8 Q Okay. Now, if I take this and you haven't touched it
9 and I do this, can DNA be transferred from one to the
10 other?

11 A It's possible.

12 Q Okay. And certainly, you can recover DNA off of
13 cloth, cotton swabs, things of that nature?

14 A It is possible, yes.

15 Q Okay. And, you know, in that example, that was just
16 you and I. Is there a limit to how many people's DNA
17 could be on something this size?

18 A I don't believe, no.

19 Q So if a thousand people handle this, there might be a
20 thousand different DNA samples.

21 A It's possible, yes.

22 Q Right. And just as we illustrated earlier, if I took
23 this one and it's got thousands of people's samples on it
24 and I do this, some number of those samples could very
25 likely end up on this one, correct?

1 A It's possible.

2 Q Probable, right?

3 A You would have to test it to know for sure, but it is
4 possible.

5 Q Definitely possible.

6 And is there any -- you know, we've heard the term
7 and the term has come up "contamination," "tainted,"
8 "cross-contamination." Do you use those words in this
9 context? I mean, do you use it -- you're an expert,
10 right? Are those terms that you use for DNA if it's been
11 compromised?

12 A Yes.

13 Q Cross-contaminated, contaminated, tainted. To your
14 knowledge and in your expert opinion, once there's been
15 such contamination, tainted, cross-contact, is there any
16 way to fix that, to cure that, to untaint that sample?

17 A Can you repeat the question?

18 Q Okay. Under the assumption that we have a tainted
19 sample and it comes to your custody and you're going to do
20 what you do, and in your expert opinion, regardless of
21 what steps are taken after a sample is collected, if it's
22 tainted, is there any way to fix that?

23 A I'm not sure. We can't fix. We would just be
24 testing what's there.

25 Q Okay.

1 A If there was DNA present, that's what will show up.
2 We can't place a timeline, timeframe on when DNA is put
3 somewhere.

4 Q Right. Okay. There's just no way to know, right?

5 A Yes. We don't know when it was put there.

6 Q And you said you just tested the one blood drop; is
7 that correct?

8 A The cotton -- the cotton pads had reddish-brown
9 staining on them, and so I tested the reddish-brown
10 staining that was present on the cotton.

11 Q Okay. But you didn't have anything to do with the
12 ultimate conclusions or the results. You just did the
13 actual test.

14 A Yes. I did not perform the DNA analysis on that
15 sample.

16 MR. PRINGLE: Nothing further. Thank you.

17 THE COURT: On behalf of Mr. Hill?

18 MR. WARDER: We have no questions.

19 THE COURT: All right. Any redirect?

20 MS. McCALL: None, Your Honor.

21 THE COURT: All right. Thank you. You may step
22 down.

23 THE WITNESS: Thank you.

24 MS. McCALL: Your Honor, at this time, the State
25 calls Timothy Nafziger.

1 THE CLERK: Please place your left hand on the Bible
2 and raise your right hand.

3 WHEREUPON,

4 TIMOTHY NAFZIGER

5 After having been duly sworn, testified as follows:

6 THE CLERK: Thank you. Please take a seat. And
7 state your name for the record.

8 THE WITNESS: Timothy Nafziger, Jr.

9 DIRECT EXAMINATION

10 BY MS. McCALL:

11 Q Mr. Nafziger, where are you currently employed?

12 A I work for the Greenville County Department of Public
13 Safety Forensic Division in the DNA laboratory.

14 Q Is that the same laboratory that Ms. Hannah Burbage
15 works at?

16 A Yes, it is.

17 Q And what's your current position there?

18 A I'm the DNA technical leader.

19 Q How long have you been employed at the lab?

20 A Almost 11 years.

21 Q And has your position always been as a DNA analyst?

22 A No, it hasn't.

23 Q What did it start as?

24 A Started as a serologist, and then I eventually
25 trained to become a DNA analyst, and about a year ago I

1 became the DNA technical leader.

2 Q What is your educational background that's prepared
3 you for that career?

4 A I have a bachelors degree in biological sciences from
5 Clemson University and a master's degree in entomology
6 from Auburn University.

7 Q Do you have any specialized training as it relates to
8 serology or DNA?

9 A Yes. I was trained in the lab. That consisted of
10 doing mock samples, mock cases, a written -- a written
11 test, an oral mock trial to practice testimony. And I
12 also do proficiency tests twice a year where we get an
13 outside provider that sends us samples that we run like a
14 regular case.

15 Q Approximately how many samples have you conducted DNA
16 analysis on?

17 A I've worked over 300 cases in DNA analysis. I don't
18 know how many samples.

19 Q And is it safe to say in those cases you generally
20 analyze more than one sample?

21 A Yes.

22 Q Have you previously been qualified as an expert in a
23 court of law?

24 A Yes, I have.

25 Q How many times?

1 A 23 times total, three times in DNA analysis.

2 MS. McCALL: Your Honor, at this time, the State
3 offers Mr. Nafziger as an expert in the field of DNA.

4 THE COURT: All right. Any objection or voir dire on
5 behalf of Mr. Brown?

6 MR. CANTRELL: None, Your Honor.

7 MR. PRINGLE: No, Your Honor.

8 THE COURT: On behalf of Mosley? Okay. And Hill?

9 MR. WARDER: No, Your Honor.

10 THE COURT: All right. He's in without objection.

11 So ladies and gentlemen, my rule about experts, they
12 can testify about their opinions and conclusions in their
13 field of expertise, which is DNA for this individual, and
14 you give it the weight and value you feel it needs.

15 MS. McCALL: Thank you, Judge.

16 BY MS. McCALL:

17 Q Mr. Nafziger, I think we all kind of know what DNA is
18 generally, but can you give the jury a more scientific
19 definition, an explanation of what DNA is?

20 A DNA stands for deoxyribonucleic acid. It's basically
21 the blueprint of life. You get half from your mother,
22 half from your father. And it's unique to each person
23 except for identical siblings.

24 Q And I think I asked you this specific question about
25 identical siblings because I have them. And so identical

1 siblings, they have the exact same DNA; is that right?

2 A That's right.

3 Q What are the different types of DNA? Are there
4 different types?

5 A There is autosomal DNA which is the type of DNA that
6 we typically deal with in at least our lab which is unique
7 to each person, but half from your mother, half from your
8 father. You also have mitochondrial DNA which is -- it is
9 inherited along the maternal line so it's the same as your
10 mother. And there's also the -- we will sometimes
11 separate out like sex chromosomes so like looking for an X
12 or a Y, the X and Y chromosomes.

13 Q So is that the difference between male and female
14 DNA?

15 A That's right.

16 Q What types of uses does DNA analysis have? What
17 types of cases or reasons would you analyze DNA?

18 A Typically, we're looking to see if DNA is found
19 somewhere where it would not be expected. So we're
20 looking for to just find DNA at a crime scene that we can
21 then compare to a known sample from an individual.

22 Q And Ms. Burbage testified to this, but is your lab
23 certified specifically as it relates to DNA for testing?

24 A Yes, we are.

25 Q In your analysis of the case that you're here about

1 today, did you review any reports in preparation for your
2 analysis?

3 A Yes, I did.

4 Q Okay. And what is the reason for reviewing reports?

5 A We have to understand some of the details of a case
6 in order to understand how to best process evidence, to
7 answer whatever questions are needed to be answered about
8 the case.

9 Q And as Ms. Burbage testified to serology, I want to
10 be clear for the jury. Is serology kind of the first step
11 in the process of DNA analysis and then it comes to you?

12 A That's right. So serology is more the screening of
13 the evidence, and the serologist will then have -- produce
14 samples that then the DNA analyst will take and do the
15 procedures we need to do to create a -- to find a DNA
16 profile.

17 Q In your analysis for DNA, did you prepare reports
18 with your findings?

19 A Yes, I did.

20 Q And I'm going to just refer to them and kind of go
21 down as we did with Ms. Burbage. But in your evaluation
22 of this case, did you obtain the serology samples that
23 Ms. Burbage prepared for you?

24 A Yes, I did.

25 Q Okay. And before you obtained them, were they secure

1 in your facility?

2 A Yes, they were.

3 Q And the first item that you list on your report is
4 Item 4-A, and it's a cartridge casing. Did you review
5 that cartridge casing for DNA?

6 A Yes, I did.

7 Q And what were your results of that?

8 A 4-A had no DNA detected.

9 Q And is that common or a possibility that serology may
10 identify something there but there's still no DNA that can
11 be derived from that?

12 A That's right.

13 Q And why is that?

14 A You can't see DNA so the serologist does the best she
15 can to collect -- to see if she can collect something.
16 But ultimately, until I or another analyst are able to run
17 the DNA procedures, we won't know for sure if there's
18 actually DNA present in the sample.

19 Q The second item that you reviewed in your report was
20 a cotton swab -- or a cotton pad. I'm sorry. And I'm
21 going to show you what's been marked and entered as
22 State's Exhibit 13. Do you recognize that?

23 A (Reviews exhibit) I never personally handled these.

24 Q Okay. And explain to the jury the reason for that.
25 Because Ms. Burbage testified that she did handle them.

1 But why would you not handle the actual cotton pad or the
2 piece of evidence?

3 A So she would have done the up-front screening of the
4 sample. So what I end up getting is a little small tube
5 that she seals into a paper envelope that I then will take
6 and do my procedures on. The original items get returned
7 to Property and Evidence and I don't see the original
8 items.

9 Q Okay. Did you receive a sample of the serology
10 obtained from the cotton swab or the cotton pad?

11 A Yes, I did.

12 Q Okay. And did you analyze that for DNA?

13 A Yes, I did.

14 Q Did you analyze it with known samples?

15 A I did.

16 Q Okay. And what are known samples? What does that
17 mean?

18 A So a known sample is just a DNA sample that's taken
19 directly from a person. The only way we can know who DNA
20 came from is if we have a known sample from that person to
21 compare it to.

22 Q And in this particular case, who were your known
23 samples that you were comparing this item to?

24 A On my first report, I had Item 10-A which was sample
25 of blood spot from Kerolos Mina Zaky. And later I did a

1 second report because we had an additional reference that
2 was a buccal swab from Mosley, David Christopher Bernard.

3 Q And when you -- I want to talk specifically about
4 your results. So you have the sample from Ms. Burbage,
5 the serology sample of blood; is that correct?

6 A Yes.

7 Q That you're analyzing. And then you have these known
8 samples; is that correct?

9 A Yes.

10 Q What could you determine as far as DNA with the
11 sample? Was there any DNA present?

12 A There was DNA present on both known samples.

13 Q Okay. And was there DNA present on the cotton pad?

14 A Yes. There was on the cotton pad as well.

15 Q Okay. And was there one person's DNA present? more
16 than one person's DNA present?

17 A So the DNA -- so Item 7-A is cuttings from
18 reddish-brown stains on cotton pads from bathroom garbage
19 can in kitchen. And my results were the DNA obtained from
20 Item 7-A contained the DNA profiles of a major male
21 individual, a minor male individual and a trace
22 contributor.

23 Q And who was the minor male individual's DNA on that
24 cotton pad?

25 A So a match between the minor DNA result of Item 7-A

1 and the DNA of Kerolos Mina Zaky is approximately
2 221 quintillion times more likely than a coincidental
3 match to a random unrelated individual.

4 Q So that cotton pad had the DNA of Mr. Kerolos Zaky on
5 it as you testified to a ---

6 A With the stats, yes.

7 Q So what is that number? Obviously, that's a huge
8 number. What -- to the layperson's mind, what does that
9 mean?

10 A A quintillion is -- 1 quintillion is a 1 followed by
11 15 zeros.

12 Q And you stated that was the minor contributor on the
13 cotton pad; is that correct?

14 A That's correct.

15 Q What is the difference between a major and a minor
16 contributor?

17 A So a major contributor is simply the person in a
18 mixture that has more DNA present and the minor
19 contributor is a person who has less DNA present.

20 Q So the minor contributor was our victim Kerolos Zaky.
21 Who was the major contributor on that cotton pad?

22 A So a match between the major DNA result of Item 7-A
23 and the DNA of David Christopher Bernard Mosley is
24 approximately 113 septillion times more likely than a
25 coincidental match to a random unrelated individual.

1 Q And how many zeros would come after a 1 in that?

2 A So 1 septillion is a 1 followed by 24 zeros.

3 Q Did you also review fingernail clippings obtained
4 from the victim in this case, Kerolos Zaky?

5 A Yes, I did.

6 Q And what did your results determine?

7 A The DNA obtained from Items 8-A and 9-A contain the
8 DNA profiles of a major male individual and a minor
9 contributor. Kerolos Mina Zaky is assumed to be the major
10 contributor based on this being an intimate sample. Due
11 to limited data for the minor contributor, there is no
12 statistical support for a match between Items 8-A and 9-A
13 and David Christopher Bernard Mosley. Therefore, no
14 conclusive determinations can be made for this individual.

15 Q So what does that mean? Does that just mean that you
16 could not determine that Mr. Mosley's DNA was present on
17 Mr. Zaky's fingernail clippings?

18 A That's right. I couldn't determine whether he was or
19 was not there.

20 Q Okay. So you couldn't say it was him, but you
21 couldn't rule him out based on the fingernail clippings,
22 correct?

23 A That's correct.

24 Q But to confirm, your results of the cotton pad showed
25 the DNA of Mr. Mosley and the victim, Mr. Zaky; is that

1 correct?

2 A Yes. There were positive match statistics to both of
3 these individuals.

4 MS. McCALL: Thank you. I have no further questions,
5 Mr. Nafziger.

6 THE COURT: All right. Cross-examination on behalf
7 of Mr. Brown?

8 MR. CANTRELL: None, Your Honor.

9 THE COURT: Cross-examination on behalf of
10 Mr. Mosley?

11 MR. PRINGLE: Yes, Your Honor.

12 CROSS EXAMINATION

13 BY MR. PRINGLE:

14 Q Okay. You mentioned something about a first report
15 and a second report.

16 A Yes, sir.

17 Q How many reports were done in total?

18 A I personally did two.

19 Q Could there have been others?

20 A I don't know. Not DNA reports.

21 Q There's no way that there would be any other DNA
22 tests out there?

23 A Not that I know of.

24 Q Okay. Now, I find it interesting when the prosecutor
25 asked you about the test results, you used the term "major

1 male individual," "minor male individual." You've
2 explained what those mean. It basically means one
3 person's got significantly more DNA than the other on the
4 item.

5 A It just means one person has more DNA than the other.

6 Q Right. Okay. And you said that -- obviously, that
7 the DNA matched up to David Mosley as well as the
8 deceased?

9 A That's correct.

10 Q Okay. Now, why no mention of this third individual?
11 That was -- there was evidently also some additional DNA
12 that was found on that sample, wasn't there?

13 A Yes, there was.

14 Q And that's known as a trace contributor.

15 A Yes, sir.

16 Q So that means that there's at least three people that
17 we can say have DNA on that item.

18 A Yes. That's right.

19 Q And there could have been more, couldn't there?

20 A We can never know with certainty how many people are
21 in a mixture.

22 Q Okay. And you know Ms. Burbage went before you, and
23 I asked her, I said if a thousand people handled this,
24 there could be up to a thousand different DNA samples on
25 here; isn't that correct?

1 A That's possible, yeah.

2 Q Okay. Do you have any idea why there was no mention
3 of that third individual?

4 A I don't understand the question.

5 Q I guess she didn't ask you about it and you never
6 said anything about it. How come we left that out? I'm
7 just curious.

8 A I mentioned that there was a trace contributor in my
9 report when I ---

10 Q Do we know who that was?

11 A No, we don't.

12 Q Was there any effort made to try to determine who it
13 was?

14 A I can only identify who DNA came from if I have a
15 known reference to compare it to. So I only compared to
16 the two references that I was provided.

17 Q All right. So, I mean, obviously, then it follows
18 that if you were given additional references, you might
19 have explored additional avenues, correct?

20 A That's correct.

21 Q Okay. I mean, you can only do what you're given,
22 right? Or you can only handle what they give you, right?

23 A That's correct.

24 Q So if they don't give you complete information to go
25 on, you could never have a complete understanding after

1 your analysis, could you?

2 A Yeah. I mean, the only way we can tell who a DNA
3 profile came from is if we have a known sample from a
4 person to compare to.

5 Q Okay. And, you know, with several of the witnesses,
6 these words have come up where we talk about tainted
7 samples, contaminated samples, cross-contamination.
8 You're aware of those terms.

9 A Yes, sir.

10 Q You use those terms, right?

11 A Yes, sir.

12 Q Okay. That's when it goes wrong, right? In this
13 context, that's when -- because of whatever factors, we're
14 not going to be able to rely on certain samples to the
15 extent we would if they weren't contaminated, correct?

16 A Yes. Correct.

17 Q All right. So when we're talking about this sample
18 and we know there's at least three people that have DNA on
19 there, at least three, am I correct in that each of those
20 samples would have had to somehow originate from that
21 individual? In other words, for example, right?

22 A I mean, the DNA came -- was human DNA.

23 Q At least three people.

24 A That's correct.

25 Q Okay. And so -- and we talked a little bit about how

1 easily DNA can be transferred from one place to the other.
2 The example I did with Ms. Burbage was mine's here, hers
3 is here, we do this, likelihood that now both of our DNA
4 is on both. That happens all the time, doesn't it? It's
5 very easy.

6 A I can't ever say how DNA gets somewhere because we
7 don't know that. But it is possible that DNA can be
8 transferred.

9 Q We know that it's very easy to leave a DNA sample by
10 just touching something?

11 A Yes.

12 Q In fact, doesn't law enforcement use that technique
13 to try to gather DNA on suspects, get them to touch
14 certain things? Okay, want some water, they pull the DNA
15 off the cup. Isn't that a common law enforcement tactic?

16 A I don't know how common it is, but I've heard of that
17 happening.

18 Q And it works, doesn't it?

19 A Saliva has lots of DNA.

20 Q Okay. Sorry. I'm not very technically proficient.

21 Okay. You don't know what that is, do you?

22 A No. No, sir.

23 Q All right. It purports to be a trash can. Okay.

24 And allegedly, some portion of the sample that you
25 described was recovered allegedly from that trash can. In

1 fact, that's supposed to be a photo of the can at the time
2 that it was recovered. You're an expert. If we were to
3 pull a cotton swab or a tissue or something of the like
4 out of there, from what you just see from your own eyes,
5 forget about being an expert, do you think it's likely
6 that we could have multiple sources of DNA transferred
7 from one item to another in that trash can?

8 A It's possible.

9 Q And when we find those sources of DNA, we have no
10 idea where they originated. We know where they are now,
11 but we don't know where they came from, do we?

12 A That's correct.

13 Q Okay. We know they came from the subject at some
14 point, but again, we also know that can be as easy as
15 rubbing -- somebody touching someone. We beat this to
16 death, really, before you even took the stand. But that's
17 all true, isn't it?

18 A Yeah. We can't tell how DNA got somewhere or when
19 DNA got somewhere.

20 Q Right. Okay. So when you get a tissue or a swab out
21 of a trash can with all that junk and trash in it, who
22 knows who put stuff in there or not. I mean, it logically
23 follows that's not an ideal place to recover such a
24 sample, is it?

25 A I mean, it just depends.

1 Q That's not going to be able to tell us much, though,
2 is it? I mean, other than, well there's some blood from
3 three different places. That's all that we can tell from
4 that, isn't it?

5 A I can only tell whose DNA is on it at the time I get
6 it.

7 Q Right. And being an expert and being in charge of
8 the lab and whatnot, there's no way that you would ever,
9 say, put different DNA samples into that can, shake it up
10 and pull it out and start relying on anything that's in
11 there, would you? That's a terrible practice, isn't it?

12 A Yes. We do not put samples in trash cans and shake
13 them up in our lab.

14 Q So even if it's not -- good answer. Even if it's not
15 -- even if you didn't do that or something, and of course
16 I was trying to be ridiculous about it. It worked. But
17 that's not something that we would ever want to do.
18 That's why we take all these precautions and you guys
19 handle this stuff like it's radioactive waste or whatever,
20 right?

21 A Yes. We have all sorts of procedures that minimize
22 any chance that while we have anything, that there's any
23 sort of contamination.

24 Q All right. So we're pretty sure that there's some
25 blood in there from David Mosley, from the guy that's

1 deceased and then somebody else. We don't know anything
2 else beyond that, do we?

3 A That's all I can testify to.

4 Q Right. And you can only play the hand you're dealt,
5 right? You can't make up for what is there or isn't there
6 when you receive it, can you?

7 A That's right.

8 Q Right. So even though it may not be the fault of
9 yourself or anybody else, police, anyone, there still are
10 ways that DNA evidence can be compromised without any
11 mistakes made by you or anybody on the police department,
12 right?

13 A It's possible.

14 MR. PRINGLE: Thank you. Nothing further.

15 THE COURT: Cross-examination on behalf of Mr. Hill?

16 MR. WARDER: We have no questions, Your Honor.

17 THE COURT: All right. Any redirect?

18 MS. McCALL: Just briefly, Your Honor.

19 REDIRECT EXAMINATION

20 BY MS. McCALL:

21 Q Mr. Nafziger, Mr. Pringle talked a lot about the
22 shaking of this trash can, which if you take a look at
23 this photograph, you can see the cotton pad kind of
24 sitting on top. But I want to talk to you, again, about
25 the major, minor and trace DNA that he mentioned there.

1 You stated that you reviewed the report prior to your
2 analysis; is that correct?

3 A Yes.

4 Q Would it be consistent that if this cotton pad was
5 used to clean Mr. Mosley's knuckles because they were
6 bleeding, and DNA that was on there, the major DNA was
7 Mr. Mosley's because his knuckles were bleeding, and the
8 minor DNA was Mr. Zaky's knuckles, because possibly he had
9 been -- he had been the one on the receiving end of
10 Mr. Mosley's knuckles, is it possible that that is why he
11 was the minor contributor of DNA and Mr. Mosley was the
12 major contributor?

13 A It is possible.

14 Q And is it possible that the trace DNA could have come
15 from anything else, possibly the lady or man that was
16 cleaning Mr. Mosley's knuckles after he was bleeding?

17 A It's possible. Typically, a trace contributor is
18 very low with very little information.

19 MS. MCCALL: Thank you, Mr. Nafziger. No further
20 questions.

21 THE COURT: Thank you. You may step down.

22 Ladies and gentlemen, we've been going a little over
23 an hour. Let's take our afternoon break. Do not discuss
24 the case and I'll bring you out in about ten minutes. All
25 right.

1 (WHEREUPON, the jury exits the courtroom at 3:40 PM.)

2 THE COURT: All right. Ten minute break.

3 (WHEREUPON, a recess is taken at 3:40 PM; State's Exhibit

4 Number 40 was marked for identification.)

5 THE COURT: All right. Is the State ready?

6 MS. McCALL: We are, Your Honor.

7 THE COURT: Defendants ready?

8 MR. CANTRELL: Ready, Your Honor.

9 MR. PRINGLE: Yes, Your Honor.

10 THE COURT: How long is this witness going to be?

11 MS. McCALL: Maybe 20 minutes.

12 THE COURT: Okay. All right. Bring the jury in.

13 (WHEREUPON, the jury entered the courtroom at 4:00 PM.)

14 THE COURT: All right. Ladies and gentlemen, if you
15 will recall, the State is still in their case.

16 So State, you can call your next witness.

17 MS. McCALL: Thank you, Your Honor. The State calls
18 Susan Molloy to the stand.

19 THE CLERK: Please place your left hand on the Bible
20 and raise your right hand.

21 WHEREUPON,

22 SUSAN MOLLOY

23 After having been duly sworn, testified as follows:

24 THE CLERK: Thank you. Please take a seat and state
25 your name for the record.

1 THE WITNESS: My name is Susan Molloy. It's spelled
2 S-U-S-A-N, M-O-L-L-O-Y.

3 DIRECT EXAMINATION

4 BY MS. McCALL:

5 Q Good afternoon, Ms. Molloy. Thank you for being
6 here.

7 Where do you work?

8 A I'm currently employed by the Greenville County
9 Department of Public Safety in their Forensics Division.

10 Q What is your role there at the Forensics Division?

11 A I'm actually a principal criminalist. I'm in charge
12 of the Controlled Substance Unit as well as the Firearms
13 Unit.

14 Q And how long have you been with Greenville County?

15 A I started in August of 2021.

16 Q Where were you employed prior to that time?

17 A Prior to that, I worked for the Oakland Police
18 Department in California for 13 years, and before that I
19 worked for the county in which Oakland is for seven years.

20 Q Okay. How long have you worked in the forensics
21 arena?

22 A Over 25 years.

23 Q So the entirety of your career has been analyzing
24 forensics in some way or another?

25 A Yes.

1 Q What does firearms identification mean? What does
2 that entail?

3 A So firearms identification is a science where we look
4 at the firearm as a tool that leaves behind tool marks on
5 ammunition components, and we're able to basically figure
6 out the content origin or the origin of those components
7 back to a gun. We can also determine how many guns were
8 used at a crime scene.

9 Q What education or training has prepared you for your
10 role as a firearms identifier?

11 A So I have a bachelors of science in biological
12 science from Cal State University, Hayward. It's a
13 California State school. I double majored in criminal
14 justice. I then had the opportunity to go to something
15 known as the national firearms examiners academy. This is
16 a year-long program put on by the Alcohol, Tobacco and
17 Firearms Bureau where you spend a year with ATF learning
18 how to become a firearms examiner.

19 Q How long have you been analyzing firearms?

20 A So I became an independent examiner in firearms
21 identification in 2010.

22 Q Have you ever been qualified in a court of law as an
23 expert in this field?

24 A Yes.

25 Q How many times?

1 A 53.

2 MS. McCALL: Your Honor, at this time, the State
3 would offer Ms. Susan Molloy as an expert in firearms
4 identification.

5 THE COURT: Voir dire or objection from Defendant
6 Brown?

7 MR. CANTRELL: I have no objection, Your Honor.

8 THE COURT: Mosley?

9 MR. PRINGLE: No objection.

10 THE COURT: And Hill?

11 MR. WARDER: No objection.

12 THE COURT: All right. In without objection. And
13 again, I'm sorry, the field?

14 MS. McCALL: Firearms identification.

15 THE COURT: All right. Ladies and gentlemen, as I've
16 told you before, the expert can testify about their
17 opinions and conclusions in their field. And this is in
18 firearms identification. And you're to give it the weight
19 and value you feel is appropriate.

20 You may proceed.

21 MS. McCALL: Thank you, Judge.

22 BY MS. McCALL:

23 Q Ms. Molloy, I'm showing you what has been premarked
24 as State's Exhibit 40. Do you recognize that?

25 A I do.

1 Q And what is it?

2 A This is a visual aid of a cartridge for what's known
3 as a round of ammunition. A lot of people like to call it
4 a bullet; however, that's not what it is.

5 Q And is this used to explain what a cartridge is?

6 A Yes.

7 MS. McCALL: Okay. Your Honor, at this time, the
8 State moves to offer Exhibit 40 into -- or to publish it
9 before the jury for demonstrative purposes.

10 MR. CANTRELL: No objection.

11 MR. PRINGLE: No objection.

12 THE COURT: Any objection, Hill?

13 MR. WARDER: No, Your Honor.

14 THE COURT: Okay.

15 (Pause in proceedings for technical difficulties.)

16 BY MS. McCALL:

17 Q Ms. Molloy, can you explain what makes up a
18 cartridge?

19 A A cartridge is made of four parts. In the diagram in
20 front of you, you can see that the bullet is actually the
21 projectile that sits at the top of the case, the cartridge
22 case. On the bottom of that cartridge case is an area
23 known as the primer. It's the third part. And the fourth
24 part that makes it is the powder material that's held
25 inside that case.

1 Q What is rifling as it relates to a bullet or a
2 projectile?

3 A Okay. Rifling is different than what we're looking
4 at on this screen. Rifling has to do with what's done to
5 the barrel of a gun other than, let's say, a shotgun.
6 It's a very different type of firearm than the rifling
7 that we're talking about right now you would think of in
8 revolvers or semi-automatic pistols.

9 So rifling is done by the manufacturer where they
10 actually cut grooves into the barrel of that gun. The
11 reason the manufacturers do this is the same reason that a
12 quarterback throws a spiral football. You want accuracy
13 down range. We want to in part spin on that bullet or
14 projectile when it's going down the barrel of the gun.
15 And so that's what the rifling is truly for.

16 Q What other functions can we use rifling for? Can it
17 be used to help identify what cartridge or bullet was shot
18 from a particular gun?

19 A It can.

20 So each gun is unique in the fashion that it will
21 have a certain number of lands and grooves that are carved
22 into it, and then from the use of that firearm, you're
23 going to have something called individual marks that are
24 going to be left behind on the bullet itself. So I'll
25 have the rifling which is class mark. They can basically

1 identify it back to a particular brand of firearm. And
2 then I'm going to look at individual microscopic marks to
3 link it back to a particular firearm.

4 Q What does it mean when we say a bullet is a certain
5 caliber? What does that mean?

6 A So "caliber" is defined as literally the base
7 diameter of that bullet. So when you look at that little
8 bullet that's at the top, the orange color, I would take
9 something known as a caliper, which is just a measuring
10 device, and I'm going to measure the base of that bullet.
11 And in this case, if I measured it, it would be like
12 0.35 inches. And to me that would tell me I have a
13 9 millimeter class bullet.

14 Q Now that we've got some of the education part out of
15 the way, let's talk about your involvement in this case.
16 Were you asked to analyze projectiles or casings in this
17 particular case?

18 A Yes.

19 Q And I'm going to show you what has been entered into
20 evidence State's Exhibits 7 through 12. Do you recognize
21 what those are? And are there any identifying marks
22 placed on there from you?

23 A (Reviews exhibits) Yes.

24 Q What are those items?

25 A So these items contain the cartridge cases that I

1 examined in this case.

2 Q And I'm also going to show you State's Exhibits 1
3 through 5. Do you recognize those in any way?

4 A (Reviews exhibits) Yes, I do.

5 Q And what are they?

6 A So these are bullet jacketings or pieces of bullets
7 that I examined in this case.

8 Q And are some of those jackets whole and some of those
9 fragments?

10 A Yes, they are.

11 Q And tell the jury what -- I guess first let's focus
12 on the casings that you analyzed. What did you do? What
13 was your process for analyzing those and what were you
14 looking for?

15 A Okay. So I talked once again before about how a gun
16 is a tool to me. And so when the gun actually goes
17 through what's known as the cycle of fire, it's going to
18 leave behind tool marks on these cartridge cases. And
19 these microscopic marks are what I'm interested in looking
20 at to determine if they came from a particular firearm.

21 So I'll first look at them to see if all of the class
22 marks are the same. This would be things like the breech
23 face marks kind of known as a backstop of the gun. It
24 basically stops the cartridge case from coming back
25 towards the shooter when it's being operated.

1 You can look at the firing pin hole or the aperture.
2 It will be a certain shape. That's a class characteristic
3 as well that I can use for my identification.

4 I can look at the firing pin impression. So when the
5 firing pin hits the primer, it will make its own unique
6 mark as well.

7 So I'm going to look at all of those different tool
8 marks on these items to see if they're the same or not.

9 Q Do you use any tools to look at these types of pieces
10 of evidence?

11 A I do. I mentioned it's microscopic in nature so I
12 use something known as a comparison scope. And basically,
13 what that is is a microscope that's held together with an
14 optical bridge. So you can kind of use your imagination.
15 When I look through the left eye piece, I can look at one
16 item on the left side of my stage. And when you look
17 through the right side, I can look at a second item on the
18 right. And then I literally have a dividing line that
19 goes right down the center so I can put two pieces of
20 evidence right next to each other to compare them to each
21 other.

22 Q In your examination, were you able to determine what
23 caliber these casings were?

24 A Yes.

25 Q And what caliber were they?

1 A They were 9 millimeter Luger.

2 Q Were you able to determine if all of these casings
3 were fired from one single gun?

4 A Yes.

5 Q And they were fired from one single gun?

6 A They were.

7 Q Did you have an opportunity to compare these casings
8 to a particular firearm?

9 A I did not.

10 Q And was that because we did not collect one? We
11 never recovered one in this case; is that your
12 understanding?

13 A One was never submitted to me for analysis.

14 Q Now let's talk about the fragments or the pieces of
15 the bullet that you analyzed. Can you explain what those
16 look like? Were some of them whole? Were some of them
17 fragments? What did you view?

18 A So I had at least five fragments, some of them very
19 small in nature. I had two that were complete bullet
20 jackets. That means I could see all areas around the
21 entire surface of that projectile or bullet. And they had
22 a separated core with them. And then I did have a lead
23 core. So a lead core will just mean the jacketing had
24 come off of it, and so there would be no marks for me to
25 actually identify to the lead core because all the marks

1 were on the jacketing.

2 Q And is it correct that three of the projectile items
3 that you analyzed you were not able to determine what
4 caliber gun they came from; is that -- or, I'm sorry --
5 what caliber cartridge they were?

6 A Yes. Where they originated from in terms of their
7 size, yes.

8 Q Thank you for clarifying that. I know my questions
9 are not always accurate, so thank you.

10 What's the reason for that? Why would you not be
11 able to determine that?

12 A I don't have enough information present. So when
13 we're talking about a fragment being about 2 millimeters
14 in size, that's a very small area. And so I would not
15 have the entire six lands and groove impressions present
16 that were on the other full jackets.

17 Q The remaining projectiles that you had, were you able
18 to determine if they all came from the same gun?

19 A Yes.

20 Q And did they, in fact, come from the same gun?

21 A They did.

22 Q Ms. Molloy, I want to ask you specifically about one
23 of these casings. Give me just one moment to find it.
24 Thank you very much.

25 State's Exhibit Number 8, this came up in testimony

1 earlier. On the outside of this envelope, it references
2 the casing as WM 18. What can you tell us about that?
3 What does that indicate about that casing?

4 A So just like the visual aid that's in front of you,
5 you can see that it's pointed out, the headstamp area. So
6 the manufacturer creates that and basically lets the end
7 user kind of know what they're working with. In this
8 case, this item was made by Winchester Military Ammo. So
9 that's just their abbreviation for their brand, basically.
10 And when you have the 18, they're telling you what year
11 that round or cartridge was manufactured.

12 Q But you analyzed that particular casing during your
13 examination, correct?

14 A Correct.

15 Q And did you, in fact, determine that that particular
16 casing also originated from the gun that the remaining
17 casings came from?

18 A Yes.

19 MS. MCCALL: Thank you. I have no further questions.
20 Please answer anything the defense attorneys have.

21 THE COURT: Cross-examination on behalf of Brown?

22 MR. CANTRELL: No. No questions.

23 THE COURT: On behalf of Mosley?

24 MR. PRINGLE: None, Your Honor.

25 THE COURT: On behalf of Mr. Hill?

1 MR. WARDER: I have no questions, Your Honor.

2 THE COURT: Thank you. You may step down.

3 Let's talk about scheduling over here, folks.

4 (WHEREUPON, a bench conference was held off the record.)

5 THE COURT: All right. Just checking on the schedule
6 there. We did a good catching up today. And since I kept
7 y'all so late yesterday, I encouraged them that maybe we
8 can leave a little bit early today. So anyway, so
9 therefore I'm going to go ahead and let y'all go now
10 because it's a good time to break before we get in another
11 witness.

12 My four rules. I'm sure you can repeat them in your
13 sleep. Do not discuss the case at all among yourselves or
14 with anyone else; do not do any type of research about any
15 of the parties, the issues, the charges, anything; do not
16 pay any attention to any media coverage including social
17 media; and finally, if anybody contacts you other than
18 somebody from the clerk's office, please let the bailiffs
19 know in the morning. So otherwise, y'all have a good
20 evening. We'll see you at 9:30 in the morning. Okay. We
21 shouldn't have any technological difficulties.

22 (WHEREUPON, the jury exits the courtroom at 4:19 PM.)

23 THE COURT: All right. Anything else from the State?

24 MR. RICHARDSON: No.

25 THE COURT: All right. Anything else from Defendant

1 Brown?

2 MR. CANTRELL: None, Your Honor.

3 THE COURT: Mosley?

4 MR. PRINGLE: No, Your Honor.

5 THE COURT: And Hill?

6 MR. WARDER: No, Your Honor.

7 THE COURT: You know, when you stand up I don't know
8 if you're going to have questions or you're going to say
9 no questions. You leave it in suspense for a couple of
10 seconds.

11 All right. Anything we need to ~~address~~ in the
12 morning or just start at 9:30? All right. Everybody be
13 in here at 9:30.

14 (WHEREUPON, proceedings recessed at 4:20 PM.)

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1 Wednesday, June 19, 2024

2 (WHEREUPON, proceedings reconvened at 10:28 AM.)

3 THE COURT: All right. Anything from the State
4 before we ---

5 MR. RICHARDSON: Nothing from the State, Your Honor.

6 THE COURT: All right. On behalf of Mr. Brown?
7 Anything from Mr. Brown?

8 MR. CANTRELL: Your Honor, the only thing would be to
9 renew our prior motion for a mistrial based on some jury
10 issues and just to renew it based on the minor issue this
11 morning that took place with the tardiness of a juror.

12 THE COURT: Right. And I think for the record, it's
13 my understanding that one of our jurors did not show up.
14 They made several calls and they finally were able to
15 contact him. He had overslept. And contacted -- and once
16 he contacted, he was here in about 30 minutes. For the
17 record, that's what occurred.

18 Yes?

19 MR. PRINGLE: Just join in that renewal of the
20 motion.

21 And, Judge, you know, we've already talked about the
22 prior issues and then, of course, this morning we had
23 another issue and it results in, unfortunately, jurors
24 that are sitting there looking at each wondering where
25 this other juror is.

1 Looking at one of the alternates, I believe he's
2 still an alternate, the guy who obviously had
3 demonstrative issues the first day of the trial, they're
4 all wondering what's going on. And then the late juror
5 shows up and they're all looking at him and he's looking
6 at them, and it just continues to create not only
7 distraction, but, you know, thoughts and ideas that we
8 really can't be sure of one way or the other or identify
9 how they might impact this thing. If they have any impact
10 in any sense, we would, again, argue that it's certainly
11 not the fairest climate for these guys to be standing
12 trial, and so therefore, based on the cumulative aspect,
13 it just is one blow after another and it's death by a
14 thousand cuts, Your Honor. And here we are, and we're
15 still having, you know, issues and controversy with the
16 jury.

17 Thank you.

18 MR. WARDER: Your Honor, for the record, I certainly
19 join in that motion on behalf of my client, Mr. Hill.
20 It's been an unusual trial so far as far as things that
21 went wrong. And I agree that cumulatively this has got to
22 add up.

23 THE COURT: All right. Well, and I think that, based
24 on -- I mean, the nature of the issues that have been
25 presented I don't think present any problem and should not

1 have a -- does not mean that this jury cannot be fair and
2 impartial. So I'm going to deny your motion for a
3 mistrial. I don't believe there's been any prejudice to
4 any of the defendants.

5 All right. Are we ready? Did you get your
6 60 seconds?

7 MR. WATSON: Yes, Your Honor.

8 THE COURT: All right. So we're ready for the jury?

9 MR. RICHARDSON: The State's ready, Your Honor.

10 MR. PRINGLE: Yes, Your Honor.

11 THE COURT: All right. Bring them in.

12 (WHEREUPON, State's Exhibit Numbers 41 through 49 were
13 marked for identification; the jury entered the courtroom
14 at 10:34 AM.)

15 THE COURT: Good morning, ladies and gentlemen. I
16 hope everybody had a good evening. And as you can see
17 with a trial, sometimes over several days various things
18 can happen. So if anybody needs a wake-up call for in the
19 morning, please let the bailiffs know before you leave.
20 Sorry. I just couldn't resist.

21 All right. State, call your next witness.

22 MR. RICHARDSON: The State calls Jamazzeo Glover.

23 THE CLERK: Please come to the Bible, please sir.
24 Please place your left hand on the Bible and raise your
25 right hand.

1 WHEREUPON,

2 JAMAZZEO GLOVER

3 After having been duly sworn, testified as follows:

4 THE CLERK: Thank you. Please take a seat and state
5 your name for the record.

6 THE WITNESS: Jamazzeo Glover.

7 DIRECT EXAMINATION

8 BY MR. RICHARDSON:

9 Q Good morning, Mr. Glover.

10 A Good morning.

11 Q Sir, are you presently incarcerated at the Law
12 Enforcement Center here in Greenville County?

13 A Yes, sir, I am.

14 Q And you presently have pending charges that include
15 two armed robberies, possession of a weapon during a
16 violent offense, burglary in the first degree, and a
17 conspiracy, two counts of conspiracy?

18 A Yes, sir.

19 Q And you're also charged with murder?

20 A Yes, sir.

21 Q And attempted armed robbery?

22 A That's right.

23 Q And, in fact, so the jury is clear, you're charged in
24 this case ---

25 A Yes, sir.

1 Q --- along with these codefendants. You have to
2 answer yes or no.

3 A Yes, sir, I am.

4 Q You presently have an attorney; is that correct?

5 A Yes, sir. Asher Watson.

6 Q That's Mr. Asher Watson. He sits right back here; is
7 that correct?

8 A Yes, sir.

9 Q You've had a conversation with him?

10 A Yes, sir.

11 Q About this case?

12 A Yes, sir.

13 Q And he knows that I'm the prosecutor on the case, the
14 solicitor on the case?

15 A Yes, sir.

16 Q And I have had discussions with you also, have I not?

17 A Yes, sir.

18 Q And at any time, have I made any promises or
19 guarantees regarding your testimony today?

20 A Not at all.

21 Q In fact, since this case started, you have been in
22 jail down at the Law Enforcement Center.

23 A Four years, six months.

24 Q Do you have any children?

25 A I have two. A little girl and a little boy.

1 Q What are their ages?

2 A 4 and 3 years old.

3 Q I'm going to go ahead and take your memory back to
4 December 19, 2019, the day that we're here about today,
5 okay?

6 A Okay.

7 Q What -- on that particular day, at some point in
8 time, you got in contact or you came in contact with the
9 co-defendants; is that correct?

10 A Yes, sir.

11 Q And how did that happen?

12 A I was at Warren's house in Simpsonville and I got a
13 text from Jaylin Hill asking do I want to chill.

14 Q When you say "chill," what's that mean?

15 A Like hang out with each other.

16 Q Okay. And after you got that phone call, what
17 happened?

18 A My baby mama, she got me an Uber ride to Ottawa
19 [phonetic]. That's like the Piedmont area.

20 Q And did you meet up with anybody at that particular
21 time?

22 A Yeah. I met up with Jaylin Hill, David and Braelon.

23 Q And what did y'all do then?

24 A We was just chillin'. We was making like TikTok
25 chillin' videos. The regular. Just chillin'.

1 Q Okay. And at some point in time, did you get picked
2 up by an individual in a vehicle?

3 A Yes. I -- name's -- his name is Kerolos.

4 Q Kerolos?

5 A Yes, sir.

6 Q Is that the ---

7 A That's the victim.

8 Q That's the guy that's dead.

9 A Yes, sir.

10 Q He picked you up.

11 And do you remember what kind of car it was?

12 A It was a Chrysler 200. It was burgundy.

13 Q It was burgundy in color?

14 A Yes, sir.

15 Q Okay, sir. And when you got picked up, how many
16 people were in that vehicle?

17 A It was three already. With us it made it eight.

18 Q Okay.

19 A So it was eight. It was eight people in the car.

20 Q Okay. Let me show you...

21 (WHEREUPON, State's Exhibit Number 51 was marked for
22 identification.)

23 BY MR. RICHARDSON:

24 Q Let me show you what's been marked State's
25 Exhibit 51. Do you recognize that?

1 A (Reviews exhibit) Yes, sir.

2 Q Is that a chart that you did?

3 A Yeah.

4 MR. RICHARDSON: Your Honor, at this time, we move
5 State's Exhibit 51 into evidence.

6 THE COURT: All right. Any objection from -- well,
7 I'll let y'all look at it.

8 MR. WARDER: Your Honor ---

9 THE COURT: Let everybody look at it just so we have
10 -- before we start our...

11 (Pause in proceedings.)

12 THE COURT: All right. Everybody's seen it. Now
13 I'll be glad to hear from you. Let's start with
14 Mr. Brown.

15 MR. CANTRELL: No objection, Your Honor.

16 THE COURT: All right. On behalf of Mosley?

17 MR. PRINGLE: Your Honor, I guess the main objection
18 I'd have is that it allegedly was prepared by this
19 witness. That looks like something that's a lot higher
20 production value than something that he either drew up or
21 prepared himself. So I guess it seems to me that it was
22 probably prepared by someone other than this witness.

23 Thank you.

24 THE COURT: All right.

25 MR. WARDER: Your Honor, it seems to be a diagram of

1 the car. I don't think it's certainly proper at this time
2 because there's no testimony to support it. It's like
3 making a drawing and then asking the witnesses if that
4 looks like the car or something. It's leading when you do
5 it in that fashion, when you -- if you pull up a map with
6 a house on it and one of the houses is circled and you
7 say, "Is that the house you were at?" Well, it's like
8 leading -- a quite leading question. It's a leading
9 exhibit. And it's not supported with the testimony at
10 this time, so I'd object to it.

11 THE COURT: All right. I guess let me look at it.

12 MR. RICHARDSON: Your Honor, I can follow up.

13 THE COURT: Let me just look at it. (Reviews
14 exhibit.)

15 I guess lay a little bit better foundation for it to
16 be introduced.

17 BY MR. RICHARDSON:

18 Q In referring to this, you had a conversation with ---

19 THE COURT: When you say this, this is Exhibit ---

20 MR. RICHARDSON: Exhibit 51.

21 THE COURT: Okay. For identification only at this
22 point.

23 BY MR. RICHARDSON:

24 Q For identification only with this Investigator
25 Garrett; is that correct?

1 A Yes, sir.

2 Q Okay. And did you give him the layout of where
3 everybody was sitting in the ---

4 A Yeah. I told -- I told how everybody was seated in
5 the car.

6 Q Okay. And I've shown you what's been marked State's
7 Exhibit 51.

8 A Yes, sir.

9 Q Does that accurately indicate where everybody was
10 sitting in the car?

11 A Yes, sir.

12 Q As you gave it to the investigator?

13 A Yes, sir.

14 MR. RICHARDSON: At this time, I move State's
15 Exhibit 51 into evidence.

16 THE COURT: All right. Based on that I'm going to --
17 unless there's another objection, I'm going to allow that
18 in.

19 MR. WARDER: Well, Your Honor, my objections continue
20 because the wrongness of the leading continues. And so
21 now he says -- you ask the witness, well, is this -- is it
22 what the solicitor's drawn up and handed you to say is
23 that truthful? And it doesn't change the leading of the
24 making the exhibit beforehand, labeling what you want. It
25 would be just like ---

1 THE COURT: I believe he's established that this
2 information was provided by this witness, so I'm going to
3 allow it over the objection.

4 (WHEREUPON, State's Exhibit Number 51 was admitted into
5 evidence.)

6 MR. RICHARDSON: Thank you.

7 BY MR. RICHARDSON:

8 Q Okay. Sir, can you see that?

9 A Yes, sir.

10 Q And is this -- when you were picked up, is this the
11 seating pattern of everyone that was in the vehicle?

12 A The same order.

13 Q Sir?

14 A Yes, sir.

15 Q Okay. And so we're clear and you're unable to point,
16 but Jaylin Hill was in the front seat.

17 A Yes, sir. The passenger.

18 Q And that's Jaylin Hill sitting in the courtroom.

19 A Yes, sir.

20 Q And Jamazzeo Glover, that's you?

21 A Yes, sir.

22 Q You were alongside David Mosley who is also here in
23 the courtroom.

24 A Yes, sir.

25 Q And then Braelon Brown being the next one after

1 Mr. McMahan?

2 A Yes, sir.

3 Q And was that the way you remained in the car
4 throughout this event?

5 A No, it wasn't.

6 Q Did y'all switch up?

7 A Yeah. When we got out and went into the Spinx, Brown
8 and Nijah switched.

9 Q Okay. So Mr. Brown here (indicating), and Nijah
10 would be Mr. Croskey?

11 A Yes, sir.

12 Q These two switch seats.

13 A Yeah.

14 Q And that was at the Spinx?

15 A And that was it.

16 Q Okay. We'll get to that in a minute.

17 Now, do you know the Defendant Brown?

18 A Yes, sir.

19 Q How do you know him?

20 A Out of school.

21 Q And what school was that?

22 A Woodmont High.

23 Q Okay. And did you know him all through high school?

24 A Yes, sir.

25 Q How about the Defendant Hill, do you know him?

1 A Yeah. Yes, sir.

2 Q How do you know him?

3 A Kingswood. In school.

4 Q Okay. And that was back at Woodmont High School?

5 A Yes, sir.

6 Q Okay, sir. And how about Mr. Mosley, Defendant
7 Mosley?

8 A Out and about and being at Woodmont.

9 Q Being at Woodmont.

10 A Yes, sir.

11 Q Had you hung out with these guys before?

12 A Yeah.

13 Q Did y'all also know Mr. McMahan?

14 A Yes, sir.

15 Q How did you know him?

16 A I knew -- I met McMahan like 2019, like in the
17 beginning of 2019.

18 Q Okay. Sir, and sometimes kids have street names; is
19 that right?

20 A Yes, sir.

21 Q What was Braelon Brown's street name?

22 A Spaz.

23 Q And what was Jaylin Hill's street name?

24 A Dre.

25 Q Dre? As in D-R-E, Dre?

1 A Yes, sir.

2 Q And what was McMahan's street name?

3 A Glizzy.

4 Q Okay. How about the Defendant Mosley, did he have a
5 street name?

6 A No. I just called him David or Drew.

7 Q Okay. Did you know the victim?

8 A No. I never met him.

9 Q That night was the first time you had met him?

10 A Yes, sir.

11 Q Okay. How about Thomas Mueller?

12 A I never met him either.

13 Q How about Nijah Croskey?

14 A I know him from Piedmont.

15 Q You knew him from Piedmont?

16 A Uh-huh. Kingswood.

17 Q Okay. Had you known him a while?

18 A Yeah. A little while.

19 Q All right. So that night when you picked up, the
20 victim was driving the car; is that right?

21 A Yes, sir.

22 Q And it was his car?

23 A Yes, sir.

24 Q Okay. Where did y'all go?

25 A We went to the Spinx.

1 Q And which Spinx did you go to?

2 A The Spinx down the road, like two minutes from
3 Ottawa.

4 Q In the Spinx on August Road down in Piedmont?

5 A Yes, sir.

6 Q And why did y'all go there?

7 A We were going there to get like tobacco products,
8 like cigars and Black & Milds.

9 Q All right. And while at the Spinx, did anybody get
10 out of the vehicle?

11 A Yeah. We all did: me, David, Dre, Glizzy, Spaz.

12 Q Okay. Sir, I'm going to show you what's been marked
13 State's Exhibit 43, 44, 45, 46, 47, 48, 49. Just tell me,
14 do you recognize these photographs?

15 A (Reviews exhibits) Yeah, I do.

16 Q Okay. And are those photographs that were from the
17 Spinx?

18 A Yes, sir.

19 Q And do they accurately depict that night at the Spinx
20 and what you saw?

21 A Yes, sir.

22 Q Did anybody change anything?

23 A No, sir.

24 Q Altered it in any way?

25 A No, sir.

1 MR. RICHARDSON: At this time, we move State's 43
2 through 49 into evidence.

3 (Pause in proceedings.)

4 THE COURT: All right. As to Exhibits -- the photos,
5 Exhibits 43 through 49, any objection on behalf of
6 Mr. Brown?

7 MR. CANTRELL: None, Your Honor.

8 THE COURT: Any objection on behalf of Mr. Mosley?

9 MR. PRINGLE: No, Your Honor.

10 THE COURT: And any objection on behalf of Mr. Hill?

11 MR. WARDER: Just only that they're so blurry that
12 you can't recognize anybody from them. They lack probable
13 value.

14 THE COURT: All right. I'll let them in, let the
15 jury decide what value they have. So 43 through 49 are
16 in.

17 (WHEREUPON, State's Exhibit Numbers 43 through 49 were
18 admitted into evidence.)

19 BY MR. RICHARDSON:

20 Q Okay. Sir, I'm going to ask you to identify these
21 photos. And I'm referring to Exhibit 47. Who is that?

22 A That's Spaz.

23 Q How do you know it's Spaz?

24 A I mean, I know him. I've been knowing him for a long
25 time. And what he's got on.

1 Q Is that what he had on that night?

2 A Yes, sir.

3 Q Okay. State's 48?

4 A It's the same person.

5 Q Spaz?

6 A Yes, sir.

7 Q State's 45, who is this?

8 A That's David.

9 Q David who?

10 A David Mosley.

11 Q Okay. And how do you know that?

12 A I know him.

13 Q State's 46, who is that?

14 A That's David. And behind him, that's me.

15 Q That's you in the white?

16 A Yes, sir.

17 Q State's 49?

18 A That's me.

19 Q Okay. And State's Exhibit 43?

20 A That's Dre.

21 Q Dre is who?

22 A Jaylin Hill.

23 Q Okay. Same for State's Exhibit 44?

24 A Spaz and Dre.

25 Q These were -- this is y'all at the Spinx that you

1 just gotten at you said two minutes since you left your
2 house, right?

3 A Yes, sir.

4 Q Okay. Once you're at the Spinx, did anybody buy
5 anything?

6 A Kerolos. He had bought a Black & Mild.

7 Q Okay. And about how long were you at the Spinx?

8 A For like ten minutes, 15 minutes at the most.

9 Q All right. When you're at the Spinx, did anything
10 come up about money?

11 A Yes, sir. Dre had asked Kerolos if he had change for
12 a 20.

13 Q Okay. So Dre being the Defendant Hill asked the
14 victim, Kerolos, if he had change for a 20?

15 A Yes, sir.

16 Q And what did the victim say?

17 A He said, "No. I only have a hundred dollars."

18 Q Okay. And at that point in time, what happened?

19 A That's when Jaylin Hill, he had posted on Snapchat
20 but he didn't send it, he was like, "Y'all want to rob him
21 or not?"

22 Q Okay. So let's talk a little bit about that. Being
23 my age, I don't know a whole lot about Snapchat. Okay.
24 What is Snapchat?

25 A It's like a little -- it's like videos. You can post

1 videos on or text your friends or whatever on it.

2 THE COURT: Hold on just a minute.

3 You don't have to have your mouth right on the
4 speakerphone because it's actually -- let's see how it
5 works there.

6 BY MR. RICHARDSON:

7 Q And in this particular case, he was typing in
8 something on Snapchat, but ---

9 MR. PRINGLE: Objection. Hearsay.

10 MR. RICHARDSON: Jaylin Hill, I'm asking him if
11 Jaylin Hill is typing something on Snapchat.

12 MR. PRINGLE: We don't have any idea who -- anything
13 that he says that he saw. We don't know who it came from,
14 where it was going. I mean, just because he says that
15 it's Jaylin Hill or anybody else, it's clearly hearsay
16 what they're trying to elicit.

17 MR. RICHARDSON: It's a statement by a defendant.
18 The defendant is making ---

19 MR. PRINGLE: We don't know that it's a statement by
20 a defendant, Judge.

21 THE COURT: Well, I mean, I guess lay a foundation
22 for who's making the...

23 BY MR. RICHARDSON:

24 Q Okay. Let's talk about the Defendant Hill, all
25 right?

1 A Yes, sir.

2 Q Did he have a cell phone?

3 A Yes, sir.

4 Q Okay. And on that cell phone, did he type a message
5 in?

6 A Yes, sir.

7 Q And did he eventually show that message to people in
8 the vehicle?

9 A Yes, sir.

10 Q What was the message that he typed into the phone?

11 A "Do y'all want to rob him or not?"

12 Q Can you repeat that again? I couldn't hear you.

13 A "Do y'all want to rob him or not?"

14 Q Do y'all want to rob them or not?

15 A Yes, sir.

16 Q And who did he show that message to?

17 A Spaz, David and Glizzy.

18 Q Okay. Now, was this message sent out?

19 THE COURT: Hold on.

20 MR. CANTRELL: I would renew an objection at this
21 time. He just said -- named the people that saw it. He
22 did not state that he saw it. So where did he get his
23 information? He did not see this message, according to
24 his testimony.

25 MR. PRINGLE: Yeah. We're supposed to believe that

1 he's looking at a cell phone.

2 MR. RICHARDSON: I object. I object to the speaking
3 objections.

4 THE COURT: Right. Okay. As to your objection
5 there, overruled. I believe that they have established
6 that he did see it. That was my understanding.

7 BY MR. RICHARDSON:

8 Q Did you see it?

9 A Yes. I seen. That's how I knew.

10 Q And after he typed in "do y'all want to rob them or
11 not," okay, my question was, did he send that message out
12 to everybody?

13 A No, sir. He just typed it up and showed it.

14 Q Okay. Showed it as you would show a picture?

15 A Yes, sir.

16 Q Like this (demonstrating)?

17 A Yes, sir.

18 Q Okay. Now, when he showed that to these three
19 defendants, what, at that particular time, happened?

20 A They just looked. They didn't say nothing at the
21 moment.

22 Q Okay. So they didn't do anything at that particular
23 time?

24 A Yes, sir.

25 Q Okay. Y'all eventually leave the Spinx; is that

1 correct?

2 A Yes, sir.

3 Q And you state you were in a Chrysler burgundy
4 vehicle?

5 A Yeah. A Chrysler 200.

6 Q Let me show you what's been marked as State's
7 Exhibit 41 and 42. Do you recognize these photos?

8 A (Reviews exhibits) Yes, sir. That's the vehicle we
9 was in.

10 Q Does that accurately depict it?

11 A Yes, sir.

12 Q At the Spinx?

13 A Yes, sir.

14 MR. RICHARDSON: At this time, the State moves
15 Exhibits 41 and 42 into evidence.

16 (Pause in proceedings.)

17 MR. CANTRELL: Your Honor, unless and until somebody,
18 the defendant, I presume -- I mean the witness in this
19 case can positively identify the vehicle or vehicles in
20 this picture, I would object.

21 THE COURT: Okay. On behalf of Mosley?

22 MR. PRINGLE: Yes, Your Honor. It does appear to be
23 an Oldsmobile, maroon in color. I think that's what the
24 witness said in his testimony. But as you can see,
25 there's no images of any of these young men or nothing to

1 tie this vehicle. This could be any vehicle.

2 MR. RICHARDSON: Once again, this is a speaking
3 objection, Your Honor. If he has a legal foundation, then
4 I would ask that you ---

5 MR. PRINGLE: There's no -- there's nothing here
6 other than a picture of a vehicle.

7 THE COURT: All right.

8 MR. WARDER: How can we object if we can't speak,
9 Your Honor?

10 THE COURT: Well, All right. I'm fine. Okay.
11 Mr. Warder, on behalf of Mr. Hill?

12 MR. WARDER: We also object, Your Honor.

13 THE COURT: All right. Let me look at the photos
14 (reviews exhibits).

15 All right. I believe, based on the testimony of this
16 witness, I will overrule the objections.

17 (WHEREUPON, State's Exhibit Numbers 41 and 42 were
18 admitted into evidence.)

19 MR. RICHARDSON: Thank you, Your Honor.

20 BY MR. RICHARDSON:

21 Q And just so we're clear about that ---

22 MR. WARDER: Objection to ---

23 THE COURT: I've ruled.

24 BY MR. RICHARDSON:

25 Q State's 41, is that the car y'all were in?

1 A Yes, sir.

2 Q And that's the car the victim was driving?

3 A Yes, sir.

4 Q And is that at the Spinx you were referring to?

5 A Yes, sir.

6 Q In State's 42?

7 A Yes, sir.

8 Q Now, when you left the Spinx, was there any
9 discussion about where you were going or money or anything
10 like that?

11 A Yeah. We was initially going to like the district
12 with some females, but Kerolos is like he can't go that
13 far. He'd run out of gas in the car.

14 Q When you say "the district," what are you referring
15 to?

16 A The south side, District 25.

17 Q And the two areas that you had talked about, I
18 believe it was Kingswood, what is that area?

19 A Piedmont.

20 Q Piedmont. Okay.

21 So once he said he couldn't go that far, he didn't
22 have enough gas, what happened?

23 A Jaylin said that he got some girls in Kingswood,
24 which is Piedmont.

25 Q And did you head to that area?

1 A Yes, sir.

2 Q At any point in time, was the cell phone used again?

3 A Yes, sir, it was.

4 Q And who used that cell phone?

5 A Jaylin.

6 Q Okay. Jaylin Hill?

7 A Yes, sir.

8 Q And what did he do the second time with that cell
9 phone?

10 A He said, again, "Do y'all want to rob him?"

11 Q Okay.

12 A "Are we going to do this or not?" That was the right
13 words.

14 Q Okay. And did he show that to everybody?

15 A He showed it to Braelon and David this time.

16 Q All right. And did you see it?

17 A Yeah. I seen it.

18 Q And what did the defendants do at that point in time?

19 A Brown nodded his head in a "yes" motion.

20 Q Okay. Did Mr. Mosley do anything else?

21 A No. He just -- he just sat there.

22 Q Okay. So where did y'all go at that point in time?

23 A We went to Kingswood.

24 Q All right. And what was the purpose of going to
25 Kingswood?

1 A For some females.

2 Q Okay. And at Kingswood, did you eventually -- did
3 the victim eventually stop his vehicle?

4 A Yes, sir.

5 Q Okay. And was that in front of an abandoned house?

6 A Yes, sir.

7 MR. WARDER: Objection to the question. It's
8 leading, Your Honor.

9 THE COURT: All right. Rephrase your question.

10 BY MR. RICHARDSON:

11 Q When you stopped your vehicle -- when the victim
12 stopped his vehicle, where was it?

13 A It was in front of an abandoned house in Piedmont, in
14 Kingswood.

15 Q All right. Now, at this point in time, who gets out
16 of the vehicle?

17 A Everybody.

18 Q Okay. And when everybody gets out of the vehicle,
19 what happens at that time?

20 A Braelon had a book bag, you know, in the trunk. So
21 we asked Kerolos can he pop the trunk to get his book bag.

22 Q Okay. And did Kerolos do that?

23 A Yes, sir.

24 Q And then what happened?

25 A When Kerolos is unlocking the trunk, Braelon

1 pistol-whipped him in the head.

2 Q Okay. When you say "pistol-whipped him in the head,"
3 can you describe exactly what you're talking about?

4 A He got his gun and hit him on the side of the head
5 with it.

6 Q Okay. And let me ask you, this gun, had you seen the
7 gun before this point?

8 A Yes.

9 Q Where did you see it?

10 A In the car. He flashed it.

11 Q He flashed it.

12 Where did he have it on him?

13 A Like on his hip.

14 Q Okay. And you say "like on his hip" ---

15 A On his side.

16 Q Okay. And did he say anything when he flashed that
17 gun?

18 A No.

19 Q Okay. Was the second time you saw the gun is when he
20 pistol-whipped the victim?

21 A Yes, sir.

22 Q Okay. Where exactly did he hit him?

23 A In the right side of the head (indicating).

24 Q Okay. And what happened to the victim at that point
25 in time?

1 A Before, the clip fell out when he pistol-whipped him
2 on the side of the head.

3 Q So he hit him so hard the clip fell out?

4 A Yes, sir.

5 Q Okay. Did anybody retrieve that clip?

6 A Yes. He did.

7 Q Okay. Who's he?

8 A Braelon.

9 Q Okay. And did he put the clip back in the gun?

10 A Yes, sir.

11 Q And then what happened?

12 A That's when Kerolos is like, "Y'all really going to
13 do this? Y'all really going to do this?"

14 Q Okay. And what did -- what did anybody say?

15 A They didn't say nothing. They just started beating
16 him up.

17 Q Okay. When you say "they started beating him up" ---

18 A Glizzy, David, Dre.

19 Q Okay. All the defendants that are here in this
20 courtroom beat him up?

21 A Yes, sir.

22 Q And when they beat him up, were they beating him with
23 his fist or ---

24 A Their hands.

25 Q Their hands. Okay.

1 At this point in time, did Braelon Brown still have
2 the gun?

3 A Yes, sir, he did.

4 Q Did they attempt to get anything from the victim?

5 A Yeah. But he didn't have anything.

6 Q How did they try to get something from the victim?
7 What did they do?

8 A After they was beating him up, he was like, "I don't
9 have anything. I don't have anything." And that's all it
10 was.

11 Q Okay. And at some point in time, was the victim able
12 to run?

13 A Yes, sir. He got free, and he -- he came back to his
14 vehicle.

15 Q Okay. When he was being struck, he was struck in the
16 head with a gun. Where else on his body had he been
17 struck by all the defendants?

18 A His face, head, arms, chest.

19 Q Was there multiple hits?

20 A Yeah.

21 Q And all three defendants were a part of that?

22 A Yes, sir.

23 Q Was the victim, do you recall if he was wearing shoes
24 or not?

25 A Yes, sir, he was.

1 Q Okay. What happened to his shoes; do you know?

2 A When they was beating him up, his shoes fell off.

3 Q Okay. And when his shoes fell off, did it happen
4 when he was running or was ---

5 A Yes, sir. When he was running.

6 Q All right. And where did he run to?

7 A He was like running all over the street, like away
8 from the car.

9 Q Okay. Now, at this point in time, you do -- you saw
10 on that cell phone that they were going to rob him, right?

11 A Yes, sir.

12 Q You knew that was going to happen, right?

13 A Yes, sir.

14 Q Okay. And when the victim ran to his car, where were
15 you?

16 A I was like five feet away from the car.

17 Q Okay. And did the victim, was he able to get into
18 the car?

19 A Yeah.

20 Q Do you know if the car was running?

21 A The car, it was a push start, so, I mean, like all he
22 had to do was put his foot on the brake and crank the car
23 up.

24 Q Okay. Did he do that?

25 A Yes, sir.

1 Q All right. And when he gets in his car, does he
2 start driving?

3 A Yes, sir.

4 Q Okay. Is he driving away?

5 A He's driving away, yeah. He was leaving.

6 Q Okay. Did he drive towards you or towards any of
7 these ---

8 A No, sir. He was -- he was going the opposite way.
9 He was leaving.

10 Q And so we're clear, did the victim in this case, did
11 he have a gun?

12 A No, he did not.

13 Q Did he have a knife?

14 A No. He didn't have any weapons.

15 Q He had no weapons.

16 A No, sir.

17 Q As he's driving away, does somebody say something to
18 him?

19 A Yes. David.

20 Q David Mosley?

21 A Yes, sir.

22 Q David Mosley sitting over here (indicating)?

23 A Yes, sir.

24 Q What does he say?

25 A He says something to Braelon.

1 Q What did he say to Braelon?

2 A He said, "Blast that nigger."

3 Q No question in the world he said, "Blast that" ---

4 A Yes, sir.

5 Q I'd like to use the N word. But that's what he said?

6 A Yes, sir.

7 Q And when the Defendant Mosley said that, what did
8 Defendant Brown do?

9 A The car was rolling, so Braelon jogged up beside it
10 as the car was rolling and started shooting.

11 Q I mean, do you know how many times he shot?

12 A Like five or six times.

13 Q Okay. You saw him shoot that gun?

14 A Yeah. When the -- when the first shot let off, I
15 took off running.

16 Q Okay. And we'll get to that in a minute.

17 But you heard how many shots? Five or six?

18 A Five or six shots.

19 Q And you took off running?

20 A Yes, sir.

21 Q Okay. And so we're clear for the jury, you had an
22 ankle monitor on, too.

23 A Yes, I did.

24 Q You were under what we call GPS monitoring?

25 A GPS monitor.

1 Q Okay. So meaning that we knew where you were all the
2 time.

3 A Yes, sir.

4 Q After you start -- after you hear the -- see the
5 shots and you start running, where do you go?

6 A I go to my grandma's house.

7 Q Okay. Did you see where these defendants went?

8 A No. I didn't look back. I kept running.

9 Q Okay. So they didn't run with you.

10 A No, sir.

11 Q All right. Where's your grandmother?

12 A She stays -- she stays in the other Kingswood.

13 Q Is that close to this incident location?

14 A Yeah. It's maybe like -- if you're walking, probably
15 like three or four minutes.

16 Q Okay. And when you got to your grandmother's house
17 what did you do?

18 A I got an Uber ride to my mom's house in Simpsonville.

19 Q And when you went to Simpsonville -- you said that's
20 your mother's house?

21 A Yes, sir.

22 Q And what did you do at that house?

23 A I was panicking. I didn't know what to do. So I had
24 called my baby mama, and she came and picked me up and we
25 went to a hotel in Spartanburg. And I stayed that night.

1 MR. RICHARDSON: Beg the Court's indulgence.

2 BY MR. RICHARDSON:

3 Q At your mother's house, you don't call law
4 enforcement?

5 A No.

6 Q No.

7 You said you go where?

8 A I went to Spartanburg with my baby mama.

9 Q Okay. And where did you stay in Spartanburg?

10 A Some hotel she already had.

11 Q The next day, did you have somewhere you had to check
12 in with the government?

13 A Yes, sir. I had to report at Sentinel ---

14 Q At Sentinel?

15 A --- that morning, at like 8 o'clock in the morning.

16 Q Okay. And did you report?

17 A Yes, I did.

18 Q And when you reported, did you know you were going to
19 be arrested?

20 A I kinda figured I was.

21 Q And you were, correct?

22 A Yes, I was.

23 Q And subsequently after you go to jail, you had a
24 conversation with this investigator, Investigator Garrett;
25 is that right?

1 A Yes, sir.

2 Q And do you recall him reading you your rights? You
3 recall that?

4 A Yes, sir.

5 (WHEREUPON, State's Exhibit Number 52 was marked for
6 identification.)

7 BY MR. RICHARDSON:

8 Q And I'm referring to State's Exhibit 52. Is that the
9 waiver of rights form?

10 A Yes, sir.

11 Q That you signed?

12 A Yes, it is.

13 MR. RICHARDSON: At this time, we move for State's 52
14 to be moved into evidence.

15 MR. CANTRELL: No objection.

16 THE COURT: All right. On behalf of Brown? Mosley?

17 MR. PRINGLE: No objection.

18 THE COURT: And Hill? Any objection from Hill?

19 MR. WARDER: No, sir.

20 THE COURT: All right. In without objection.

21 (WHEREUPON, State's Exhibit Number 52 was admitted into
22 evidence.)

23 BY MR. RICHARDSON:

24 Q Okay. And just to show the jury and clarify, you
25 were read all your Miranda rights. And that's -- your

1 initials are next to it?

2 A Yes, sir.

3 Q Okay. And that waiver of rights down there, you also
4 initialed that?

5 A Yes, sir.

6 Q Okay. And so you waived your rights to remain
7 silent.

8 A Yes, sir.

9 Q You knew -- you knew you could just say nothing.

10 A Yes, sir.

11 Q Okay. And at that point in time, you did answer
12 questions for this investigator; is that right?

13 A Yes, sir.

14 Q And after you were interviewed, you told who was
15 involved with this?

16 A Yes, sir.

17 Q And you told about yourself being involved.

18 A Yes, sir.

19 Q Let me ask you this. The person that initiated the
20 armed robbery with the text messages, is that person in
21 this courtroom?

22 A Yes, sir.

23 Q Can you point him out?

24 A (Indicating.)

25 Q And what's he got on?

1 A He got on a tie, dress shirt.

2 Q And is that Jaylin Hill?

3 A Yes, sir.

4 MR. RICHARDSON: Please let the record reflect he has
5 identified Jaylin Hill.

6 BY MR. RICHARDSON:

7 Q The person who knew about this armed robbery and beat
8 the victim and said, "Blast that N," is he in this
9 courtroom?

10 A Yes, sir.

11 Q Point him out.

12 A (Indicating.)

13 Q What's he got on?

14 A I think a dress shirt. I can't really see. The
15 computer's in the way.

16 MR. RICHARDSON: Please let the record reflect that
17 he has identified Mr. Mosley.

18 BY MR. RICHARDSON:

19 Q Lastly, the person who knew about this armed robbery,
20 had the gun, beat the victim, shot him as he drove away,
21 is that person in here?

22 A Yes, sir.

23 Q And can you point him out?

24 A (Indicating.)

25 Q What does he have on?

1 A Suit.

2 MR. RICHARDSON: Please let the record reflect that
3 the witness has identified the defendant Braelon Brown.

4 Thank you, sir. Please answer any questions the
5 defense has.

6 THE COURT: Cross-examination on behalf of Mr. Brown?

7 CROSS EXAMINATION

8 BY MR. CANTRELL:

9 Q Mr. Glover, tell us again when you first got together
10 with the other seven individuals.

11 A Sir?

12 Q Tell us again when you first got together with all
13 seven of the other individuals.

14 A When I got an Uber ride at Ottowa.

15 Q And what was the purpose of getting together?

16 A Just to hang out.

17 Q And approximately how long were you at Spinx?

18 A We was there for like ten minutes.

19 Q Just ten minutes?

20 A Yes, sir.

21 Q All right. And who went in?

22 A We all did ---

23 Q Okay.

24 A --- except for Kerolos, Nijah and Thomas.

25 Q Now, who did you say bought the tobacco or cigars?

1 A A random dude bought it.

2 Q Who did?

3 A I random dude, older dude just bought it. Random.

4 Q Who paid for it?

5 A Kerolos.

6 Q So this was after he said all he had was a hundred
7 dollar bill?

8 A Yes, sir.

9 Q Did he give that random dude a hundred dollar bill?

10 A No, sir.

11 Q What did he give him?

12 A He gave him like \$2, loose dollars.

13 Q Okay. So you knew he didn't have a hundred dollar
14 bill, didn't you?

15 A I mean, yeah. I knew that.

16 Q You knew that he was lying?

17 A Yes, sir.

18 Q Everybody in the car knew we was lying about the
19 hundred dollar bill.

20 A I can't say that.

21 MR. RICHARDSON: I object to that question. It's
22 speculation, Your Honor.

23 THE COURT: All right. Sustained.

24 BY MR. CANTRELL:

25 Q And who gave the \$2 to the dude?

1 A Kerolos.

2 Q So did he go in the store also?

3 A No, he did not.

4 Q How did he give the money to this guy?

5 A Through the car, through the window.

6 Q So did this fellow walk up to him?

7 A Yes.

8 Q And did the fellow go in to buy this stuff?

9 A Yes, sir, he did.

10 Q What else was in that cigar when y'all smoked it?

11 A Tobacco. Black & Mild, it's only tobacco.

12 Q All right. Who in the car had marijuana?

13 A Nobody.

14 Q So your testimony is nobody smoked marijuana in that
15 car?

16 A I was on GPS. I couldn't smoke marijuana. I get
17 drug test every week. So I ---

18 Q Okay. But GPS doesn't show marijuana, does it?

19 A Drug test does.

20 Q GPS doesn't show marijuana, does it?

21 A No, sir.

22 Q Okay. I didn't ask you if just you. I said who else
23 in there would have smoked marijuana.

24 A I don't know. I can't say. I don't know that.

25 Q Did you smell marijuana? Did you see marijuana?

1 A No, sir.

2 Q So you're telling this jury nobody in there had or
3 used marijuana?

4 A Nobody smoked marijuana in Kerolos's car or before
5 that.

6 Q Okay. So there was discussion going to the district.
7 Kerolos didn't want to go there, said no?

8 A Yes, sir.

9 Q Discussion of going to Kingswood and that he decided
10 to drive y'all there; is that right?

11 A Yes, sir.

12 Q What was his reason for driving to Kingswood?

13 A For the females.

14 Q Do you remember telling this officer that you went
15 there to go to your grandmother's house?

16 A Yes, sir.

17 Q So did Kerolos know that?

18 A No, he didn't.

19 Q So who brought up Kingswood?

20 A Jaylin did.

21 Q When did you decide you were going to go there and
22 get out to go to your grandmother's house?

23 A My grandmother's house is in the next neighborhood,
24 so it's nothing for me to walk over there. So it didn't
25 matter if I went to the first or the second one.

1 Q I understand that. But you said -- told him you went
2 over there to go to grandma's house.

3 A Yes, sir.

4 Q That wasn't prearranged with Kerolos?

5 A No, it wasn't. It was the females.

6 Q Were you going to stay there while -- when you found
7 the females?

8 A Yes.

9 Q But, again, you told him when you got there you were
10 going to go to your grandmother's house.

11 A Yes.

12 Q You didn't say you were going to go see females, did
13 you?

14 A Right.

15 Q So you lied to him.

16 A No, I didn't.

17 Q Based on your testimony, you knew from the beginning,
18 you say that some folks in the car were up to no good.

19 A Not from the beginning.

20 Q They were going to rob somebody.

21 A No. Not from the beginning, I didn't.

22 Q How soon?

23 A When I seen that text. Then I knew.

24 Q When did you see that?

25 A Five minutes before we was going back to Kingswood.

1 Q And that is with y'all sitting at Spinx for ten
2 minutes.

3 A Yes, sir.

4 Q What if it turns out y'all were at Spinx for an hour?

5 A You said what if?

6 Q Yeah.

7 A I don't know.

8 Q You don't believe y'all were there for that long?

9 A If it -- if it was an hour, it didn't feel like an
10 hour.

11 Q So you're saying whatever these messages you say you
12 saw took place right before you left.

13 A Yes, sir.

14 Q These messages were never sent and you never received
15 one?

16 A They were never sent. They was just typed up. It
17 was never sent.

18 Q The only thing we can go by is you say you saw that;
19 is that it?

20 A Yes, sir.

21 Q Did you ever think about telling anybody about that?

22 A Yes. But I was scared.

23 Q And you were in the backseat with people allegedly
24 planning all of this; is that right?

25 A No. Only one person planned it.

1 Q But you were in the backseat with those people.

2 A Yes, sir.

3 Q And you went into Spinx with those people.

4 A Yes, sir.

5 Q And you rode from Spinx to Kingswood with those
6 people.

7 A Yes, sir.

8 Q Now, when you got to Kingswood, what did you do
9 first?

10 A We all got out of the car.

11 Q And then what did you specifically do?

12 A I was just standing there.

13 Q Do you remember telling this officer that you were
14 walking up the cul-de-sac to your grandmother's house?

15 A That's after this when all this stuff happened, sir.
16 When I first got out of the car, I mean, what could I do?
17 I just stood there.

18 Q And watched them beat this guy?

19 A No.

20 Q They weren't beating him?

21 A Not at the moment.

22 Q A while ago you said that as soon as Braelon Brown
23 got out and allegedly got a bag, then he started beating
24 him.

25 A Yes. But you told me when we got out of the car,

1 what did I do. He didn't even go to the trunk yet.

2 Q You didn't tell this officer that when you got out of
3 the car, you started up the cul-de-sac to grandma's house?

4 A No. I said I was away from the car by the
5 cul-de-sac. That's what I told Officer Garrett, sir.

6 Q And you were walking towards grandma's house?

7 A No. Grandma's house is in the other Kingswood.

8 Q I understand that. But you were walking away,
9 weren't you?

10 A I was away from the car, away from the cul-de-sac.
11 So if you're right there where the car's at, I'm like
12 right here.

13 Q And did you walk that way?

14 A No, sir.

15 Q Which way did you walk?

16 A I was standing right there.

17 Q When you started walking, which way did you walk?
18 When you started walking, what direction did you walk?

19 A I was walking away from the vehicle.

20 Q Towards the cul-de-sac?

21 A Yes, sir.

22 Q And you're telling us you didn't start walking until
23 you saw somebody strike ---

24 A Yes, sir.

25 Q --- Mr. Kerolos? Then you started walking?

1 A Yes, sir.

2 Q And, in fact, you saw Croskey and Mueller run, and
3 you started getting away also, didn't you?

4 A I was still right here in the same spot when Nijah
5 and Thomas started running.

6 Q Now, at one point, you said Kerolos got in the car.

7 A Yes, sir.

8 Q This was before any shots?

9 A Yes, sir.

10 Q And you're still standing there.

11 A Yes, sir.

12 Q Even though the beating had already taken place.

13 A Yes, sir.

14 Q Do you remember telling this detective that you were
15 walking in the cul-de-sac to grandma's house, that you saw
16 Croskey and Mueller run, and you heard three shots and you
17 ran off to grandma's house? Do you remember saying that
18 to him?

19 A Again, when we got out of the vehicle, I stood there
20 first. When Braelon hit him in the head with the pistol,
21 that's when I walked away and came towards the cul-de-sac.
22 And that's when Thomas and Nijah started running. And I
23 was still standing right there away from the vehicle by
24 the cul-de-sac.

25 Q What I'm asking you is, do you remember telling the

1 detective what I just read off to you?

2 A Can you read it again for me, sir?

3 Q That you were walking in the cul-de-sac on your way
4 to grandma's house, you saw Croskey and Mueller, heard
5 three shots. When I heard the shots is when I took off to
6 grandma's house.

7 A Yes, sir. I started running.

8 Q You were already headed to grandma's house. You saw
9 them run, you heard shots and you took off.

10 A No, sir.

11 Q Do you remember saying that to the detective?

12 A You're mixing it up.

13 Q I'm asking ---

14 A I don't understand it that way.

15 Q --- do you remember saying those words?

16 THE COURT: All right. Y'all got one person speak at
17 a time.

18 THE WITNESS: Oh, I'm sorry, sir.

19 THE COURT: So that the record's clear.

20 THE WITNESS: He's confusing.

21 MR. CANTRELL: Do you remember saying those words to
22 the detective?

23 THE COURT: Let him answer the -- then you can
24 answer.

25 THE WITNESS: Okay. What did you say?

1 BY MR. CANTRELL:

2 Q Do you remember saying those words to this detective?

3 A Yes, sir.

4 Q And that is what you were telling him is what
5 happened and what you did and what your movements were?

6 A Yes, sir.

7 Q And most importantly, you said you saw Croskey and
8 Mueller run. And then this is important, you said, "I
9 heard three shots," right?

10 A Yes, sir.

11 Q "Then I -- when I heard the shots, I took off
12 running." Is that what you said?

13 A Yes, sir.

14 Q Then you said, "I was already on the way home,"
15 meaning grandma's house.

16 A Yes, sir.

17 Q You heard three shots.

18 A Yes, sir. Five or more.

19 Q But you first said three shots?

20 A Yes, sir.

21 Q And, again, you heard them, correct?

22 A Yes, sir.

23 Q And I think this has been established. You got to
24 grandma's house. You didn't call anybody ---

25 A Yes, I did.

1 Q --- except your -- except Uber.

2 A Yeah.

3 Q Did you tell grandma what had happened?

4 A No, I didn't.

5 Q You got the Uber. Went to your mother's house, I
6 believe?

7 A Yes, sir.

8 Q Called the mother of your child, or was she already
9 there?

10 A No. She wasn't there.

11 Q Okay. You called her?

12 A Yes, sir.

13 Q How long did it take her to get there?

14 A Probably took about an hour, hour and 30, two hours
15 at the most.

16 Q Okay. And you were in Simpsonville. And I think you
17 stated you then went to a hotel room in Spartanburg.

18 A Yes, sir.

19 Q And you said that she already had that room?

20 A Yes, sir.

21 Q Did she have any idea or know that you were going to
22 need a room or want a room in Spartanburg that night?

23 A No. Because she was going to pick me up earlier that
24 day.

25 Q What happened?

1 A I was hanging out with them.

2 Q Let me back up a little bit. When y'all got
3 together, you were going to hang out for however long it
4 was at Spinx and then go to Kingswood. Was there a time
5 or two where Kerolos, the victim, said, "I've got to go"?

6 A No.

7 Q So he never was ready to leave or wanting to get
8 gone?

9 A I think he had to go.

10 Q You think he had to go?

11 A Yeah.

12 Q Was he getting anxious about needing to go?

13 A No, sir.

14 Q So he wasn't worried about leaving or ---

15 A No.

16 Q So where did he say he had to go?

17 A I guess home. He just said he had to drop us off
18 somewhere.

19 Q Had what?

20 A He said he had to drop us off.

21 Q Okay. So he was wanting to get y'all out of the car
22 to go home.

23 A Yes, sir. I guess.

24 Q Did you remember any argument or words between
25 Kerolos and any of the other folks in the car when he got

1 out or before he got out? You don't remember any type of
2 dispute or argument or just words?

3 A You're talking when we got out in Kingswood?

4 Q Yes.

5 A No. There wasn't no argument or nothing.

6 Q One or two more questions. This is a neighborhood
7 where people live; is that right?

8 A Yes, sir.

9 Q I think when you were asked, you said one house was
10 abandoned. But there were other houses around; is that
11 right?

12 A Yes, sir.

13 MR. CANTRELL: Your Honor, may I approach the
14 witness?

15 THE COURT: Yes.

16 BY MR. CANTRELL:

17 Q Mr. Glover, this is State's Exhibit Number 38. Can
18 you tell by looking at it, does that look like Kingswood
19 neighborhood?

20 A Yes, sir.

21 Q So all of these houses, even the one abandoned one,
22 all those houses were in that neighborhood; is that right?

23 A Yes, sir.

24 Q In this area?

25 A Yes, sir.

1 Q A lot of families live there including nearby your
2 grandmother.

3 A Yes, sir.

4 Q And a lot of families or people were at their homes
5 that night, were they not? Could you tell? Did it look
6 like people lived in the neighborhood?

7 A Yes, sir.

8 Q Okay. Were there lights? Did they have streetlights
9 or was it fairly dark?

10 A Kingswood, there ain't really that many streetlights.
11 A lot of porch lights, but ain't no big streetlights.

12 Q So kind of dark, hard to see.

13 A No. You can see. It's not hard to see. You can
14 still see. It's not pitch-black dark, no.

15 Q No. I understand that. But, I mean, there are no
16 streetlights to help you see pedestrians or anything.

17 A It's porch lights where you can see.

18 Q And it's your testimony that the victim, Kerolos, got
19 in his car and locked the door and was driving away.

20 A He didn't lock the doors. He just -- I guess he just
21 got in the car and left. He was strolling. It wasn't
22 fast.

23 Q Do you remember telling this detective that he locked
24 the car?

25 A No.

1 Q Do you think you did say that?

2 A I know I didn't say that, sir.

3 Q You're absolutely certain you didn't tell him that.

4 And he's driving away.

5 A Yes, sir.

6 Q But then when you talked about Braelon Brown coming
7 up to him, you said Braelon Brown ran up because he was
8 rolling away.

9 A The car ---

10 Q That's different from driving away.

11 A I told you, the car was -- it wasn't going fast. It
12 was -- it was like a stroll. He didn't push the gas and
13 take off. It was kind of like a little steady pace. It
14 was enough for him to jog up beside the car and shoot
15 inside the car.

16 Q And you're saying that is a young man that's just
17 been beaten really soundly. You're saying there was a gun
18 in somebody's hand and he got in the car and just kind of
19 rolled away instead of driving off fast.

20 A Yes, sir. If he was going that fast and Braelon shot
21 inside the car, he probably would have hit a house,
22 somebody's car. It was a steady pace. It wasn't fast.

23 Q You're not saying that Kerolos was worried about
24 that, are you?

25 A I mean...

1 Q Wasn't Kerolos worried about getting out, getting
2 away?

3 A Yeah, he was.

4 Q But that is your testimony about what happened and
5 how it happened?

6 A Yes, sir, it is.

7 Q I'm sorry. Let me back up. Do you remember any
8 discussion about the gun being passed around in the
9 backseat?

10 A No. I never said that, sir.

11 Q So you -- you testify that it was or was not passed
12 around or other people had it?

13 A I don't know. The only person I knew had a gun was
14 Braelon, sir.

15 Q You never saw anybody else out of this whole episode
16 who had a gun.

17 A No, sir, I didn't.

18 Q And it's your testimony you never had a gun.

19 A Never had a gun, sir.

20 Q Nobody could have seen you with a gun.

21 A Nobody seen me with a gun in that car. Nobody. I
22 never had one, sir.

23 Q Or outside the car.

24 A Outside the car, in the car, up under the car.
25 Nobody ever seen me with a gun, sir.

1 MR. CANTRELL: Thank you, sir.

2 THE WITNESS: Your welcome.

3 MR. CANTRELL: No more questions.

4 THE COURT: All right. Cross-examination on behalf
5 of Mr. Mosley?

6 CROSS EXAMINATION

7 BY MR. PRINGLE:

8 Q All right. We've got a lot to cover. Before we get
9 started, Mr. Richardson from the solicitor's office set
10 out obviously you're in jail.

11 A Yes, sir.

12 Q Okay. And he set out a number of charges that you've
13 had, and you're facing some pretty serious prison time,
14 aren't you?

15 A Yes, sir, I am.

16 Q Yeah. So before we get into the details and I get
17 into the minutia of what you said and the stories you
18 told, you're -- you're a criminal, aren't you? You're an
19 admitted criminal as you sit here in front of this jury.

20 A Allegedly criminal, sir.

21 Q Well, you're certainly a liar, aren't you?

22 A No, I'm not, sir.

23 Q Okay. We'll get back to that.

24 So let's go back to the beginning. You said -- and
25 frankly -- well, before -- isn't it true that this entire

1 investigation started with you? You were the first
2 suspect in this case, weren't you?

3 A No, sir, I was not.

4 Q Are you sure about that?

5 A Yes, sir. Explain more.

6 Q Were you being monitored at the time that this
7 happened?

8 A Yes, sir, I was.

9 Q And isn't it true that law enforcement checked your
10 monitor and put you at the scene of this crime which is
11 what started this entire investigation?

12 A I told them I was at the scene, sir.

13 Q Right. But you were the point man. You were the
14 first one. You were the beginning of this investigation,
15 weren't you?

16 A I mean, if you say that. I mean, I don't understand
17 like why -- what you say about it.

18 Q I mean, you're sitting here for a reason, right?

19 A No.

20 Q Other than to save your own skin, you're sitting here
21 for a reason. Because you're charged in this case.

22 A No. When I first got locked up, sir, I told what
23 happened before I even ---

24 Q Well, we'll get back to that.

25 A Yes, sir.

1 Q The first story that you told.

2 A Yeah. The only story I told, sir.

3 Q All right. You said this all started when you got a
4 text about hanging out.

5 A Yes, sir.

6 Q And, again, "hanging out" just means what we think it
7 means. It means just getting together with your
8 friends ---

9 A Chillin', shooting, basketball. Chill, yeah.

10 Q And during that time that you were hanging out, was
11 there any talk of robbing anybody?

12 A No. We was chillin', making TikTok videos like ---

13 Q How about shooting anybody?

14 A No.

15 Q Murder?

16 A No.

17 Q No. So there was no discussion about that at all.

18 A No, sir.

19 Q And then, of course, we fast-forward to the Spinx.
20 Okay. You know, we went through this a little bit.

21 I'm sorry, ladies and gentlemen. This is probably
22 pilot error. There. Okay.

23 All right. You know, a lot of talking about this
24 text and snap-chatting business, right? Okay. So you
25 said that it was Jaylin Hill that started that

1 communication. So you're saying he had a phone or a
2 device with him, right?

3 A Yes, sir.

4 Q And he's sitting right here (indicating), front seat?

5 A Yes, sir.

6 Q So the way you told that was that he was showing his
7 phone to the people in the backseat. Is that what ---

8 A Yes, sir.

9 Q So he's turning around and he's doing this
10 (demonstrating)?

11 A He was like this (demonstrating).

12 Q Okay. And Mueller was in the front seat. Clearly,
13 he had no part in any of this, right?

14 A No. He was clueless.

15 Q So he had no idea that Jaylin was doing this.

16 A He had no idea.

17 Q What about the victim, the driver?

18 So he's turning around, showing his phone to guys in
19 the back including you, by the way. And you said you saw
20 what was on it.

21 A Yeah. I seen it.

22 Q Okay. But you didn't do anything about it, did you?

23 A I couldn't do anything about it, sir.

24 Q You didn't try to stop anything, did you?

25 A I couldn't stop it.

1 Q Because you were part of it, of course. And we'll
2 get to that.

3 So initially -- and just logically, I'm trying to
4 make sense of this. These guys are right next to him.
5 They're basically on top of each other, just like the five
6 of you. There's eight of you in a car, for lack of a
7 better term. Not an SUV, not a, you know, Escalade,
8 something like that. Everybody's on top of each other,
9 basically. That's tight quarters. And he's doing all
10 this, and these two guys in the front seat don't notice,
11 don't do anything, nothing. That's your testimony.

12 A Yes, sir.

13 Q Okay. And then, of course, you pointed at these
14 three guys who were your codefendants, okay, of course.
15 And you -- and then, of course, this Nijah Croskey --
16 Nijah Croskey, now, we know that Nijah Croskey wasn't
17 involved in any of this, right?

18 A Yes, sir.

19 Q Okay. So your testimony, again, is somehow Hill
20 showed his phone to the five of you in the backseat. You
21 could clearly read what it said. And ---

22 A It wasn't -- it wasn't that clear like to a point.
23 Only a couple of people could see it because Nijah didn't
24 see it either. Nijah's in the back with us. He didn't
25 even see it. So it...

1 Q All right. So you know he didn't see it.

2 A I know he didn't see it. If he'd seen it, he would
3 have said something or did something.

4 Q Well, yeah. But you saw it and you didn't say
5 anything. You went along with it, didn't you?

6 A No, I didn't.

7 Q You don't know what he saw. You couldn't know, could
8 you? Could you possibly know?

9 A I know he did, sir.

10 Q Okay. But we know you did.

11 A I seen.

12 Q Okay. And so you're sitting there. And it sounds
13 like there were two different efforts that you say Hill
14 made with his phone?

15 A Yes, sir.

16 Q The first time -- and I want to be very clear. You
17 said he showed it, and he showed it to everyone. And
18 there was no reaction from anyone the first time.

19 A No. It was not from everybody, sir. It was only
20 two, three people.

21 Q Who?

22 A McMahan, David and Braelon.

23 Q McMahan.

24 A Yes, sir.

25 Q Okay. He's the one that said that you pistol-whipped

1 the victim in this case, right?

2 A No, sir. It was Thomas, Thomas Mueller ---

3 MR. RICHARDSON: Objection, Your Honor. That's
4 hearsay.

5 THE COURT: Hold on.

6 MR. RICHARDSON: He's asking for hearsay.

7 MR. PRINGLE: We'll get back to it. Withdraw.

8 THE COURT: Sustained.

9 BY MR. PRINGLE:

10 Q So McMahan, Brown and David Mosley are the three you
11 said saw -- you also, of course. The four of you, right?

12 A Yes, sir.

13 Q And there was no reaction from any of them the first
14 time.

15 A There was no reaction from them three, no.

16 Q You said they didn't react at all when they saw it
17 the first time.

18 A They just looked.

19 Q And obviously, that includes David Mosley. He didn't
20 react at all, did he?

21 A Yes, sir.

22 Q So then it sounds like there's a second effort by
23 Hill.

24 A Yes, sir.

25 Q Okay. And at that time, you said that somebody --

1 somebody reacted. I don't want to put words in your
2 mouth. What happened that second time? What makes
3 you ---

4 A Braelon Brown nodding his head yes.

5 Q Nodding his head.

6 A Yes, sir.

7 Q Okay. And you could clearly read what was said in
8 the message.

9 A Yes, sir.

10 Q Okay. Nobody else reacted?

11 A Braelon Brown was the only one who nod his head yes.

12 Q Okay. You said David saw that as well?

13 A Yes.

14 Q He didn't nod his head?

15 A The same.

16 Q He just -- he just didn't react at all.

17 A Yeah. Stale face.

18 Q All right. You said you weren't part of the planning
19 of this.

20 A No, sir, I was not.

21 Q In fact, you said only one person planned this,
22 didn't you?

23 A Yes, sir.

24 Q Okay. So that meant that -- only to you, that would
25 be, what, Brown? Is that what you're implying?

1 A No. We go back to Jaylin, remember?

2 Q Okay. So you're saying Hill was -- nobody else in
3 the backseat planned on any of this.

4 A No. Jaylin Hill is the one that showed the text.

5 Q And, again, there was never any discussion of any
6 robbery, certainly not a shooting or a killing at any
7 point?

8 A Before this -- before -- before this text? Is that
9 what you're asking?

10 Q Yes, sir.

11 A No. There was no -- nobody was talking about killing
12 nobody ---

13 Q The first anything ---

14 THE COURT: All right. You've got to let him finish
15 so we don't have y'all talking over each other.

16 BY MR. PRINGLE:

17 Q Sorry. Go ahead.

18 A You said previous before that text?

19 Q Yeah.

20 A No.

21 Q There was never any discussion from any of the eight
22 people involved.

23 A Before that text.

24 Q Right.

25 A No, it was not.

1 Q Okay. So you see this. And then y'all get out of
2 the car and then it goes from there. You make it sound
3 like you had nothing to do with the actual scuffle.

4 A I did.

5 Q That's not true, is it? There's multiple people that
6 say otherwise, right?

7 MR. RICHARDSON: Objection, Your Honor. He's asking
8 for hearsay again.

9 THE COURT: Yeah. Sustained.

10 BY MR. PRINGLE:

11 Q In your initial statement, you said Brown, McMahand
12 and Hill participated in the scuffle with the victim,
13 correct?

14 A Yes, sir.

15 Q I notice you left out Mosley in your statement. That
16 was shortly after this all happened. You said Brown,
17 McMahand and Hill were part of the scuffle. At no time
18 did you say that David Mosley was part of that scuffle,
19 did you?

20 A That's what you're reading, sir?

21 Q I'm talking about your initial statement shortly
22 after this all happened that you gave. You said you only
23 told one story. So that's got to be the story, right?

24 A Yeah. I mean, all of them, sir. I mean ---

25 Q So now you say it was all of them.

1 A It was, sir.

2 Q But that's not what you said initially, is it? You
3 know what you said in your statement, don't you?

4 A I mean, you're reading it, sir. I don't -- I don't
5 know what you're reading, but ---

6 Q I'm reading your statement. I mean, I know you've
7 told so many stories you can't keep them straight.

8 A It's -- it's the same --- I've been telling the same
9 story, sir.

10 MR. RICHARDSON: Your Honor, objection. This is
11 argumentative.

12 THE COURT: All right. Hold on. First of all, both
13 of y'all can't be talking at the same time. You ask a
14 question, he answers it and you've got to wait until he
15 finishes. Otherwise, we're not -- I mean, that's -- the
16 court reporter.

17 MR. PRINGLE: I'm sorry, Your Honor. I get a little
18 excited.

19 THE COURT: I understand. And make sure your
20 questions aren't argumentative.

21 MR. PRINGLE: Thank you, Your Honor.

22 BY MR. PRINGLE:

23 Q To your knowledge, has anybody involved in this or
24 that was there given a statement against you?

25 MR. RICHARDSON: Objection, Your Honor.

1 THE WITNESS: Can you repeat that, sir?

2 MR. PRINGLE: To his knowledge.

3 THE COURT: That is a statement by another person.

4 That is hearsay.

5 MR. PRINGLE: Okay.

6 BY MR. PRINGLE:

7 Q Is there any reason anybody would say that?

8 A Can you repeat your question, sir?

9 MR. RICHARDSON: Your Honor, objection. It's still
10 the same thing.

11 THE COURT: No. I'm going to overrule your objection
12 on that.

13 BY MR. PRINGLE:

14 Q Is there any reason to believe there's a conspiracy
15 against you in this case?

16 A Can you repeat the question, sir? I didn't hear the
17 first question you asked me.

18 Q We can move on.

19 A Okay.

20 Q Now, you know, there's some really important things
21 that you said in your first statement, again, that don't
22 match up with what you're saying today. Okay. Now, when
23 we start with first you said in your original statement
24 Brown shot three or four times. Do you remember saying
25 that?

1 A Yes, sir.

2 Q But that's not what you're saying today, is it?

3 A I said he shot five or six times.

4 Q Okay. Why the difference?

5 A Because I know it was -- it was more than that.

6 Q Well, why didn't you tell the truth the first time?

7 A I did tell the truth.

8 Q Well, you would agree that if you say three or four
9 or five or six, that's not the same.

10 A I mean, it's a -- it's a -- it's a stretch. Three or
11 four or five or six, that's like saying, okay, five or
12 six, seven or eight. I say three or four.

13 Q Okay. So that's a good word, stretch. So there's
14 been quite a bit of stretching from the time of your
15 statement to today, right?

16 A If you can say that, yes.

17 Q You know, it's four and a half years ago. Which ---

18 A I know it's a long time, sir.

19 Q Yeah. Don't you think you were probably pretty much
20 closer to accurate four and a half years ago than you
21 would be now? And aren't you motivated now?

22 A What do you mean?

23 Q You've got a reason to tell this story, don't you?

24 A I mean, I told it the first time. So, I mean,
25 like...

1 Q Okay. Now, you said that when the vehicle started to
2 roll away, you said that David Mosley told Brown to shoot.
3 What did he say?

4 A "Blast that nigger."

5 Q All right. Now, you would agree that there was a lot
6 going on at that time, a lot of chaos, literally, a
7 confrontation, a blowup, would you? That's how it went,
8 right? It went crazy, didn't it?

9 A What do you mean, sir?

10 Q The whole incident from the time the beatdown started
11 to the time he got shot.

12 A Yes, sir.

13 Q Crazy. Very chaotic.

14 And, you know, out of all of the people involved,
15 whether they be witnesses or accused or what, you are the
16 only one, the only one to say that David Mosley said that.

17 MR. RICHARDSON: Objection, Your Honor.

18 MR. PRINGLE: It's a fact. You are the only ---

19 THE COURT: Hold on. That -- no. He's got an
20 objection and you can wait until I rule on the objection,
21 okay?

22 MR. PRINGLE: Thank you, Your Honor.

23 THE COURT: And I sustain his objection because
24 that's all for hearsay. You can ask him what he said, but
25 I'm not going to let you get into anything anybody else

1 said.

2 BY MR. PRINGLE:

3 Q Why did you lie about not knowing the victim before
4 this incident?

5 A I didn't know him.

6 Q You didn't know him. So there's no way there's video
7 out there of you and the victim hanging out ---

8 A No, sir.

9 Q --- before the incident?

10 A Kerolos?

11 Q Kerolos.

12 A No, sir. I don't know him.

13 Q You've got a brother?

14 A Yeah. A little brother.

15 Q Does he have a child?

16 A No. My little brother's 15 years old.

17 Q Okay. Did you say that David looked surprised after
18 the shooting in your first statement?

19 A I say did he look surprised?

20 Q Did he look surprised when Braelon shot?

21 A I can't remember, sir.

22 Q But you might have said that at the time?

23 A I can't -- I can't say. I don't remember. I don't
24 remember. I can't say, sir.

25 Q Okay. So, again, before we even get out of the car,

1 you're saying that all this went with Hill's phone and
2 everybody looked at it, did what they did. You saw it.
3 You did nothing, right? You didn't tell Kerolos? You
4 didn't tell anybody?

5 A I -- I couldn't. I was scared.

6 Q You didn't say, "Hey, man. We can't do this? What
7 are you guys talking about?" Nothing. You made no effort
8 to do anything about it.

9 A I didn't say nothing to nobody.

10 Q So you went along with it.

11 A No, I didn't sir.

12 Q You didn't try to stop it?

13 A I couldn't stop it, sir.

14 Q You know, here we are. You were on the trial docket
15 for a number of charges just like murder, just like these
16 guys right up till Monday morning when we all met. And,
17 you know, you should have been there, but you weren't.
18 What was it that made you see the light? After four and a
19 half years, here you are telling this story. What made
20 you decide to come forward now?

21 A I mean, sir, listen, I told the truth from the
22 beginning. I mean, it's ---

23 Q You would agree we pointed out ---

24 MR. RICHARDSON: Objection, Your Honor. Let him --
25 can he finish his answer?

1 THE COURT: All right. He did. All right.

2 THE WITNESS: I told the truth from the beginning,
3 sir. I mean, like, I've been here four years hard. I
4 mean, I don't know what else to do. I'm telling the
5 truth.

6 BY MR. PRINGLE:

7 Q Are you done? Okay.

8 So you would agree that your story back then doesn't
9 match everything now.

10 A That was four years ago, sir.

11 Q Okay.

12 A But I told the truth from the beginning.

13 Q It's also your butt's on the line, right?

14 A No. My butt's not on the line, sir, because I didn't
15 do anything. That's why I'm here today telling you ---

16 Q Okay. Go ahead.

17 You never have come forward in four and a half years
18 to do the right thing.

19 A I came forward from the beginning, not just today.
20 When it first occurred from the beginning, not just today.

21 Q You would agree that you were set for trial Monday.
22 You were ---

23 MR. RICHARDSON: Your Honor, this is asked and
24 answered. He's been over this numerous times.

25 THE COURT: All right. I'm going to let him go a

1 little further.

2 MR. PRINGLE: Thank you.

3 BY MR. PRINGLE:

4 Q So something made you see the light, okay? Because
5 you're here. You've never been here before. You were
6 never going to do this, and now you do. What was it?

7 A What do you mean, what ---

8 Q What made you see the light? Was it family?
9 religion?

10 A What do you mean, see the light, sir?

11 Q Here you are acting like you're up here doing the
12 right thing, going to tell the truth.

13 A I mean, that's your opinion, sir.

14 Q Where have you been for four and a half years?

15 A In the jail.

16 Q The morning of trial, all of a sudden you're here to
17 make a deal the morning of trial.

18 A I haven't made no deals with nobody. I've been in
19 the SHU since Thursday, sir, stressing. I don't know -- I
20 don't know what's going on or nothing. I'm just here to
21 tell what happened. And that's all I know.

22 Q I'm sorry. I'm sorry you've been in jail stressing,
23 but so have these guys.

24 A I understand that.

25 Q You ought to be sitting in the same kettle.

1 MR. RICHARDSON: Your Honor, objection.

2 Argumentative.

3 THE COURT: Let's move along. Move on.

4 BY MR. PRINGLE:

5 Q All right. So somebody got to you. Was it family?
6 religion? Jesus?

7 A Nobody got to me, sir.

8 Q But here you are. I mean, come on, I've been doing
9 this a long time. You made a deal, didn't you?

10 A No, sir. I did not make a deal.

11 Q You pointed out your lawyer, and he's a very good
12 lawyer, Mr. Watson.

13 A Yes, sir.

14 Q I'm sure he's handled your case very thoroughly.

15 A Yes, sir.

16 Q And more than adequately.

17 A Yes, he has.

18 Q Okay. And you want this jury to believe that you're
19 here out of the goodness of your heart, that you're going
20 to get nothing in return for this story.

21 A I'm just here to tell the truth. To be honest, I
22 don't know what's going to happen.

23 Q Well, you know you're not going to go down for what
24 you're charged with, don't you?

25 A I know that because I didn't do anything, sir.

1 MR. RICHARDSON: Objection. Once again, he is
2 dealing with a situation where he is asking him questions
3 of what he has no earthly idea what he can testify to.

4 THE COURT: Hold on. He's asking the question.
5 Let's move on.

6 MR. PRINGLE: All right. He's a defendant who's
7 charged. And he's up there ---

8 THE COURT: Let's move on and don't -- okay.

9 MR. PRINGLE: Your Honor, the State put him up there.
10 Of course ---

11 THE COURT: I said go ahead. Move on.

12 BY MR. PRINGLE:

13 Q All right. So who did you talk to about the deal or
14 your testimony?

15 A Sir, it was no deal. Why do you keep saying "deal"?

16 Q Well, because you've never come forward wanting to do
17 this at any other time.

18 A Yes, I have, sir. From the beginning I told Officer
19 Garrett what happened. So it was not like I went on years
20 and then I came out and told what happened. I told him --
21 when I got locked up, I told him what happened from day
22 one. December 20th I told him what happened, Officer
23 Garrett.

24 Q Right. That first story, as we call it.

25 A The same story, sir.

1 Q Okay. We can disagree about that.

2 You know they need your help in this case, don't you?

3 A They don't need my help, sir. It's clear as day. If
4 it was other people, other in the motion, Nijah, he would
5 tell the same story, sir, if he was here today. I promise
6 you he would.

7 Q Who's Nijah?

8 A Nijah Croskey. That's Kerolos's friend.

9 Q He's on the witness list.

10 A He's going to tell the same story, I promise you.

11 Q He might say some things you don't like.

12 A I mean, sir, it's the truth. So...

13 Q It might not add up.

14 A Everything is going to add up, sir. What I told the
15 officer, it's the same thing I'm telling y'all today.

16 Q The officer. You mean way back four and a half years
17 ago.

18 A Yes, sir.

19 Q All right. And you've not talked to anybody else
20 from law enforcement? solicitor's office?

21 A That's the only, Officer Garrett.

22 Q All right. So your lawyer set it up for you?

23 A Set up what? This?

24 Q Set this up.

25 A I mean, it was -- it was going -- bound to happen. I

1 was wanting to do this. It's not like ---

2 Q And yet you were one of the four codefendants till
3 Monday morning, literally. Literally, the minute we
4 started picking this jury, you drop off, there's three
5 guys left, and now you're here out of the goodness of your
6 heart.

7 A Sir, like I told you, I was in -- I went to the SHU
8 Thursday. I didn't know what was going on. I've been in
9 the SHU since Thursday.

10 Q So for the record, you're saying you did not
11 participate in any of this. You didn't get in the scuffle
12 with the victim?

13 A No, sir.

14 Q Never handled a gun?

15 A No. I never touched the gun, sir.

16 Q And you never knew the victim before this night.

17 A No, sir.

18 Q You're absolutely sure?

19 A I knew -- I knew the victim after.

20 Q Right. So there's no way that there's going to be
21 any video or anything else that's going to show that you
22 did?

23 A I don't know him, sir.

24 MR. PRINGLE: Thank you. Nothing further.

25 THE COURT: Cross-examination on behalf of Mr. Hill?

CROSS EXAMINATION

BY MR. WARDER:

Q How long have you known Jaylin Hill?

A For a minute now.

Q Mr. Hill never brought a gun that day, did he?

A No, he didn't.

Q Mr. Hill never beat anybody that day, did he?

A Say what, sir?

Q He never beat anybody that day.

A He did.

Q He was engaged in the fight?

A Yes, sir.

Q Mr. Hill was seated in the front seat.

A Yes, sir.

Q Where did the fight first start at?

A Outside the vehicle.

Q Okay. Who was in the vehicle when the fight started?

A Nobody. Everybody was out of the vehicle.

Q Where was everybody standing?

A They're right here, like -- like everywhere just around the vehicle.

Q Did Mr. Hill hit anybody?

A Did he hit anybody? Yes, sir, he did.

Q With, what, a fist?

A Yes, sir.

1 THE COURT: Mr. Warder, they can't hear you.

2 MR. WARDER: I'm sorry.

3 BY MR. WARDER:

4 Q When the car started to drive away, you said it
5 started at a slow pace?

6 A Yes, sir.

7 Q Where was Mr. Hill when the car started to drive
8 away?

9 A Just standing right there in the street.

10 Q Was he close to you?

11 A No.

12 Q Okay. And did Mr. Hill do anything to shoot or hurt
13 the victim when the car drove away?

14 A No, sir, he didn't. He didn't have a gun.

15 Q Did he try and throw anything?

16 A No, sir.

17 Q Did he try and stop the car from going away?

18 A No, sir.

19 Q If somebody else hadn't intervened and shot the
20 person driving the car away, that car would have just went
21 right down the road; is that right?

22 A Say it again, sir?

23 Q If he hadn't been shot, if somebody hadn't shot the
24 driver of that car, it would have went away.

25 A Yes, sir.

1 Q And all of you guys would have been standing there.

2 A Yes, sir.

3 Q How far did the car get away before the first shot
4 was fired?

5 A It wasn't far. A couple feet.

6 Q Okay. So just almost instantly, I take it.

7 A Yeah.

8 Q And were all the shots rapid together or were they
9 spaced out?

10 A You can say they was rapid together.

11 Q Where did Mr. Hill go after the shots were fired?

12 A I don't know, sir.

13 Q Okay. Where did you go?

14 A I went to my grandma's house.

15 Q Okay. Did you run away immediately after the shots
16 were fired ---

17 A Yes, sir.

18 Q --- or were you waiting to see if the car stopped?

19 A Yes, sir. As soon as I heard.

20 Q Did you see the car come to a stop and rest?

21 A No, sir.

22 Q Do you know whether Mr. Hill was in a position to see
23 the car come or stop to a rest?

24 A No. I did not, sir.

25 Q He could have been running the other way as fast as

1 you were going?

2 A Say what, sir?

3 Q He could have been running away from it at that time.

4 A I don't know, sir.

5 Q You don't know?

6 A No.

7 Q By your testimony, is all Mr. Hill did was show you a
8 picture, a text on a phone; is that right?

9 A Yes, sir. That's not the only thing he did,
10 though.

11 Q And that's the only thing he did.

12 A No, it's not.

13 Q Okay. What else did he do?

14 A He beat up Kerolos.

15 Q Well, how many people beat Kerolos?

16 A Four.

17 Q Were you one of them?

18 A No, sir.

19 Q How long did the beating Kerolos up take?

20 A I can't -- I can't put a time on it, sir. It wasn't
21 -- I know it wasn't long.

22 Q Seconds? minutes?

23 A Seconds, maybe. A few seconds.

24 Q And only one person had a gun now?

25 A Yes, sir.

1 Q And that's the first time you'd seen a gun.

2 A No. I seen the gun in the car.

3 Q How did that happen?

4 A He flashed it.

5 Q When you flash a gun, do you take it out? Do you
6 just pull up your shirt? Or what did ---

7 A Can you say it again, sir?

8 Q What kind of conduct flashing? Do you take it out?
9 pull up his shirt?

10 A Like a -- yeah. Like a pull-up-your-shirt kind of
11 flash (demonstrating).

12 Q I guess flashing is kind of concealed. It wouldn't
13 show up to everybody?

14 A Say what, sir?

15 Q When somebody flashes something, they do it for just
16 one person to see?

17 A I mean, the way he did it, everybody could have seen
18 it.

19 Q Well, could Muller see the flash seated beside Hill?

20 A Who?

21 Q Thomas Mueller?

22 A Could he see it?

23 Q Yeah.

24 A He was in the passenger. He was in the front. He --
25 he wasn't looking back.

1 Q Well, Jaylin Hill was in the front, wasn't he?

2 A Yeah. Jaylin Hill was in the front.

3 Q He couldn't see the flash of the gun either when he
4 flashed it?

5 A No.

6 Q All of you people sitting in the backseat, did they
7 all see it?

8 A Yeah.

9 Q And then the car came to a stop.

10 A What car, sir?

11 Q The car you were all in.

12 A It came to a stop?

13 Q I'm asking you. Did it come to a stop after they
14 flashed the gun?

15 A We was still parked, sir. We was at Spinx. We were
16 still in the car.

17 Q So all that happened before.

18 A Yeah.

19 Q And then when you left the Spinx, did you all get in
20 the car and leave?

21 A Say what, sir?

22 Q Did you all ride together when you left the Spinx?

23 A Yeah. We were still with each other.

24 Q And how long were y'all in the car together before?

25 A Before what?

1 Q Before anything happened?

2 A Before we got to Kingswood? About five minutes
3 before we got to Kingswood, from Spinx to Kingswood.

4 Q Were there any conversations along the way?

5 A No. Music was -- music was playing. There was no
6 conversation.

7 Q Everybody would just sit in the car?

8 A Except for the texts. That's all the conversation.

9 Q Jaylin Hill didn't do anything to cause that death,
10 did he?

11 A What do you mean, sir?

12 Q He didn't shoot him.

13 A No. He didn't, sir.

14 Q Didn't injure him in any fatally way.

15 A Yeah. He did not shoot him, sir.

16 MR. WARDER: Thank you.

17 THE WITNESS: You're welcome.

18 THE COURT: Any redirect?

19 MR. RICHARDSON: Very briefly.

20 REDIRECT EXAMINATION

21 BY MR. RICHARDSON:

22 Q You have been cooperative since the day you were
23 arrested; is that right?

24 A Yes, sir.

25 Q You've met with me, right?

1 A Yes, sir.

2 Q How many times did you meet with me?

3 A Once.

4 Q Once.

5 What did I ask you to tell this jury?

6 A Nothing but the truth.

7 Q Nothing but the truth.

8 A Yes, sir.

9 Q Did I insinuate or make any promises at all?

10 A None, sir. I'm still wondering. I don't know
11 nothing.

12 MR. RICHARDSON: Thank you. That's all the questions
13 I have.

14 THE COURT: All right. Thank you. You may step
15 down.

16 All right. Ladies and gentlemen, we're going to take
17 a short break. And I may bring you back out and say we
18 may be taking a lunch break or we may be going to another
19 witness -- short witness.

20 Don't discuss the case. I'll bring you back out in
21 just a few minutes and let you know.

22 (WHEREUPON, the jury exits the courtroom at 12:13 PM.)

23 THE COURT: All right. We need to take a break.

24 What is the State as far as -- it's 12:15. I see you
25 must have a star witness coming in here behind you.

1 MS. McCALL: Your Honor, we can start back after --
2 we can take a lunch break now and start after lunch if you
3 want. I mean, I think our first witness may be a little
4 lengthy. Not nearly as long as this one, but probably
5 longer than they would want before lunch.

6 THE COURT: Okay. All right. Anything else then
7 before we break? I'll just bring them back out. Anything
8 else on behalf of Defendant Brown?

9 MR. CANTRELL: Nothing at this time.

10 THE COURT: Defendant Mosley?

11 MR. PRINGLE: No, Your Honor.

12 THE COURT: And Defendant Hill?

13 MR. WARDER: No, sir.

14 MS. McCALL: My apologies, Your Honor. We do
15 actually have one witness that we could call that could be
16 quick. He drove for -- he's like an hour and a half away.
17 If we could just question him very quickly and then take a
18 lunch break.

19 THE COURT: Yeah. I mean, I'd like -- since we had
20 kind of a little bit later start.

21 All right. Well, let's take just a short break and
22 then we'll bring them back out for this witness.

23 MS. McCALL: Thank you, Judge.

24 (WHEREUPON, a recess is taken at 12:15 PM.)

25 THE COURT: All right. Before we bring the jury

1 back, anything from the State?

2 MS. McCALL: Nothing from the State.

3 THE COURT: I think we've got a short witness that we
4 can get in.

5 MS. McCALL: Yes, Your Honor.

6 THE COURT: All right. On behalf of Defendant
7 Brown?

8 MR. CANTRELL: Nothing.

9 MR. PRINGLE: No, Your Honor.

10 THE COURT: On behalf of Defendant Hill?

11 MR. WARDER: Huh?

12 THE COURT: I thought you said that y'all had
13 something.

14 MR. PRINGLE: Well, yes. We have a rebuttal witness,
15 okay, that we didn't anticipate.

16 THE COURT: Well, that's nothing to do right now.

17 MR. PRINGLE: Yeah. I don't think it's -- I was just
18 going to -- there's some logistical issues with that
19 potentially ---

20 THE COURT: Okay.

21 MR. PRINGLE: --- with the way the trial is going to
22 play out like over the next day or two.

23 THE COURT: If you think you can predict anything
24 about this trial, then you are really some incredible
25 individual.

1 MR. PRINGLE: No, Judge. I can't even predict what
2 I'm going to say.

3 THE COURT: All right. So it's nothing.

4 All right. Bring the jury in. I'm going to tell
5 them we have a short witness and then we'll break for
6 lunch. Everybody will have to limit their
7 cross-examination. The jury's going to be looking at you
8 funny.

9 (WHEREUPON, the jury entered the courtroom at 12:28 PM.)

10 THE COURT: All right. Ladies and gentlemen, I have
11 been told that the next witness -- the duration of the
12 next witness is not very long so I figured we could get
13 this in and then we'd break for lunch if that's okay with
14 everyone.

15 So, State, you can call your next witness.

16 MS. McCALL: Thank you, Judge. The State calls
17 Daniel Collier to the stand.

18 THE CLERK: Please place your left hand on the Bible
19 and raise your right hand.

20 WHEREUPON,

21 DANIEL COLLIER

22 After having been duly sworn, testified as follows:

23 THE CLERK: Thank you. Please take a seat and state
24 your name for the record.

25 THE WITNESS: My name is Daniel Collier.

DIRECT EXAMINATION

BY MS. McCALL:

Q Good afternoon, Mr. Collier.

In May of 2022, where were you working at?

A I was working at the Greenville County Detention Center.

Q And what was your job or role at the detention center at that time?

A I was a sergeant.

Q A sergeant.

And were you, at any point in time, qualified as a notary public?

A Yes, ma'am.

Q Okay. And just in case the jury doesn't know, what exactly is that, a notary public?

A It's someone who verifies the identity of somebody so that they can send a letter out to somebody. Basically, it verifies someone's identification.

Q Okay. And during your time at the detention center, were you at times asked to notarize documents for inmates?

A Yes, ma'am.

(WHEREUPON, State's Exhibit Number 50 was marked for identification.)

BY MS. McCALL:

Q Okay. I'm going to show you what has been premarked

1 as State's Exhibit 50. Do you recognize that?

2 A I do.

3 Q And how do you recognize that? I don't want you to
4 tell me what it is yet, but if you could just tell me how
5 you recognize that.

6 A That was submitted with one of my reports.

7 Q Okay. And is it in the same condition that it was in
8 when you submitted that?

9 A Yes, ma'am. Because it was crooked on the copier
10 machine.

11 MR. CANTRELL: No objection, Your Honor.

12 MS. McCALL: Your Honor, at this time, the State
13 moves to enter State's Exhibit 50 into evidence.

14 THE COURT: Okay. And Defendant Brown has none.
15 How about on behalf of Mosley?

16 MR. PRINGLE: No objection.

17 THE COURT: And on behalf of Hill?

18 MR. WARDER: I don't have any objection.

19 THE COURT: All right. In without objection.

20 (WHEREUPON, State's Exhibit Number 50 was admitted into
21 evidence.)

22 MS. McCALL: Thank you, Judge.

23 BY MS. McCALL:

24 Q Mr. Collier, I'm going to zoom in on portions of this
25 exhibit because I know it's a little bit hard to read.

1 Can you tell the jury what that states right here?

2 A Affidavit of Jaylin DeAndre Hill.

3 Q Okay. And you stated that you were familiar with
4 this affidavit. If you'll tell the jury how you came to
5 be familiar with this writing.

6 A Yes. So I was asked to notarize this by Mr. Brown in
7 the second floor, Building 2.

8 Q Okay. And when you were asked to notarize it, did
9 you look at the document?

10 A I glanced at it as he was signing his name because I
11 told him to sign it at the bottom.

12 Q Okay.

13 A I did notice on Line 1 here where it said Braelon
14 Jasper, I had him put Brown. And that's why it's written
15 at an angle to it.

16 Q Okay. And you stated that Mr. Brown handed this
17 document to you; is that correct? Mr. Braelon Brown.

18 A Yes, ma'am.

19 Q And he asked you to notarize that document?

20 A Yes, ma'am.

21 Q And when you stated that he signed his name at the
22 bottom, what name did he sign?

23 A Mr. Hill.

24 Q Mr. Jaylin Hill.

25 A Jaylin Hill. Yes, ma'am.

1 Q If you would for the jury, will you please read what
2 this document says starting at Line 1.

3 A (As read) "I, Jaylin DeAndre Hill, would like to
4 recount my story on behalf of defendant Braelon Jasper
5 Brown situation to state the opinions I made were not true
6 and I would like to withdraw from being evidence against
7 him for a testimony. I was under the influence of drugs
8 and hallucination and was coerced by law enforcement to
9 state these untrue comments. Please dismiss me from
10 anything to do with these charges.

11 "This affidavit is made upon my personal knowledge
12 and set forth facts that would be admissible in evidence
13 at trial. I am competent to testify to the matters
14 presented. I declare under penalty of perjury that the
15 forgerings is true and correct. Further affidaint sayeth
16 not."

17 Q Thank you, Mr. Collier.

18 So when Mr. Brown signed this document with Jaylin
19 Hill's name and handed it back to you, did you realize
20 that at some point that he signed a different person's
21 name?

22 A Yes, ma'am.

23 Q And was that prior to you beginning to notarize the
24 document?

25 A That was prior to, correct.

1 Q And you stated that you made a report about this
2 incident; is that correct?

3 A Yes, ma'am.

4 Q And to be clear for the jury, was your testimony,
5 Mr. Collier, that you saw Mr. Brown sign the name that is
6 on there, Jaylin Hill?

7 A Yes, ma'am. That is correct.

8 Q And you are confident that the person that you were
9 dealing with was Mr. Braelon Brown and not Jaylin Hill.

10 A Correct. Because they were housed in different
11 locations. That's what drew the red flag for me.

12 MS. McCALL: Okay. Thank you, Mr. Collier. I have
13 no further questions.

14 THE WITNESS: Yes, ma'am.

15 THE COURT: Cross-examination on behalf of Mr. Brown?

16 MR. CANTRELL: Just briefly.

17 CROSS EXAMINATION

18 BY MR. CANTRELL:

19 Q When you were handed this document, if I understood
20 you and I believe from your report, you said that you told
21 Braelon Brown that you need to sign this down here. Is
22 that basically what you said?

23 A Where it says for his name, correct. Where he would
24 sign it before -- he had to sign it in my presence.

25 Q And you told him you have to sign this; is that

1 right?

2 A Yes. He would have to put his signature down there.

3 Q Okay. And I'm guessing you get asked to sign --
4 notarize statements from time to time if you were one of
5 the notaries there at the detention center. So it's not
6 unusual for you to be asked to notarize a statement; is
7 that correct?

8 A Correct.

9 Q And at this point, in an odd, backwards sort of way,
10 Braelon Brown did what you told him to do before you
11 realized what the entire statement was about. You said
12 you have to sign this, and he did sign Mr. Hill's name.
13 But he was told to sign the document; is that a fair
14 statement?

15 A No. I wouldn't say it that way. When -- as a
16 notary, I have to witness the person signing a document.
17 When he signed it, he signed it with another person's
18 name.

19 Q Well, I understand that.

20 A Okay.

21 Q And I'm not saying that that was proper. But what I
22 am saying is before you realized maybe the details, your
23 instructions to him were, in fact, sign this document.
24 You have to sign this.

25 A That he -- he has to sign it in my presence for me to

1 notarize it, correct.

2 Q And then he went over and signed it, but that's where
3 we have a problem. He signed Mr. Hill's name instead of
4 his own name.

5 A Correct.

6 Q And, obviously, you cannot notarize that so that was
7 the end of the document being notarized.

8 A Correct. Which is why it was not.

9 Q Now, you don't have any opinion or any information
10 about whether Jaylin Hill would have signed it. You don't
11 know, do you?

12 A No, sir, I do not.

13 Q And you don't have any information or you don't know
14 if Jaylin Hill was ready, willing and able to make that
15 statement at all. That's not anything you know about
16 either.

17 A No, sir.

18 Q Yours was just the faulty signing of the document.

19 A Yes, sir.

20 MR. CANTRELL: All right. That's all I have. Thank
21 you.

22 THE COURT: Cross on behalf of Mr. Mosley?

23 MR. PRINGLE: No, Your Honor.

24 THE COURT: All right. On behalf of Mr. Hill?

25 ///

CROSS EXAMINATION

BY MR. WARDER:

Q Mr. Hill was in no way responsible for anything on that document, was he?

A No, sir. I never spoke with Mr. Hill.

Q And you never saw him do anything to create that false document.

A No, sir.

MR. CANTRELL: Your Honor, I have to object to the characterization of it being a false document. It was a false -- or an improper signature. Whether the contents are false or not false, we don't know. That's not before the Court.

THE COURT: I'm going to overrule.

MR. WARDER: Thank you. That's all the questions.

THE COURT: All right. Any redirect?

MS. McCALL: None, Your Honor.

THE COURT: All right. You may step down.

THE WITNESS: Thank you, Judge.

THE COURT: All right. Good for the word. Short duration.

Okay. We're going to break for lunch. Give you till 2 o'clock. Does that work for everybody?

Okay. Don't discuss the case. I tell you, that's very important. Don't do any type of research about the

1 case. Don't pay any attention to media coverage. And if
2 anybody contacts you other than somebody from the clerk's
3 office, please let the bailiffs know. We'll see you back
4 at 2 o'clock.

5 All right. Y'all have a good lunch.

6 (WHEREUPON, the jury exits the courtroom at 12:40 PM.)

7 THE COURT: All right. Anything else from the State
8 before we break for lunch?

9 MR. RICHARDSON: Nothing from the State, Your Honor.

10 THE COURT: On behalf of Mr. Brown?

11 MR. CANTRELL: None, Your Honor.

12 THE COURT: Mosley?

13 MR. PRINGLE: No, Your Honor.

14 THE COURT: And Hill?

15 MR. WARDER: (Shakes head negatively.)

16 THE COURT: Because I know Mr. Pringle's going to
17 ask, 2 o'clock.

18 (WHEREUPON, a recess is taken at 12:40 PM.)

19 THE COURT: All right. Is the State ready?

20 MS. McCALL: We are, Your Honor.

21 THE COURT: It sounded hesitant.

22 MS. McCALL: Yes, it was. Give me just one moment.
23 Let me make sure. We're having a little bit of a
24 witness...

25 THE COURT: While she's gone, is Defendant Brown, are

1 y'all ready?

2 MR. CANTRELL: Your Honor, we may want to have a
3 brief conference.

4 MR. PRINGLE: Your Honor, I think we need a brief
5 chamber meeting before we go any further.

6 THE COURT: Okay. Wait until Britni gets back.

7 All right. Y'all want to step back?

8 (WHEREUPON, a bench conference was held off the record.)

9 THE COURT: All right. Is the State ready?

10 MS. McCALL: Yes, Your Honor.

11 THE COURT: Defendant Brown ready?

12 MR. CANTRELL: Yes, we are.

13 THE COURT: Mosley?

14 MR. PRINGLE: Yes, Your Honor.

15 THE COURT: And Hill?

16 MR. WARDER: Yes, Your Honor.

17 THE COURT: All right. Bring the jury in.

18 (WHEREUPON, the jury entered the courtroom at 2:18 PM.)

19 THE COURT: All right. Ladies and gentlemen, I hope
20 everybody had a good lunch. We are now still on the
21 State's case.

22 And, State, you may call your next witness.

23 MS. McCALL: Thank you, Judge. The State calls
24 Thomas Mueller to the stand.

25 THE CLERK: Please place your left hand on the Bible

1 and raise your right hand.

2 WHEREUPON,

3 THOMAS MUELLER

4 After having been duly sworn, testified as follows:

5 THE CLERK: Thank you. Please take a seat and state
6 your name for the record.

7 THE WITNESS: Thomas Mueller.

8 DIRECT EXAMINATION

9 BY MS. McCALL:

10 Q Good afternoon, Mr. Mueller. Thank you for being
11 here today.

12 Do you live out of state?

13 A Yes.

14 Q Did you fly in this morning in order to testify
15 today?

16 A Yes.

17 Q And how old are you today?

18 A 21.

19 Q In December of 2019, how old were you?

20 A 17.

21 Q Were you friends with the victim in this case,
22 Kerolos Zaky?

23 A Yes.

24 Q What did you call him?

25 A Kero.

1 Q Is that what his friends called him, Kero?

2 A Yes.

3 Q And how did you know Kero?

4 A We went to school together.

5 Q From about what age did you know him?

6 A I was 15. He was 14, 13.

7 Q So had you known him for a few years at the time of
8 this incident?

9 A Yes.

10 Q How about Nijah Croskey that we've heard about, did
11 you know him?

12 A Yes.

13 Q Did you know him as well as you knew Kero?

14 A No.

15 Q I know it's going to be difficult, but I want to take
16 you back to the night of December 19, 2019. On that day
17 at some point, did you talk to your friend Kero and plan
18 to hang out with him?

19 A Yes.

20 Q Do you remember about what time of day it was that
21 you talked to him?

22 A Late evening.

23 Q And what was the plan when y'all talked?

24 A Just to hang out.

25 Q Just to chill?

1 A Yeah.

2 Q Okay. Did y'all have any specific plans at that
3 point about what y'all were going to do?

4 A No.

5 Q Did Kero have a car?

6 A Yes.

7 Q Did he drive to pick you up?

8 A Yes.

9 Q And when he came to pick you up, where did y'all go
10 from there?

11 A He got a text from Nijah saying he wanted to hang out
12 with us, so we went and picked him up.

13 Q And at that point, you knew Nijah; is that correct?

14 A Yes.

15 Q And so at that point, was it just the three of y'all
16 in Kero's car?

17 A Yes.

18 Q And after you picked Nijah up, what did y'all do
19 next?

20 A Went to a McDonald's to use the Wi-Fi. And that's
21 when Nijah got a text saying to pick up the five
22 defendants at 11 Picardy Drive.

23 Q Okay. So when you said that y'all went to a
24 McDonald's to use the Wi-Fi, why is that?

25 A I had no phone service so I used the Wi-Fi.

1 Q And was it common for you and your friends to
2 communicate via Wi-Fi apps like Snapchat or other
3 messaging apps?

4 A Yes.

5 Q So when you say that y'all text together, are you
6 sometimes referring to things other than kind of
7 traditional text message?

8 A Yeah. Like we just talked about anything through
9 Snapchat.

10 Q Okay. Snapchat.

11 So you said that Nijah got a text or a message to
12 hang out with some other people, the defendants; is that
13 right?

14 A Yes.

15 Q Did you all leave McDonald's at that point and go
16 pick them up?

17 A Yes.

18 Q And tell me what you remember when you picked the
19 other boys up.

20 A It was late at night. We picked them up. One of
21 them put something in the trunk. I don't know what it
22 was. And then after we picked them up, we went to a
23 Spinx. Went there for about an hour.

24 Q And I want to stop you. I'm sorry, Mr. Mueller. I
25 just want to stop you right there so we can talk about

1 something before we get to that part.

2 How many people were in Kero's car when y'all went to
3 the Spinx?

4 A Eight.

5 Q Eight total people.

6 Were they all males?

7 A Yes.

8 Q And you've already told us that you knew Kero and
9 Nijah. The other five that got in the car, had you ever
10 met any of those before that night?

11 A No.

12 Q And who was it that knew those five guys that night?
13 Who made the connection?

14 A Nijah.

15 Q Do you know if Kero knew those guys?

16 A He didn't know them.

17 Q So you said that y'all drove to Spinx after you had a
18 car full of eight. What did y'all go to Spinx for?

19 A We were just there just waiting, figure out something
20 to do. I think about three or four of them went inside.
21 And...

22 Q Okay. You said three or four of them went inside.
23 Did y'all sit in the car for a while?

24 A Yeah. Probably about an hour.

25 Q Okay. Did you ever get out of the car at Spinx?

1 A No.

2 Q Where were you sitting in Kero's car?

3 A Passenger's seat in the front.

4 Q Okay. Was anybody else in that seat with you?

5 A Not that I remember, no.

6 Q Okay. What do you remember about your time at Spinx?

7 You said that some of the individuals got out of the car;
8 is that right?

9 A Yes.

10 Q Did they go inside Spinx?

11 A Yes.

12 Q Do you know why they went inside?

13 A I don't.

14 Q Okay. And at some point, did y'all make the decision
15 to leave Spinx?

16 A Yes.

17 Q And what was the conversation in the car like about
18 deciding to leave?

19 A So one of them got a text saying there were some
20 girls they knew in the district. Kero said, "I'm not
21 going to the district." So then he said he knew some
22 girls in Kingswood. Kero said, "Oh, well, I've got to go.
23 Where do you want me to drop you off at?" That's when we
24 went to Mansion Circle.

25 Q And do you know why Kero said that, why he said he

1 had to go?

2 A I could tell he knew something was wrong.

3 MR. CANTRELL: Your Honor, objection. That's a
4 question asking him to read somebody's mind. And you just
5 can't do that.

6 THE COURT: I'm not sure the question was geared
7 towards that. So overruled.

8 MS. McCALL: Thank you, Judge.

9 MR. CANTRELL: Okay. I may have misunderstood the
10 question.

11 BY MS. McCALL:

12 Q Mr. Mueller, when Kero said that he was not going to
13 go to the district and the other Kingswood was offered up,
14 did you all drive there at that point?

15 A To Kingswood, yes.

16 Q And where did you end up in Kingswood? When y'all
17 drove to Kingswood, what happened next?

18 A So we got to Kingswood. We're in front of this --
19 you could tell it was an empty trailer on Mansion Circle.
20 Kerolos went to drop them off. And one of the guys said
21 there was enough girls for all of us.

22 So I don't know exactly how we ended up out of the
23 car, but it was either something about he needed help
24 getting something out of the trunk. So we all stepped out
25 of the car, everybody. And after we stepped out of the

1 car, that's when I seen Kero get hit in the back of the
2 head with a pistol.

3 Q Did you know the names of these gentlemen before that
4 night?

5 A No.

6 Q Did they all use nicknames?

7 A Yes.

8 Q And before this night, did you know their nicknames?

9 A No.

10 Q Do you today see in this courtroom any of those males
11 that were with you that night in that car?

12 A Yes.

13 Q And can you please point out for the court reporter
14 where those individuals are sitting in the courtroom?

15 A (Indicating) All over there.

16 MS. McCALL: Please let the record reflect that he is
17 pointing to defense counsel.

18 BY MS. McCALL:

19 Q Do you know any of these individuals by name today?

20 A Just from seeing it on the news.

21 Q So let's go back to Mansion Circle. You said Kero
22 got hit in the head?

23 A Yes.

24 Q And what did he get hit with?

25 A A pistol.

1 Q Was that the first time that you saw the pistol that
2 night?

3 A Yes.

4 Q When he got hit in the head, what did you think or
5 do?

6 A Once he got hit in the head, I seen Nijah run. So I
7 was thinking life-or-death situation, and I ran as well.

8 Q Where did you run to?

9 A I just followed Nijah. He knew the neighborhood
10 better than me, so I followed him. We jumped a few
11 fences, ended up back at Nijah's house.

12 Q Do you recall anything else from the time that Kero
13 got hit in the back of the head? Did you see or hear
14 anything else?

15 A When I started running, I looked back once, seen at
16 least three of them beating on him. And I turned around,
17 just kept running after that.

18 Q Did you hear anything while you were running away?

19 A Gunshots.

20 Q Do you know where those gunshots were coming from?

21 A Where he was at with the car.

22 Q After you heard the gunshots, did you keep running?

23 A Yes.

24 Q What happened when you guys made it back to Nijah's
25 house?

1 A So we got back there. I told Nijah, "Hey, we should
2 go back, make sure, you know. He might be gone."

3 Nijah said, "No. We shouldn't go back."

4 So at that time, I called my dad. He got me an Uber
5 home from Nijah's house.

6 Q What did you do when you got home to your dad?

7 A My dad took me to the sheriff's office, and I spoke
8 to an investigator.

9 Q Did you tell him what you remembered from that tragic
10 incident?

11 A Yes.

12 Q At any point during the night that you were with Kero
13 on December 19, 2019, at any point during the night, did
14 you see any argument or disagreement between Kero and the
15 other boys before they hit him?

16 A No.

17 Q Do you remember what kind of shoes Kero was wearing
18 that night?

19 A White and blue Nikes.

20 Q Can you describe what they look like? Were they
21 high-tops? low-tops? tennis shoes?

22 A They were like mid-top, maybe. Mostly white. It had
23 like blue squiggles on them.

24 Q Do you know if Kero generally tied his shoes when he
25 wore them?

1 A He tied them, but they were loose for the most part,
2 like not tied tight.

3 Q So like somebody would slide them on without untying
4 them and tying them?

5 A Yeah. Basically.

6 Q Mr. Mueller, I know that I've already asked you and
7 that you testified that you did not know that night the
8 names of these individuals. Did you, during that night,
9 hear them be called by certain nicknames in the car?

10 A Yes.

11 Q Okay. And could you say today, could you point out
12 today who the individuals are and match them up with those
13 nicknames?

14 A I could only match up one person.

15 Q And who was that?

16 A Braelon.

17 Q And can you point to who Braelon is in the courtroom,
18 please.

19 A (Indicating) In the white.

20 Q And I want to ask you this, Mr. Mueller. I know you
21 testified earlier that you have watched some news stories
22 about this; is that correct?

23 A Yes.

24 Q Okay. And is it possible that on the night of
25 December 19th that you know more now about who these

1 individuals are than you did on the night of
2 December 19th?

3 A Yes.

4 MS. McCALL: Okay. Thank you. I have no further
5 questions.

6 THE COURT: All right. Cross-examination by
7 Mr. Brown?

8 CROSS EXAMINATION

9 BY MR. CANTRELL:

10 Q Mr. Mueller, you said, pointing out someone in the
11 white. I'm not sure I understood who that was. Who was
12 in the white that you were pointing to?

13 A Braelon right there (indicating).

14 Q This one right here (indicating)?

15 A Yeah. Right there.

16 Q That's Braelon?

17 A Yeah.

18 Q Sure? No doubt in your mind?

19 A No doubt.

20 Q And you said you had seen this on the news. How
21 recently have you seen this on the news?

22 A Since it started Monday.

23 Q All right. Let me back up. You said you traveled
24 in, you flew in. Where did you fly in from?

25 MS. McCALL: Objection, Your Honor. For certain

1 purposes, the State would ask that he not respond to that
2 question for safety purposes.

3 THE COURT: All right. You can ask him for how many
4 hours.

5 BY MR. CANTRELL:

6 Q How far -- how long was your flight to come in?

7 A About two hours.

8 Q Do you know how many miles that is?

9 A No.

10 Q Do you know what station you would have seen any news
11 on?

12 A Fox Carolina.

13 Q Now, did you have to search that out to find it?

14 A I did.

15 Q So you searched out to see evidence and information
16 about this case that was on the news beginning Monday,
17 correct?

18 A Yes.

19 Q Why?

20 A That's my best friend who died. I would like to stay
21 up to date.

22 Q Did you do that to refresh your memory?

23 A No.

24 Q To see pictures so you could be sure and testify the
25 way you wanted to here today?

1 A No.

2 Q So you just pulled up to see about the trial you're
3 going to testify in because this was your friend that was
4 the victim.

5 A I was there that night. I would never forget what
6 happened.

7 Q So why did you need to look it up and refresh your
8 memory?

9 A To see what was going on with the investigation.

10 Q And to see information about defendants?

11 A No.

12 Q Did anyone suggest you look at the news?

13 A No.

14 Q How did you know it was on the news?

15 A It's all over Fox Carolina.

16 Q How did you know that?

17 A Because my dad showed me that lives here.

18 Q So someone did tell you about it being on the news.

19 A Yes. My father did.

20 Q You wanted to be sure you remembered everything
21 right; is that it?

22 A No.

23 Q You wanted -- you didn't want to be sure you
24 remembered the names of the individuals so you could
25 identify them?

1 A No.

2 Q So you didn't need that to help you be accurate in
3 your identifications.

4 A No.

5 Q Okay. Now, on the night or maybe the next day when
6 you went in to talk to this detective, you remembered the
7 names of each individual, didn't you?

8 A By nickname, yes.

9 Q And you told him every nickname of every person
10 there, didn't you?

11 A I did.

12 Q And do you remember identifying one of them as having
13 a gun?

14 A Identifying one of them?

15 Q One of these, one of the people you knew by nickname,
16 do you remember identifying one of them as having a gun
17 when you talked to the detective?

18 A Yes.

19 Q Which one?

20 A At that time, I didn't know their names. First day
21 meeting them I said it was Mazze that had hit Kerolos with
22 the gun.

23 Q And what -- do you know what Mazze's real name is?

24 A Jamazzeo Glover.

25 Q Okay. And he had a gun, correct?

1 A We're talking about today or ---

2 Q We're talking about the night of this incident, you
3 identified Mazze, Jamazzeo Glover, as having a gun; is
4 that correct?

5 A Yes.

6 Q And you identified Mazze, Jamazzeo Glover as hitting
7 Keros with that gun.

8 A No. I had the names mistaken.

9 Q When did you decide that?

10 A When I got here today, it really kicked back into my
11 mind. And I really thought about it. At that time, it
12 was my first time ever meeting these gentlemen.

13 Q So you're now changing your testimony from what you
14 told this officer?

15 A That was five years ago.

16 Q I'm asking, are you now changing your testimony?

17 A Today?

18 Q Yes.

19 A From what I told him five years ago.

20 Q Yes.

21 A Yes.

22 Q Why do you remember it better today than you did the
23 night it happened?

24 A It's been five years.

25 Q Why do you remember it better today than the night it

1 happened?

2 A Because I matched the face with the names that I'd
3 seen throughout the -- all these years. I put their face
4 on a name. It was dark that night.

5 Q What since then has helped you put a face with a name
6 if it wasn't what you saw that night?

7 A I'm not understanding.

8 Q What made you be able to put a face with the name
9 better now than that night when you saw up close and
10 personal?

11 A I didn't see him up close and personal. It was dark.
12 I didn't really examine their face.

13 Q Mr. Mueller, let me get this straight. You were at
14 Spinx with these fellows?

15 A I didn't really speak to them in the car.

16 Q I said you were at Spinx, the Spinx store with all of
17 these people?

18 A Spinx, yes.

19 Q And you were in a small car with all of these
20 fellows?

21 A Yes.

22 Q And for an hour or two hours.

23 A Yes.

24 Q And you're telling us you don't -- didn't see their
25 faces.

1 A I didn't really examine their faces. I've seen them.
2 I didn't examine their faces.

3 Q So you have no clue who did what that night; is that
4 what you're saying?

5 A No.

6 Q Well, then how can you identify anybody based on what
7 you just said?

8 A I'd seen their face on the news.

9 Q That's what I wondered. That's what your testimony
10 today is all about is what you saw on the news before you
11 came down here to testify in court, correct?

12 A No. I was there that night.

13 Q Now you're getting me real confused.

14 When you were there that night, you couldn't
15 recognize anybody because it was dark, right?

16 A Right.

17 Q When you get here to testify today, when you fly in,
18 you can identify people because you watched the news
19 Monday; is that what you're telling us?

20 A Sir, that night ---

21 Q No. I'm asking you about today first and then you
22 can talk about something else.

23 A The news has nothing to do with what I'm saying here
24 today.

25 Q Well, then why did you watch it?

1 A It's about my best friend.

2 Q And why did you tell us you could not identify them
3 on the night it happened?

4 A It was dark that night. It was my first night
5 meeting them. I did not know their names correctly, so I
6 mis-told the investigator that it was Mazze that hit him
7 when it wasn't because I didn't meet them until that
8 night. So I got the names confused five years ago.

9 Q Okay. I think we've got a clear picture of what your
10 testimony is all about. But it's taken you five years to
11 get to this point.

12 A Took you five years to subpoena me here.

13 Q Mr. Mueller, I'm sure the Court will tell you I had
14 nothing to do with subpoenaing you here. I'm here doing
15 my job. What are you here for?

16 A To defend my best friend.

17 Q Okay.

18 A That can't be with us here today.

19 Q And everyone in this room has been dealing with that
20 all week long and realizing how tragic it was and how
21 tragic it was for you. But this is about court ---

22 MS. McCALL: Objection, Your Honor. Is there a
23 question?

24 THE COURT: Right. You need to ask a question. This
25 isn't closing argument, Mr. Cantrell.

1 BY MR. CANTRELL:

2 Q You are here to tell the truth in court; is that
3 correct?

4 A That's correct.

5 Q And everything you just talked about is what has
6 led up to your testimony here today.

7 A Correct.

8 Q When Nijah ran, you took off after him, behind
9 him.

10 A Yes.

11 Q And you looked around one time.

12 A One time.

13 Q And you saw people allegedly striking Kerolos.

14 A That's correct.

15 Q That's the last thing you saw.

16 A That's the last thing I seen, yes.

17 Q It was dark.

18 A It was.

19 Q You don't know who they were, which ones were.

20 A No.

21 Q And you were a good ways away behind the fence when
22 you heard shots.

23 A Yes.

24 Q You had no idea, no clue who fired shots.

25 A No.

1 MR. CANTRELL: No further questions. Thank you.

2 THE COURT: Cross-examination on behalf of
3 Mr. Mosley?

4 MR. PRINGLE: Yes. One moment.

5 CROSS EXAMINATION

6 BY MR. PRINGLE:

7 Q Good afternoon, Mr. Mueller.

8 A Good afternoon.

9 Q Sorry you had to be here for this. I can tell it's
10 very difficult. Sorry for all of us. Tragic.

11 I just want to go over a few things. Of course,
12 Mr. Cantrell talked to you a little bit about the
13 statement that you gave when you and your -- you said it
14 was your dad ---

15 A Yes.

16 Q --- that walked you over. You ended up going to law
17 enforcement and you met with an investigator?

18 A Yes.

19 Q And that was Investigator Moates?

20 A It was.

21 Q And was that on December 19, 2019?

22 A Yes.

23 Q So literally, just, I mean, moments, days, a couple
24 -- day or two, couple days, whatever, after this terrible
25 thing happened.

1 A Yeah. It was like a couple hours.

2 Q Okay. So it was literally, like literally right
3 after. It's not like later that your dad took you to the
4 police.

5 A Yes.

6 Q It was right after. Okay. Thank you.

7 All right. And, you know, you gave a statement that
8 you signed. Do you remember that statement?

9 A I do.

10 Q Talked a little bit about it.

11 And you did use the names Jaylin, Spaz, David, Glizzy
12 and Mazze. Do you remember that?

13 A Yes.

14 Q Were those names that you came up with because of
15 that time you spent with these guys, or were those names
16 that the investigator might have helped you out with?

17 A Those were names I just heard from being in the same
18 vehicle. That's what they called them.

19 Q Okay. And we do know and you would agree that at
20 that time, you identified Jamazzeo Glover, Mazze, as the
21 guy that pistol-whipped Kerolos.

22 A I did.

23 Q Okay.

24 A Because I didn't know them that well. So...

25 Q Right. But you did ID him.

1 A Yes.

2 Q Okay. Were you here when he testified just before
3 you?

4 A No.

5 Q Now, you told Mr. Cantrell that it's been, you know,
6 four -- it's been four and a half years. Okay. You're
7 obviously a whole different person now. A lot of things
8 have happened. But you still want justice for your
9 friend, don't you?

10 A I do.

11 Q Okay. And so you want to help out, don't you? You
12 want to help the State?

13 A I do.

14 Q You've said over and over that you never really saw
15 their faces that night.

16 A Correct.

17 Q And you learned -- basically, you say you learned who
18 these guys were by name after -- for the last four and a
19 half years, whatever's been on the news and so forth.

20 A I have.

21 Q That thing about Fox. Yeah.

22 So you've made a lot of connections since that night
23 that you weren't able to make when you gave your statement
24 right after the event, right?

25 A Correct.

1 Q Okay. And in the statement, you say, "Investigator
2 Moates showed me -- in both of the pictures Investigator
3 Moates showed me, I believe the guys on the left were two
4 of the guys we picked up."

5 A Correct.

6 Q Do you remember that?

7 A Yeah.

8 Q You looked at a couple of pictures and ID'd them?
9 And wasn't one of those Jamazzeo Glover?

10 A Yes.

11 Q Okay. So you were able to identify Jamazzeo Glover,
12 Mazze, right then and there.

13 A Well, he showed me two pictures. He didn't -- there
14 was no -- like no name on them or anything like that.

15 Q And you now know that -- well, now we know that one
16 of them was this Mazze.

17 A Right.

18 Q Okay. And so if you were able to point him out to
19 the investigator at that -- you know, at the time you did
20 that statement, and you also said Mazze was the one that
21 initiated the scuffle with Kero and hit him over the head,
22 you'd agree that those are both the same person, right? I
23 mean, Mazze is Mazze is Mazze, right?

24 A Right.

25 Q Okay. So you were able to identify him by sight and

1 by photo in that statement and you also said he was the
2 guy that started the fight.

3 A Correct.

4 Q Okay. You also, of course, pointed right here
5 (indicating) at this defendant and you identified him as
6 Spaz, Braelon Brown?

7 A Yes.

8 Q Are you aware that that there (indicating) is
9 actually Braelon Brown on the end?

10 A I wasn't, no.

11 Q Okay. So even after the uncertainty, not seeing
12 their faces, not knowing who they were that night, even
13 after the news coverage and the studying and the extra
14 work that you've done to get up to speed since that night,
15 whether it be Fox News or otherwise, even as we sit here
16 today, obviously, you couldn't be sure of that, could
17 you?

18 A I was wrong.

19 MR. PRINGLE: Okay. Again, I'm sorry for all this.

20 Thank you. Nothing further.

21 THE COURT: Cross-examination on behalf of Mr. Hill?

22 MR. WARDER: I have no more questions of this
23 witness.

24 THE COURT: All right. Any redirect?

25 MS. MCCALL: Just very briefly.

REDIRECT EXAMINATION

BY MS. McCALL:

Q Mr. Mueller, I want to focus on just a few things.
You were there that night when this happened; is that
correct?

A Yes.

Q You did not know these individuals before that night.

A I did not.

Q Was this the first night you had ever heard their
names or nicknames?

A Yes.

Q But did you see someone strike your friend Kero with
a gun in the head?

A I did.

Q And did you hear gunshots afterwards?

A I did.

Q Mr. Mueller, do you have anything to gain from
testifying here today?

A No.

MS. McCALL: Thank you. I have nothing further.

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

State, call your next witness.

MS. McCALL: Thank you, Judge. The State calls Nijah
Croskey, please.

1 THE CLERK: Please place your left hand on the Bible
2 and raise your right hand.

3 WHEREUPON,

4 NIJAH CROSKEY

5 After having been duly sworn, testified as follows:

6 THE CLERK: Thank you. Please take a seat and state
7 your name for the record.

8 THE WITNESS: Nijah Croskey.

9 DIRECT EXAMINATION

10 BY MS. McCALL:

11 Q Mr. Croskey, how old are you today?

12 A 20.

13 Q How old were you in December of 2019?

14 A 15.

15 Q Were you friends with Kerolos Zaky?

16 A Yeah.

17 Q What did you know him by?

18 A Kero.

19 Q So you called him Kero?

20 A Yeah.

21 Q What did he call you?

22 A Nijah.

23 Q How long did you know Kero at that time?

24 A About two years.

25 Q Do you remember how y'all met?

1 A Through my cousins.

2 Q On December 19, 2019, at some point that night, did
3 you and Kero decide to hang out?

4 A Yeah.

5 Q How did that come about? Did he come and pick you
6 up?

7 A Yeah.

8 Q Was somebody already with him in the car when he
9 picked you up?

10 A Yeah.

11 Q Who was with him?

12 A TJ.

13 Q Is TJ Thomas Mueller?

14 A Yeah.

15 Q Had you ever met TJ before that night?

16 A Yeah.

17 Q Were you close friends with him?

18 A Not really.

19 Q Okay. So where did Kero pick you up at that night?

20 A At my crib.

21 Q Your crib, is that your house?

22 A Yeah.

23 Q And what community were you living in at that time?

24 A Kingswood.

25 Q Okay. When Kero picked you up, what did y'all do

1 next?

2 A Went to McDonald's.

3 Q What did you go to McDonald's for?

4 A Wi-Fi.

5 Q Did you not have service on your phone?

6 A No.

7 Q Okay. While y'all were at McDonald's, did you decide
8 to go somewhere else after that?

9 A Yeah.

10 Q Where did y'all decide to go?

11 A Spinx.

12 Q Okay. Before you went to Spinx, did you make any
13 other stops, pick anybody else up?

14 A No.

15 Q At some point in time, did other individuals get in
16 the car with you and Kero?

17 A Yeah.

18 Q Okay. And how did you get in contact with these
19 people or how did they contact you?

20 A It was Snapchat or Instagram. I can't remember.

21 Q Okay. And what was the plan for y'all to hang out?
22 What were y'all going to do?

23 A Just do anything, find something to get into.

24 Q Okay. And who were these people that you talked to
25 that were going to hang out with y'all?

1 A Jaylin, Spaz, Mazze and Glizzy, David.

2 Q Okay. I had a hard time hearing you so I'm going to
3 ask you, was Braelon Brown who you refer to as Spaz?

4 A Yeah.

5 Q And is David Mosley who you refer to as David?

6 A Yeah.

7 Q And is Jaylin Hill who you referred to as -- what did
8 you refer to him as? Was that one of the nicknames?

9 A Jaylin.

10 Q Jaylin. Is that what you called him, Jaylin?

11 A Yeah.

12 Q Okay. So those were three of the guys that y'all
13 went to pick up that night?

14 A Yeah.

15 Q And did Kero drive there to pick them up?

16 A Yeah.

17 Q Did the five people that you just named, did they all
18 get in Kero's car?

19 A Yeah.

20 Q After you picked them up, where did y'all go next?

21 A Spinx.

22 Q Okay. And what did y'all do at Spinx?

23 A We sat in the car.

24 Q Okay. At any point in time, did you go into Spinx?

25 A Nah.

1 Q Okay. Did anybody else in the car get out and go in
2 Spinx?

3 A Yeah.

4 Q Okay. Do you remember who all got out and went in
5 Spinx?

6 A Yeah.

7 Q Okay. Who was that?

8 A Spaz, Jaylin, Glizzy and David.

9 Q Okay. And at some point, did everybody get back in
10 the car?

11 A Yeah.

12 Q All right. What did y'all decide to do after leaving
13 the Spinx?

14 A We were supposed to go to some girls or something.

15 Q Okay. And where were y'all going to meet girls at?

16 A Kingswood.

17 Q Kingswood?

18 A Yeah.

19 Q Okay. And who had girls in Kingswood?

20 A David.

21 Q David Mosley?

22 A Yeah.

23 Q Okay. Did y'all drive to Kingswood?

24 A Uh-huh.

25 Q And when y'all got to Kingswood, did you stop

1 somewhere in the neighborhood?

2 A Yeah.

3 Q Okay. Did y'all stop in a driveway or on the road or
4 something else?

5 A Yeah. On the side of the road.

6 Q Okay. And what happened when y'all stopped?

7 A We had hopped out of the car. And I turned around,
8 and he smacked him with a pipe, if you feel me, and me and
9 TJ ran.

10 Q Okay. I'm having a hard time understanding you,
11 Nijah. And I know it's tough to talk about. So let's
12 kind of just slow it down, okay?

13 Did anybody get out of the car?

14 A Yeah. Everybody hopped out.

15 Q Okay. Everybody got out.

16 MR. PRINGLE: Your Honor, we're having trouble
17 hearing over here. I don't know what can be done.

18 THE COURT: Pull that microphone. There we go. That
19 should be it.

20 MS. McCALL: Thank you.

21 MR. PRINGLE: Thank you.

22 BY MS. McCALL:

23 Q So you said everybody got out of the car; is that
24 what you said?

25 A Yeah.

1 Q Okay. And so did Kero get out of the car?

2 A Uh-huh.

3 Q Yes?

4 A Yeah.

5 Q And what happened next?

6 A When I turned around, he had smacked him with a
7 trunk, and like they was fighting over the boy. He would
8 like smack the gun out of his face, like move the gun out
9 of -- move the (indiscernible) out of his face.

10 MR. PRINGLE: I'm sorry, Your Honor. It's really --
11 we can't understand a word that's being said. It's hard
12 to follow along. I don't know if it's the way he talks
13 or ---

14 THE COURT: Well, I think the court reporter -- we're
15 going to have to break this down a little bit better.

16 BY MS. McCALL:

17 Q Okay. Nijah, so you said that someone smacked Kero;
18 is that right?

19 A Yeah. Like he hit him in the head with a gun.

20 Q Okay. He hit him in the head with a gun. Who hit
21 Kero in the head with a gun?

22 A Spaz.

23 Q And is Spaz Braelon Brown?

24 A Yeah.

25 Q Okay. And did you -- what did you do when you saw

1 Kero get hit?

2 A I really like just watching a little bit, like trying
3 to see like if there was a plan. He was really trying to
4 rob him. And then I -- we just ran.

5 Q And then you ran?

6 A Yeah. And then I saw that TJ was behind me.

7 Q Okay. So I think you mentioned something about
8 robbing. Were you fearful that they were robbing Kero?
9 Is that what you thought was happening?

10 A He was like -- he had a pipe, and he was like, "Give
11 me everything," if you feel me. So...

12 Q I'm sorry, Nijah. I didn't mean to interrupt. But
13 when you say "pipe," is that the gun that you're referring
14 to?

15 A Yeah.

16 Q Okay. So Kero got hit with a gun by Braelon Brown.
17 And Brown told him to give him everything; is that
18 right?

19 A Yeah.

20 Q Okay. Did Kero continue to get beat after that
21 point?

22 A Yeah. He would fight with them.

23 Q Okay. And is that when you started running?

24 A Yeah.

25 Q Okay. And did you see anything else happen with your

1 eyes?

2 A No.

3 Q Did you hear anything else?

4 A I heard gunshots.

5 Q Okay. You heard gunshots. Do you think that came
6 from the area that the boys were in?

7 A Yeah.

8 Q After you heard gunshots, what did you do next?

9 A Me and TJ had ran back to my crib.

10 Q When you say "crib," is that your house?

11 A Yeah.

12 Q All right. And at some point, did TJ leave your
13 house?

14 A Yeah.

15 Q And what did you do that night?

16 A We all just chillin', and then the detective had came
17 by.

18 Q So the detective came to your house?

19 A Yeah.

20 Q Okay. Did you talk to police about what happened
21 that night?

22 A Yeah. A little bit.

23 Q Okay. Nijah, did you talk to police more than one
24 time about this incident, do you remember?

25 A No. It happened only one time.

1 Q Okay. Do you remember talking to Investigator
2 Garrett?

3 A Yeah.

4 Q Okay. And I'm going to show you what has been
5 premarked as State's Exhibit 34. Do you remember seeing
6 this?

7 A Yeah.

8 Q Yes?

9 A Yeah.

10 Q Okay. And is that your signature?

11 A (Reviews document.)

12 Q And I can ask you some more questions, Nijah, to
13 help refresh your memory to see if you recall that
14 statement.

15 A (Reviews document) Are you asking me -- are you
16 asking me if I agree with what it said on here or if I
17 wrote this?

18 Q Well, first, I was just asking if you remember seeing
19 that document. Or at least let's look at the second page.
20 Do you remember that second page?

21 A Yeah. I remember seeing a picture, for sure. I
22 remember seeing the pictures, but...

23 Q Okay. And so let's talk about the picture. And
24 that's what that front page references.

25 Do you remember seeing those six photographs that

1 Investigator Garrett showed you?

2 A Yeah.

3 Q And do you remember him asking you to identify if you
4 recognized anyone on there?

5 A Uh-huh.

6 Q Is that a "yes," Nijah?

7 A Yeah.

8 Q Thank you.

9 And do you recall identifying anyone in that group of
10 pictures that was involved that night?

11 A Yeah.

12 Q Okay. And who did you identify in this group of
13 pictures?

14 A That's Spaz.

15 Q Spaz? And what is Spaz's name?

16 A Braelon.

17 Q Braelon. Okay.

18 Nijah, that night before Kero was attacked, was there
19 ever any argument or disagreement in the car between Kero
20 and any of these three guys?

21 A No.

22 Q And you recall seeing Kero get hit that night; is
23 that correct?

24 A Yeah.

25 Q And you have already identified the individual who

1 hit him. Was that Braelon Brown?

2 A Yeah.

3 MS. McCALL: Thank you. I have no further questions
4 for you, Nijah. Answer anything the defense has.

5 THE COURT: Cross-examination on behalf of Brown?

6 CROSS EXAMINATION

7 BY MR. CANTRELL:

8 Q Mr. Croskey, is it your testimony that as soon as
9 Kerolos got hit, you took off? You ran?

10 A Yeah. Not as soon. Like a little bit, like I'd say
11 it was like ten, 15 seconds.

12 Q So you stood around for ten or 15 seconds while he
13 was getting hit?

14 A Yeah. You could say that.

15 Q No. I need to know what you say.

16 A Yeah. Like a little seconds. I mean, I froze. Like
17 I said, I was trying to see like -- I mean, I had to be --
18 it was dark, you feel me? I can't...

19 Q Do you remember telling the detective that you talked
20 to, "I got out, saw somebody hit him, grab him. We ran
21 and hid"?

22 A Yeah.

23 Q Okay. So it sounds like you ran just as soon as
24 somebody hit him or grabbed him. Is that what happened?

25 A I mean, I can't account for every single second.

1 Q And nobody would expect you to. This was a -- we all
2 have agreed this was traumatic. But it was just a matter
3 of seconds, wasn't it?

4 A Exactly.

5 Q Okay. And was it dark where y'all were parked?

6 A I wouldn't say pitch black, but it was like broad
7 daylight, you feel me? Like and my eyes aren't that good.
8 I had to get laser eye surgery. So you feel me?

9 Q So it was nighttime.

10 A It was nighttime.

11 Q Okay. And there were not a lot of streetlights
12 there; is that right?

13 A I don't recall.

14 Q Okay. And everybody got out, and somebody hit
15 Kerolos.

16 A Yeah.

17 Q And in the dark you believe that that was Braelon
18 Brown.

19 A Well, I can't say I believe. I knew it was him
20 because I could see his face clearly, you feel me? Like,
21 I mean, I don't know, though. Sure.

22 Q You're just that sure; is that right?

23 A (No answer.)

24 Q Take your time. But I do need you to answer when you
25 can.

1 A Can you repeat the question?

2 Q You were saying that you're -- in spite of the lights
3 or no lights, you're saying that you're absolutely sure
4 that it was Braelon Brown.

5 A Yeah.

6 Q Were you standing behind Braelon Brown when this
7 happened?

8 A I was to the side.

9 Q And we've already decided that fairly quickly after
10 that you ran.

11 A Yes.

12 Q And TJ was behind you running.

13 A Yeah.

14 Q Okay. You also told the detective that you don't
15 know who fired the gun.

16 A Yeah.

17 Q That's correct, right?

18 A Uh-huh.

19 Q Because you were a good ways away behind a fence,
20 behind a house or somewhere.

21 A Yeah.

22 Q Did you also tell the detective that you thought two
23 people had a gun?

24 A I don't recall.

25 Q Could you have said that you thought Glizzy and Spaz

1 had guns?

2 A I don't recall. I don't remember.

3 Q Okay. Now, let's talk. Glizzy, do you know Glizzy's
4 real name?

5 A No.

6 Q Could that have been Tyreke McMahan?

7 A I don't know the real name.

8 Q Okay. Do you know somebody called Glizzy or did you
9 then?

10 A Yeah.

11 Q He's not here today, is he? He's not in this
12 courtroom today.

13 A Hu-uh.

14 Q Okay. When all of you went to Spinx, you stayed in
15 the car?

16 A Yeah.

17 Q Okay. And do you remember somebody coming out --
18 went in, came out and had bought anything?

19 A Anybody buy that.

20 Q Do you remember anybody bringing something up to the
21 car to give to Kerolos?

22 A Hu-uh.

23 Q You don't remember a cigar or a tobacco or something
24 like that that everybody -- that everybody saw and used
25 that night?

1 A No.

2 Q You don't remember anybody using tobacco, marijuana
3 or whatever in the car that night?

4 A We ain't smoke nothing together.

5 Q Okay. When did people smoke?

6 A We smoked before we picked them up.

7 Q "We" is who?

8 A Me, TJ and Kero.

9 Q Okay. So the three of you had smoked for how long?

10 A I don't know a time frame.

11 Q Okay. But -- and so Kerolos had been smoking
12 marijuana that evening.

13 A Yeah.

14 Q Did Kerolos have any words with Glizzy about anything
15 or about the driving or wanting to go places, anything
16 like that? Do you remember anything like that?

17 A No. I don't remember.

18 Q Could that have happened and you just don't recall?

19 A Yeah. It could have.

20 Q And was Kerolos wanting to leave, wanting to be gone
21 to go back home or something?

22 A A little bit.

23 Q Okay. Could he have been a little agitated, just
24 wanting to get out of there?

25 A We talked about it a little bit.

1 Q Okay. Before everybody got out of the car?

2 A Yeah. At Spinx.

3 Q Had talked about what? Him wanting to go home?

4 A Yeah.

5 Q Now, I may have misunderstood you. Did you say that,
6 after getting out of the car there at Kingswood, I think
7 it is, that Kerolos smacked somebody's hand or smacked
8 something out of his face or something like that? Did you
9 say that or did I misunderstand? I'm going to go by what
10 you say because I don't remember.

11 A Can you say that again?

12 Q Did Kerolos smack at somebody's hand or swat at
13 somebody's hand at some point?

14 A Yeah. He was trying to like smack the gun out of his
15 face.

16 Q Was that before or after he got hit the first time?

17 A It was after he got hit.

18 Q Okay. Okay. And anything you might have heard or
19 seen after that would have been while you were running
20 away. Whether it was somebody's comment or somebody
21 getting hit in the head or something, you were already
22 running at that point.

23 A What do you mean?

24 Q I mean after the first -- after Kerolos got hit and
25 you -- within a couple of seconds you ran, after that, if

1 you heard anything or saw anything, it would have been
2 while you were running away.

3 A Where we ran, literally, we hid behind the house.
4 You feel me? And that's when we heard -- we heard
5 gunshots. So then we ran.

6 MR. CANTRELL: Okay. I've got it. All right. No
7 further questions.

8 THE COURT: Cross-examination on behalf of Mosley?

9 CROSS EXAMINATION

10 BY MR. PRINGLE:

11 Q All right. You said after you saw the fight start
12 that you and TJ, or Thomas Mueller, took off running.

13 A Yeah.

14 Q You were scared, weren't you?

15 A Yeah.

16 Q Yeah. And where did you go again?

17 A We ran behind somebody's house.

18 Q Okay. And at some point, you ended up where for the
19 night? Did you go home that night?

20 A Yeah.

21 Q Didn't you say that you were with your maybe
22 stepfather later that night?

23 A Yeah.

24 Q Did you call the police at any time?

25 A Nah.

1 Q I'm just curious. Why not after you heard the shots?

2 A I knew there was -- I mean, I knew they was going to
3 get caught anyway.

4 Q Okay. Now, the solicitor showed you that photo
5 lineup. You remember making that ID of Braelon to the
6 investigator?

7 A Yeah.

8 Q Didn't you also ID another person that was there as
9 part of that scuffle?

10 A Maybe. Yeah. They asked me about where everybody
11 was at.

12 Q Well, do you remember maybe looking at another photo
13 lineup just a couple minutes before or after the one with
14 Mr. Brown? Do you remember identifying Jamazzeo Glover as
15 part of this scuffle that night?

16 A Yeah.

17 Q Okay. And, you know, it looks like you signed off on
18 it and circled his picture. Do you remember that?

19 A Yeah.

20 Q Right. And those were the only two guys that you
21 identified, right, like by picture that day?

22 A (No verbal response.)

23 Q Were you shown any other lineups?

24 A I'm pretty sure I was.

25 Q Okay. But there's nobody else that you ID'd by

1 photo, is there?

2 A I can't tell you. I do not remember.

3 Q Okay. But you are certain that those two guys were
4 part of it, certainly?

5 A Yeah.

6 Q Okay. You said you didn't know -- you didn't know
7 any of these guys other than TJ and Kero -- Kerolos?

8 A I knew a few of them.

9 Q Which ones of them did you know?

10 A I knew Jaylin, I knew David a little bit, and I met
11 Quan [phonetic] a little bit, and I knew Glizzy a little
12 bit.

13 Q Okay. Now, you were sitting in the front seat of the
14 car when you left the Spinx and headed out to the scene
15 that we're all talking about, right? You were sitting in
16 the front?

17 A No.

18 Q Where were you?

19 A In the back.

20 Q Were you in the far left in the back?

21 A I think.

22 Q Okay. Was there anything that you saw or heard while
23 you were sitting in the backseat that would have tipped
24 you off that this murder was going to happen, this alleged
25 murder, the shooting?

1 A (No verbal answer.)

2 Q Did anybody come to you and say, hey, we're going to
3 do this, you know. Do you want to be a part of it?
4 Nobody did, did they? Nobody talked to you about anything
5 like that. Were you trying to set Kerolos up?

6 A Nah.

7 Q Did you go out there -- were you out there because
8 you intended to rob Kerolos?

9 A Nah.

10 Q So you didn't expect that to happen, did you?

11 A Not really.

12 Q Okay. And certainly, you could have never expected
13 that he would have got shot, right?

14 A Yeah.

15 Q Killed. He was your friend, right?

16 A Yeah.

17 Q How about him? Did he know any of these guys?

18 A Who?

19 Q Kerolos. Could he have known any of them?

20 A No.

21 Q Okay. Did you have a phone that night?

22 A Yeah.

23 Q When was the first time you used it after the
24 scuffle?

25 A In the house. We tried -- we called his sister and

1 my cousins to let them know we think he might be dead.

2 Q Okay. But, again, you didn't see what happened. You
3 heard shots, right?

4 A Yeah.

5 Q Who was with you at that time?

6 A TJ.

7 MR. PRINGLE: Thank you. I don't have anything
8 further.

9 THE COURT: Cross-examination on behalf of Mr. Hill?

10 MR. WARDER: Your Honor, if it please the Court, we
11 have no questions of this witness.

12 THE COURT: Redirect?

13 MS. McCALL: Nothing on redirect, Your Honor.

14 THE COURT: Thank you. You may step down.

15 All right. Ladies and gentlemen, we've been going
16 almost an hour and a half now, so let's go ahead and take
17 a little afternoon break. Don't discuss the case and
18 we'll bring you back out in, like I said, about ten
19 minutes.

20 (WHEREUPON, the jury exits the courtroom at 3:20 PM.)

21 THE COURT: All right. Ten-minute break.

22 (WHEREUPON, a recess is taken at 3:21 PM.)

23 THE COURT: All right. We're back on the record
24 here.

25 Based on the discussions in the corner chambers, the

1 State indicated -- and I'm thinking about telling the jury
2 that you have one long witness and one short witness and
3 you only have two witness's left, that because -- I mean,
4 is that...

5 MS. McCALL: Yes.

6 THE COURT: All right. And that because this one's
7 going to be extremely lengthy, that we don't want to start
8 it today. And the other one is not available this
9 afternoon. And we have other things that we need to go
10 over about this case, and so we'll leave early.

11 Anything else before we bring the jury in and I'll
12 tell them along those lines? Y'all don't even know what I
13 said.

14 Are y'all good with that?

15 All right. Bring the jury in.

16 (WHEREUPON, the jury entered the courtroom at 3:38 PM.)

17 THE COURT: All right. Ladies and gentlemen, I think
18 probably one of the most difficult parts of my job is
19 really this time management thing and trying to keep the
20 trial kind of going in the timeliness that it should be.

21 In talking with the attorneys at the break, the State
22 informs me they have two witnesses left, so we're really
23 on time kind of like as we thought. The next witness is
24 going to be very lengthy. Okay. And I don't want to keep
25 -- from Pickens, we don't like keeping anybody past

1 5 o'clock on a Wednesday. And I don't want to break this
2 witness up and the other witness is going to be shorter,
3 but he's not going to be available until tomorrow. So
4 therefore, we're going to break early today. There's some
5 things that we have to go over with the attorneys anyway.

6 So we're going to go ahead and break today, and we're
7 going to start back at 9 o'clock in the morning. Is that
8 okay with everybody? All right. And we'll see where we
9 go. But it sound like we've got two witnesses left from
10 the State, and then we'll be able to figure out where
11 we're going to go with the case.

12 All right. Again, my four rules. Don't discuss the
13 case. It's so important to not discuss the case among
14 yourselves or with anyone. Do not do any type of
15 research. I know there's been lots of reference to media
16 coverage in this matter. Do not go out and pay any
17 attention to media coverage because those are not --
18 that's not controlled by our rules of evidence, and you
19 should only be considering what is being presented in this
20 courtroom under our rules of evidence. Also, do not --
21 including social media.

22 Also, do not do any type of research regarding the
23 parties, about this case, about the attorneys, about the
24 law. I'm going to tell you what the law is that relates
25 to this case, and you've taken an oath that's what you're

1 going to be using, so you don't need to do that.

2 And finally, if anybody contacts you other than
3 somebody from the clerk's office, please let the bailiffs
4 know.

5 Otherwise, y'all have a good evening, and we'll see
6 you at 9 o'clock in the morning, okay?

7 (WHEREUPON, the jury exits the courtroom at 3:40 PM.)

8 THE COURT: All right. As I mentioned, both sides,
9 if you will email any charges to both me and my law clerk,
10 that way I can get them as well.

11 Anything else from the State before we break?

12 MR. RICHARDSON: Nothing from the State.

13 THE COURT: Defendant Brown?

14 MR. CANTRELL: Nothing, Your Honor.

15 THE COURT: Defendant Mosley?

16 MR. PRINGLE: Sorry. I think I heard you. But you
17 want us to email you before tomorrow morning with any
18 proposed ---

19 THE COURT: If you have, yeah. If you could.

20 MR. PRINGLE: Thank you. Nothing further.

21 THE COURT: All right. And Mr. Hill, on behalf of
22 Mr. Hill?

23 MR. WARDER: Nothing further, Your Honor.

24 THE COURT: All right. 9 o'clock.

25 (WHEREUPON, proceedings recessed at 3:42 PM.)

Thursday, June 20, 2024

(WHEREUPON, State's Exhibit Numbers 39 and 53 through 67 were marked for identification; proceedings reconvened at 9:18 AM.)

THE COURT: All right. So now is Mr. Brown ready?

MR. CANTRELL: Yes, Your Honor.

THE COURT: Mosley?

MR. PRINGLE: Yes, Your Honor.

THE COURT: And Hill?

MR. WARDER: Yes, sir.

THE COURT: All right. Bring the jury in.

(WHEREUPON, the jury entered the courtroom at 9:20 AM.)

THE COURT: Good morning, ladies and gentlemen. I hope everybody had a good evening. As you will recall, the State was still in their case in chief, and so that's where we are today. So State, call your next witness.

MS. McCALL: Thank you, Your Honor. At this time, the State calls Investigator John Garrett.

WHEREUPON,

JONATHAN GARRETT

After having been duly sworn, testified as follows:

THE CLERK: Thank you. Please take a seat and state your name for the record.

THE WITNESS: My name is Jonathan Garrett.

DIRECT EXAMINATION

BY MS. McCALL:

Q Good morning, Investigator Garrett. Where do you work?

A Greenville County Sheriff's Office.

Q And what is your position there?

A I'm a homicide investigator.

Q How long have you been working with the sheriff's office?

A 22 years.

Q Did you work in law enforcement prior to that time?

A I have 30 years experience. I started my career with Greenville City Police Department in 1992 to 1996. From 1996, 1998 I was a crime scene technician for Greenville County Forensics working crime scenes. From 1998 to 2001, I was a US border patrol agent on the US-Mexico border in Del Rio, Texas. Came home in 2001 and I've been working for the Greenville County Sheriff's Office ever since.

Q During your long career, have you had about every job at the sheriff's office that there is to have?

A I worked narcotics for 14 years, eight years on the federal task force, three years undercover. I've worked gangs, bomb, arson. I was a bomb technician. And I have been in homicide since 2019.

Q Okay. Speaking of homicides, December 19, 2019, were

1 you called to investigate a crime on Mansion Circle?

2 A I was.

3 Q Were you the lead investigator?

4 A I was.

5 Q And when you arrived on scene, do you remember
6 approximately what time that was that you got there?

7 A Around 7:30. No. I'm sorry. The call came in, it
8 was probably around eight something.

9 Q Eight. Is that in the evening, 8 p.m.?

10 A It is.

11 Q Okay. And either before you arrived on scene or
12 right when you got there, what information were you
13 provided in order to start your investigation?

14 A I got with the first arriving deputies that were on
15 the scene prior to me.

16 MR. WARDER: Objection to information he was
17 provided. It's hearsay.

18 MS. McCALL: Your Honor, this is the information he
19 was given that directed what he did in the investigation.

20 THE COURT: Just go with what he did.

21 BY MS. McCALL:

22 Q When you arrived on scene, what did you see on
23 location?

24 A The scene was secure with Greenville County deputies,
25 crime scene tape, and the 100 and 200 block of Mansion

1 Circle was blocked off with patrol vehicles.

2 Q And when you arrived on scene, did you see a vehicle
3 that was stopped?

4 A I did.

5 Q Did you walk up to that vehicle?

6 A I did.

7 Q What did you observe?

8 A I observed a burgundy Chrysler 200 in the front yard
9 of 103 Mansion Circle. It was still running, music was
10 playing on the radio, and there was a deceased male in the
11 driver's seat.

12 Q Can you describe what you observed about the deceased
13 male?

14 A He appeared to be in his teens. He had blood around
15 his mouth. He appeared to have injuries to his lips. He
16 had blood on his shirt. I wasn't sure where that came
17 from. But one thing that jumped out at me immediately, he
18 was not wearing shoes. He was wearing clean, white socks.

19 Q Investigator Garrett, I'm going to show you State's
20 Exhibit 24. Do you recognize what we're looking at?

21 A I do.

22 Q And what is that?

23 A That's a photograph of the victim's feet in the
24 vehicle.

25 Q I want to show you State's 25. What can you tell us

1 that is important to your investigation about this
2 photograph?

3 A It's 30 degrees outside. It's starting to frost and
4 he's not wearing shoes. But there's also glass fragments.
5 There's two shattered windows, the front and the back
6 driver's side windows, and there's glass in his lap.

7 Q Is that what this is ---

8 A That's correct.

9 Q --- in this area (indicating)?

10 A Right.

11 I don't see any injuries anywhere else. His hands
12 and knuckles are all -- seem to be intact.

13 Q State's 26, is this the vehicle that you are
14 referring to?

15 A It is.

16 Q And what can you tell us is interesting about where
17 that vehicle came to rest?

18 A It's in the front yard. It jumped the curb. It
19 appeared to jump the curb and landed -- stopped in that
20 front yard.

21 Q And State's 27, is there anything that was hit by
22 this car? Was there a fence or anything else that stopped
23 this vehicle?

24 A It looks like it just stopped in the yard.

25 Q Okay. And during your investigation, did you

1 determine that the car was still in drive after this
2 incident?

3 A It was.

4 Q Okay. Who, to your knowledge, put the car in park or
5 turned it off?

6 A We eventually did it so it wouldn't roll anywhere
7 else with a gloved hand and wait for forensics to respond.

8 Q Is that for safety and securing the scene's purposes?

9 A It is. It is.

10 Q Okay. And were the windows busted out?

11 A They were.

12 Q Okay. In State's 28, what type of damage did you
13 note to the side of this vehicle?

14 A Based on my training and experience, those are
15 projectiles holes, commonly known as bullet holes, in the
16 driver's side. There's some in the door frame around the
17 driver window. There's one in the rear door. There's one
18 in the back left corner panel over the left rear tire.

19 Q And I believe you stated this, but when you arrived
20 on scene, had the scene already been secured?

21 A It had.

22 Q And what does that mean?

23 A That means we restrict who comes and goes from the
24 scene until investigators or forensics get there. And we
25 -- for this large scene, two blocks were shut down so we

1 restrict vehicle movement also.

2 Q I'm going to show you State's 38. After observing
3 the victim's vehicle, did you also review the surrounding
4 areas of this scene and where it was believed that the
5 incident occurred?

6 A Yes. It was brought to my attention that gunshots
7 had been heard down the street and there was glass and
8 debris and expired shell casings and other material in the
9 roadway in front of 207 Mansion Circle.

10 Q Okay. Investigator Garrett, if you could get up, if
11 you don't mind, and point to that TV screen behind you.
12 Where did your investigation show that this incident
13 started at?

14 A Right here (indicating) in front of this vacant
15 trailer in the roadway.

16 Q Okay. And what evidence was collected from the
17 roadway and from the surrounding yards?

18 A At that location, there were five fired shell
19 casings, one live 9 millimeter round, the shell casings
20 were all 9 millimeter, broken glass, and we later
21 discovered a pair shoes, Jordan Air shoes in the front
22 yard of 206 Mansion Circle.

23 Q I'm going to show you State's 18. Is this the
24 roadway that you're referring to where that evidence was
25 collected?

1 A It is.

2 Q And State's 19, what is this showing?

3 A That's another angle going toward the 100 block where
4 the vehicle ultimately came to rest going down the street
5 of the same roadway.

6 Q Okay. And what is that concrete looking block to the
7 left of the screen?

8 A It looks like a drain cover. It's in front of 206.
9 207, I think, is either the house with the Christmas
10 lights or the one beside. I'm not sure.

11 Q Okay. And this road, was it fairly dark that night?

12 A It was.

13 Q Were you able to still see what was taking place in
14 front of you?

15 A Yes. We use our lights and illuminate the area.

16 Q Were there porch lights on in the area, do you
17 recall?

18 A Some of them were.

19 Q Okay. I'm going to show you State's 23. Is that the
20 shoe that you referred to that was found?

21 A It is.

22 Q I'm going to put back up State's 38.

23 So you stated that the scene began near 206,
24 207 Mansion Circle; is that correct?

25 A Correct.

1 Q Okay. And tell us what your investigation revealed
2 happened there, and kind of explain what the evidence
3 shows and how the crime occurred.

4 A So in front of this residence in Mansion Circle,
5 there's blood in the roadway, it looks like blood drops or
6 suspected blood at the time, shell casings around that
7 area, and there's broken glass. About in this area,
8 between here and here, there was some more broken glass
9 that looked similar to what was here and what was broken
10 from the vehicle in front of 103. So it would suggest
11 that -- it would suggest that the incident occurred here
12 and the vehicle rolled since it was still in park and
13 still rolling and came to rest at 103 in the front yard
14 (indicating throughout).

15 Q Okay. Let's talk about that rolling because there's
16 been some testimony about the car not going very fast,
17 kind of rolling after it took off. What does your
18 investigation show would be consistent with kind of the
19 traveling of that vehicle based on how it came to rest?

20 A It didn't crash into the fence. It was in front of
21 it. It looks like, once it jumped the curb, it slowed it
22 down enough to stop in the front yard. So it appeared not
23 to be traveling very fast. There's no damage to the front
24 of the vehicle.

25 Q When the scene was secure, was the entire area secure

1 from 103 Mansion Circle where the car was found all the
2 way back to 206, 207 Mansion Circle?

3 A It was. Of course, we canvassed the neighborhood and
4 talked to every one of these houses and we asked them to
5 stay in their houses.

6 We had this road blocked off. It had it blocked off
7 here, and we had it blocked off a little behind Buick
8 Court up here with another patrol vehicle (indicating
9 throughout).

10 Q When you arrived on scene, who was already present as
11 far as law enforcement?

12 A Deputy Cooper. A coroner had already arrived.

13 Q Okay. So at that point, had Kerolos Zaky already
14 been declared deceased?

15 A He was pronounced deceased by EMS. And, of course,
16 EMS dispatches coroners, so they're already sometimes
17 pre-alerted. As soon as EMS pronounces them, they go
18 ahead and notify them.

19 Q Is it standard in a situation like that where the
20 deceased dies on scene that his body not be removed
21 immediately?

22 A Yeah. If he's beyond help, he'll stay where he's at.

23 Q And what's the reason for that?

24 A Not to disturb the crime scene or disrupt anything
25 necessarily. But if there's any chance of any lifesaving

1 procedures, they'll act on that.

2 Q And you stated that individuals were spoken to. Is
3 that something that you as the lead investigator would
4 have directed individuals on scene such as law
5 enforcement, possibly other investigators, to go out and
6 talk to anyone who may have seen something?

7 A Yes. We would speak with the first arriving deputies
8 also to make sure that task hadn't already been done and
9 who they had spoken to.

10 Q Okay. And was it your understanding that at least
11 one person had been spoken to and gave a statement about
12 what they saw?

13 A That's correct.

14 Q At some point, did a call come in about an individual
15 who thought she may know something about a potential
16 crime?

17 A A call did come in and we heard it on our channel,
18 the south end channel, about four black males going to a
19 residence on ---

20 MR. WARDER: Objection to the substance of a call.
21 Hearsay.

22 MS. McCALL: Your Honor, this goes -- one, it's
23 already been testified to, but it also goes to explain
24 what Investigator Garrett did and why he did it, why he
25 would have dispatched someone to that house.

1 MR. WARDER: It doesn't change it, Your Honor.

2 THE COURT: But, I mean, it's already into evidence
3 based on a previous witness, so I'm going to allow it.

4 MS. McCALL: Thank you, Judge.

5 THE WITNESS: We heard the call come in that four
6 black males went to a residence, but we have computers in
7 our car so we can read the call and see what the call is
8 all about, which is about a mile from the location. And
9 it's several hours later which is walking distance. So we
10 decided not to respond. Another deputy, let's respond
11 someone from our scene, an investigator. They may be
12 related.

13 BY MS. McCALL:

14 Q Okay. I'm going to show you what's been premarked as
15 State's Exhibit 53. Do you recognize what that is?

16 A I do.

17 Q And what is that?

18 A That's a map of the area of the Kingswood
19 neighborhood where the incident occurred, and it's zoomed
20 out to include Pine -- Pine Bluff Street where this call
21 happened.

22 Q Okay. Is this map and the areas that we're talking
23 about, is that within Greenville County?

24 A It is.

25 Q And is that within your jurisdiction?

1 A It is.

2 Q Is that how you're familiar with these areas?

3 A I am familiar with this area.

4 Q Okay. And I believe there is an additional --
5 there's an additional indication on that map that is being
6 used for explanation purposes. But what is that that is
7 being shown on that map?

8 A That is a distance line that I used on Greenville
9 County's property management web site. It can measure
10 distances. And it's about a mile. According to this,
11 it's a mile .06 from the crime scene over to Pine Bluff
12 Drive.

13 Q And tell us again what is at Pine Bluff Drive?

14 A It's Number 7 where this call came in from a
15 Ms. Fleming.

16 Q Is that Tori Fleming that previously testified?

17 A That is. Correct.

18 Q Okay. And so is this map something that you reviewed
19 and then added an indicator to for information?

20 A I did for my records. Yeah. This showed the
21 distance, and it could be walked to in that amount of
22 time.

23 MS. McCALL: Your Honor, at this time, the State
24 moves to admit State's Exhibit 53 into evidence.

25 THE COURT: Any objection from Brown?

1 MR. CANTRELL: None, Your Honor.

2 THE COURT: From Mosley?

3 MR. PRINGLE: No, Your Honor.

4 THE COURT: And from Hill?

5 MR. WARDER: No, sir.

6 THE COURT: All right. In without objection.

7 (WHEREUPON, State's Exhibit Number 53 was admitted into
8 evidence.)

9 BY MS. McCALL:

10 Q I'm showing you State's 53. Is this the map that you
11 just explained?

12 A It is.

13 Q Okay. And can you -- I hate to make you point
14 because I know that ledge is there. Don't fall. But ---

15 A I need a pointer about that (gesturing) long.

16 Q We need one. Our pointer doesn't work.

17 If you could just point, obviously, don't get all the
18 way over there and fall, but explain what the beginning
19 and end points are.

20 A This (indicating) is Mansion Circle. Of course,
21 there's plenty of road and land between it. This
22 (indicating) is Pine Bluff Street where Ms. Fleming lives.

23 Q During your investigation, did you determine what
24 time the call came in for service, this 9-1-1 call?

25 A 9:58. Just two minutes before 9 p.m.

1 Q I'm sorry.

2 A 9-1-1 call originally?

3 Q The 9-1-1 call of the original incident, what time
4 did that happen at?

5 A Refer to my notes. 7:51 p.m.

6 Q Okay. And you said that Ms. Fleming called and gave
7 this information about what she knew. What time was that
8 at?

9 A Almost two hours later. It said 8:58 p.m.

10 Q Okay. Almost one hour later, I'm sorry ---

11 A Yes.

12 Q -- if it was 7:51 to 8:50?

13 A Correct. A little bit before eight and a little bit
14 before nine.

15 Q Math's not my strong suit, but just making sure.

16 Okay. So about an hour later; is that correct?

17 A Yes.

18 Q Okay. And based on your knowledge of this area and
19 your investigation, do you believe it's possible that
20 individuals could have walked or run from that location --
21 one location to the other within that time?

22 A Yes. That's why I had an investigator from my scene
23 respond to that scene.

24 Q Okay. When investigators responded, at some point,
25 did a forensics officer also respond to Ms. Fleming's

1 residence?

2 A They did.

3 Q Okay. And what was collected from her residence
4 that's relevant to this case?

5 A A gauze bandaging with suspected blood on it from a
6 trash can.

7 Q Okay. Did she collect the whole trash can?

8 A No.

9 Q Did she collect the cotton pad?

10 A Yes.

11 Q Okay. And based on your experience as a forensic
12 officer and also your years of experience as a law
13 enforcement officer and investigator, would it have been
14 standard practice to just collect the one piece of
15 evidence that was relevant to this case?

16 A It would.

17 Q Okay. When you were on scene still there and you
18 were given evidence that Mr. Zaky was no longer alive, is
19 it your responsibility to notify the victim's family?

20 A It's not. It's the coroner's.

21 Q Okay. At some point, did you talk to the victim's
22 family?

23 A I did.

24 Q Okay. And did you, at that point, notify them of ---

25 A I was with the coroner when he notified a family

1 member.

2 Q Did you do anything else on scene at that point, at
3 the actual location that night?

4 A Once the scene was documented by forensics with
5 photographs and the victim was removed from the car, a
6 brief examination of him by the coroner, I was there when
7 that happened, and the vehicle is sealed, and requested a
8 tow truck to tow it to the Greenville County vehicle
9 maintenance facility to be locked in a secure base that
10 could be processed later in a controlled environment more
11 thoroughly.

12 Q Okay. And you mentioned, again, that you saw the
13 victim. Did you notice any injuries on his face when you
14 saw him?

15 A To his mouth.

16 Q Okay. And how can you describe those injuries that
17 you saw?

18 A It looked like dry blood around his lips.

19 Q Okay. The next step in your investigation -- or at
20 some point, did you determine that there may have been an
21 additional scene for you to investigate, not necessarily
22 where a crime had occurred, but where the individuals may
23 have went that night?

24 A As far as?

25 Q Prior to the shooting happening, is there another

1 incident location? I should say -- I'm sorry. Let me
2 rephrase. I know I'm being confusing.

3 During your investigation, did you determine that
4 these individuals went to another location before the
5 shooting that night?

6 A I did.

7 Q Okay. And what was that?

8 A Spinx convenience store in Moonville which is also in
9 Greenville County.

10 Q Okay. And during that investigation, is it standard
11 for you to attempt to locate any type of video evidence?

12 A It is.

13 Q Did you do that in this case?

14 A I did.

15 Q Okay. What does that look like? Do you actually
16 yourself go to Spinx and request that?

17 A I did with another investigator. We reviewed it.

18 Q Investigator Garrett, I'm going to show you what has
19 already been entered into evidence as State's Exhibit 37.
20 And this is the Spinx video.

21 (WHEREUPON, the following testimony was given while
22 State's Exhibit Number 37, a video, was played in open
23 court.)

24 BY MS. McCALL:

25 Q Actually, I'm going to start us outside.

1 And when you obtain a video in a case like this, do
2 you normally tell them a specific time frame that you're
3 looking at for them to pull that whole time frame?

4 A Yes.

5 Q Okay. And upon your review of this video, did you
6 determine that it was a few minutes into this video that
7 the victim's vehicle arrives onto the screen?

8 A I did discover that.

9 Q Okay. Just for time purposes with the jury, I'm
10 going to move this video to the 5 minute and 26 second
11 mark. I would like for you to point out to the jury what
12 you see that is relevant to this case.

13 A That's the victim's vehicle pulling into this parking
14 space at the front door (indicating) of the convenience
15 store.

16 Q And after reviewing this video, did you determine
17 approximately how long they sat in the Spinx parking lot
18 for?

19 A 33 minutes.

20 Q And during the course of their time there, did things
21 intermittently happen with the car such as someone getting
22 in and out at different points in time?

23 A Yes.

24 Q Okay. I am going to, again, move this video forward
25 so we don't have to sit and watch kind of nothing of

1 evidentiary value happening. So I'm going to move it
2 forward to the 13 minute and 25 second mark. What is
3 happening here?

4 A Someone is getting out the back passenger side door,
5 two individuals. And they walk over and appear to be
6 talking -- to engage in someone else.

7 Q Okay. Do you know where they went at this point in
8 time?

9 A I don't.

10 Q Okay. During the course of your investigation, and
11 we'll get into more details in a little bit, but did you
12 determine who these individuals were in this car?

13 A I did.

14 Q And who is in this car at this point in time?

15 A At this time, the victim, Kerolos Zaky; Jaylin Hill
16 was in the front seat; Thomas Mueller is also in the front
17 seat with him; Jamazzeo Glover; David Mosely; Braelon
18 Brown; Tyreke McMahand; and Nijah Croskey.

19 (End of video playback of State's Exhibit Number 37.)

20 BY MS. McCALL:

21 Q I'm just going to show you this so we don't have to
22 take the video off of the screen, but State's Exhibit 51,
23 do you recognize that?

24 A That's my diagram.

25 Q Okay. And what is that diagram showing?

1 A It's a vehicle with different names in different
2 locations to show where everyone was at in the vehicle.

3 Q Okay. And we also have State's Exhibit 43 --
4 Exhibits 43 through 49. Do you recognize what those are?

5 A (Reviews exhibits) I do.

6 Q Okay. And what are those?

7 A These are photographs that were obtained from the
8 video from the Spinx store.

9 Q Okay. Did you take these screenshots from this
10 video?

11 A I did.

12 Q And what was the purpose of doing this?

13 A To see if I could identify the other -- or these
14 individuals because I didn't have names for any of them.

15 Q Okay. And during the course of your investigation,
16 did you identify these individuals?

17 A I did.

18 (WHEREUPON, the following testimony was given while
19 State's Exhibit Number 37, a video, was played in open
20 court.)

21 BY MS. McCALL:

22 Q Okay. So let's get back to the video. This
23 individual that's standing outside the car now, who is
24 that?

25 A Jamazzeo Glover.

1 Q Did he get out of the back passenger door?

2 A He did.

3 Q The back right passenger door?

4 A He did.

5 Q Is that consistent with this information ---

6 A It is.

7 Q --- about where they were seated at?

8 And who is this individual walking back up to the
9 car?

10 A David Mosely.

11 Q And is he getting back in that right back passenger
12 door?

13 A He is.

14 Q Is that consistent with the information of where
15 these individuals were seated on this chart?

16 A It is.

17 Q I'm going to fast-forward to the 15 minute mark in
18 this video. What do we see here?

19 A Another individual getting out of the rear driver's
20 side or hanging out of it.

21 Q Okay. And who is that individual?

22 A Braelon Brown.

23 Q Is that consistent with what side of the vehicle he
24 was on, that left back driver's side in the back --
25 backseat?

1 A It is.

2 Q Now we're going to move on to minute 16:52. What do
3 we see happening here?

4 A There's a gentlemen getting out of a Tahoe or an SUV,
5 and he engages with someone inside of the victim's
6 vehicle.

7 Q Does he appear to get something from someone in that
8 vehicle?

9 A He does.

10 Q Okay. And after this point, he goes into the store?

11 A He does.

12 Q All right. Let's move on to minute 18:20. Does that
13 same individual return?

14 A He is.

15 Q And what side of the car does he go to this time?

16 A He goes to the driver's side this time, engages with
17 someone in that window.

18 Q Does he seem to pass something inside the car?

19 A He did.

20 Q During your investigation, did you determine what
21 that was?

22 A More than likely a Black & Mild cigar.

23 Q Now we're going to fast-forward to minute 21:10.
24 Okay. What's happening here?

25 A Back door is open again on the rear driver's side.

1 Q Who's getting out right there?

2 A I think Nijah Croskey gets out and then lets Braelon
3 out behind him.

4 Q Okay. Is it also consistent that Nijah Croskey was
5 sitting on that side of the vehicle?

6 A That's right.

7 Q And does Braelon Brown go in the store at that point?

8 A He does.

9 Q Okay. And that's at minute 21:10. I'm going to
10 fast-forward to 24:58 which is about three minutes later.
11 Who is that?

12 A Braelon Brown returning from the store.

13 Q Okay. Does he appear to have something he's shaking
14 in his hand?

15 A A drink.

16 Q Okay. And does he get back in the car?

17 A He does.

18 Q I'm going to let it keep playing because I want you
19 to explain how -- what's happening at this point.

20 A Right now, Croskey gets out, lets Braelon in. And
21 now Croskey's on the end. And now Jaylin Hill gets out of
22 the front passenger's seat and enters the store.

23 Q Okay. And Jaylin Hill being in the front passenger's
24 seat, is that consistent with this diagram that we have
25 and the information we were given?

1 A It is.

2 Now he's returning and getting back into the front
3 seat.

4 Q What's happening now?

5 A Jamazzeo's getting out, David Mosely's getting out.
6 And that's Croskey and Braelon Brown on the other side
7 getting out.

8 Q Okay. Are there now four individuals outside of the
9 car?

10 A They are.

11 Q And where are they going?

12 A Inside of the store.

13 Q I'm going to fast-forward it about another minute on
14 to 27:58. What do we see happening here?

15 A That's Jamazzeo Glover returning to the vehicle.
16 David Mosely. They're getting in the rear passenger's
17 side door. David gets in first. That would put Mosley on
18 the door side, door end.

19 Q And then I'm going to take about three minutes more
20 to 31:20. Who's coming outside now?

21 A Braelon Brown and Jaylin Hill.

22 Q What's happening here?

23 A They turned their backs toward the vehicle and appear
24 to be having a conversation.

25 Q Does it appear as though they don't want someone to

1 see what they're saying?

2 A Yes.

3 MR. CANTRELL: Objection, Your Honor. That calls for
4 a conclusion.

5 THE COURT: That's sustained.

6 BY MS. McCALL:

7 Q And who were those individuals again?

8 A Jaylin Hill and Braelon Brown.

9 Q Did they get back in the vehicle?

10 A Yes. Jaylin gets in the front passenger's seat,
11 Braelon gets back in the rear driver's seat.

12 Q Now I'm fast-forwarding it to 36:58. This is our
13 last clip of this video.

14 A That's the victim's vehicle leaving. And that is at
15 7:32 p.m.

16 Q Okay. So the time that is on this video at the
17 bottom of the screen that I've kind of been referencing,
18 is that the actual time?

19 A No. That's just the length of the video time.

20 Q Okay. And so you said that they left at 7:32 p.m.?

21 A Correct.

22 Q All right. Now I just want to briefly show you the
23 video inside of the store, slow it down just a little bit.

24 (End of playback of State's Exhibit Number 37.)

25 BY MS. McCALL:

1 Q Actually, Investigator, I'm just going to show you
2 these photos again for ease of viewing. And I believe
3 that you already stated that Exhibits 43 through 49 were
4 still clips that you took from this video, correct?

5 A That's correct.

6 Q And that was the view that we just saw; is that
7 right?

8 A That's correct.

9 Q Okay. I'm going to show you Exhibit 43. Exhibit 43,
10 who is that?

11 A Jaylin Hill.

12 Q Exhibit 45, who is that?

13 A David Mosely and Jamazzeo Glover.

14 Q 48, who is that?

15 A Braelon Brown.

16 Q Okay. Investigator, now I'd like to transition to
17 discussing the evidence, at least one piece of evidence,
18 of evidence collected from the scene. Were casings
19 obtained?

20 A Yes.

21 Q Okay. And after obtaining those casings, what type
22 of evidence did you -- or information did you seek out to
23 find out that would be helpful in your investigation about
24 those casings?

25 A How many guns would be fired.

1 Q Okay. And did you determine how many guns were fired
2 in this case?

3 A One. One 9 millimeter.

4 Q And how many casings were recovered?

5 A Five.

6 Q Were there any unspent rounds?

7 A One live round, 9 millimeter round.

8 Q One live round.

9 Okay. What -- after hearing the testimony and
10 understanding the situation, what could be a reason that
11 an unfired round would be found in the roadway with other
12 shell casings?

13 A Based on my training and experience, a live round
14 doesn't fall out of a firearm. Something has to happen, a
15 malfunction or someone has been prompted to rack the slide
16 to engage that round to come out or somebody could have
17 just dropped it. But when it's among five shell casings,
18 commonly you'll see, in my experience, somebody's racked
19 the round, what I call a Hollywood, you see on TV they'll
20 rack the round before they shoot it, not knowing there's a
21 round already in the chamber. It will eject that live
22 round. So that happened for some reason. In my mind that
23 night I'm thinking there's a reason that round's there.
24 Later I discovered why.

25 Q Based on your experience and training, if a magazine

1 fell out of a gun or was removed from a gun ---

2 A Right.

3 Q --- and there was already a round in the chamber and
4 they reinsert that magazine into the gun and then rack it
5 again, will that cause the unspent round to eject?

6 A It will.

7 Q You mentioned that you had the vehicle sent to a
8 secure scene for further processing in a controlled
9 environment; is that correct?

10 A Correct.

11 Q Were you present for that?

12 A I was.

13 Q And can you explain what takes place when a vehicle
14 is processed?

15 A We'll meet with forensics and whatever crime scene
16 technician, forensic technician is going to process it.
17 We'll go over the case with them if they haven't been on
18 the original crime scene, up to date them on the events
19 and I'll make my request.

20 In this situation, I requested digital photographs, a
21 DNA swabbing, latent fingerprint processing, and
22 trajectory documentation.

23 Q What is the trajectory evidence that you would be
24 looking for?

25 A That is what determines the direction or angle a

1 projectile enters an object. They use trajectory rods and
2 simply just place the rod inside the hole to see the path.
3 And wherever the bullet supposedly came from, the rod's
4 direction will suggest that.

5 Q Were trajectory rods utilized in the review of this
6 vehicle and the evidence?

7 A It was.

8 Q And what did those rods show?

9 A Here's the photo, I think.

10 Q I'm going to show you what's been premarked as
11 State's Exhibit 39. Do you recognize that?

12 A I do.

13 Q What is that?

14 A It's trajectory documentation for the projectile hole
15 on the rear driver door of the victim's vehicle.

16 Q Okay. And were you present when that trajectory rod
17 was placed?

18 A I was.

19 Q Okay. And do you understand what that means ---

20 A Yes.

21 Q --- and what this shows?

22 A Yes. That's why I request it.

23 MS. McCALL: Your Honor, at this time, the State
24 seeks to enter Exhibit 39 into evidence.

25 THE COURT: Any objection from Brown?

1 MR. CANTRELL: None, Your Honor.

2 THE COURT: From Mosley?

3 MR. PRINGLE: No, Your Honor.

4 THE COURT: And Hill?

5 MR. WARDER: No, Your Honor.

6 THE COURT: All right. In without objection.

7 (WHEREUPON, State's Exhibit Number 39 was admitted into
8 evidence.)

9 BY MS. McCALL:

10 Q Investigator Garrett, what does this show?

11 A That's the trajectory rod inserted into the
12 projectile hole in the left of the driver's side rear
13 door.

14 Q And what does that tell us about the trajectory of
15 the bullet and where it was shot from?

16 A That tells me it's going in at an angle from the rear
17 of the vehicle forward. So the gun's either angled at
18 that direction or the vehicle is going away and the
19 projectile's entering it at that angle.

20 Q Okay. And can you always place trajectory rods into
21 projectile holes?

22 A No. Some of them are too shallow and some of them
23 are just too far damaged.

24 Q Okay. What about if it was a glass window that was
25 shot out, would there be anywhere to put a projectile rod?

1 A Nowhere to hold it.

2 Q Okay. So based on the analysis of this vehicle and
3 the forensic processing, what can you say about where the
4 shooter was that shot into this vehicle?

5 A Just behind the driver door shooting forward.

6 Q Okay. So would that -- does it appear that the
7 shooter was always on the driver's side of the vehicle?

8 A It does.

9 Q You mentioned earlier that the victim had glass in
10 his lap sitting in the vehicle. What does that tell you?

11 A That would tell me he was sitting in the vehicle in
12 the driver's seat when the damage to the window was
13 happening. He wasn't standing.

14 Q So when the glass was presumably shot out, was he in
15 the vehicle?

16 A Yes.

17 Q While processing this vehicle, you said that you also
18 requested that latent prints be developed, correct?

19 A Correct.

20 Q Are you aware if any latent matches were found?

21 A Yes.

22 Q Okay. And where?

23 A It was on the rear exterior of the rear passenger
24 side of the door of the victim's vehicle.

25 Q And whose fingerprint was found on the rear passenger