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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Derham Cole, Sr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES BRIDGES BYRD,

APPELLANT

APPELLATE CASE NO. 2024-001482

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[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT: STATE'S EXHIBIT NO. 17 (BODY-WORN CAMERA (#3) JOSH CHROBAK) AND STATE'S EXHIBIT NO. 18 (SUSPECT INTERVIEW)]

STATE OF SOUTH CAROLINA)
) IN THE COURT OF GENERAL SESSIONS
COUNTY OF SPARTANBURG)

The State,)
) TRANSCRIPT OF RECORD
-vs-) 2021-GS-42-05334
)
James Bridges Byrd,)
) August 26 - 28, 2024
Defendant.) Spartanburg, South Carolina

B E F O R E:

J. DERHAM COLE, SR., JUDGE; and a jury

A P P E A R A N C E S:

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(Proceedings August 26, 2024)

THE COURT: All right. Ladies and gentlemen, thank you for your patience.

We are ready to begin with jury selection in the first case that's going to require some of your participation, and the title of the case is State vs. James Bridges Byrd.

Mr. Byrd has been accused by the prosecutor by way of an indictment -- and an indictment is a charging paper. It's like an arrest warrant except that when you come into circuit court you have to be brought here by way of an indictment.

This particular indictment charges Mr. Byrd with the crimes of murder and possession of a weapon during the commission of a violent crime, that violent crime being murder.

The indictment alleges that the defendant, James Bridges Byrd, did here in Spartanburg County on or about June the 6th of 2021 wilfully and with malice aforethought kill one Kush Patel by shooting him and that he died as a result of that gunshot wound.

Count two of the indictment alleges that at the same time and place the defendant did possess or visibly display a firearm during the commission of a violent crime, that violent crime being the murder which is alleged in count one.

Now, as to each of those charges and the allegations contained in the indictment the defendant has entered a plea of not guilty. A plea of not guilty places upon the state the burden of proving the allegations that they have made by way of the indictment, the burden of proving each of the essential elements of the crimes that are alleged in the indictment; and therefore the burden is upon the state to establish the defendant's guilt to the satisfaction of 12 jurors beyond a reasonable doubt before any verdict of guilty could be returned.

So we're going to be selecting 14 of you -- 12 primary jurors and two alternate jurors -- to participate in the trial. And by way of your participation you're going to be called upon to simply listen to testimony that's presented, consider the evidence, other evidence, that's presented. And at the conclusion you'll be called upon to decide the facts relating to the charge, apply the law that I'll have provided. And the jury will then determine whether or not the defendant's guilt has been proven beyond a reasonable doubt.

Before we can begin with that selection of those jurors to participate, I've got some people to introduce and some questions to ask. The purpose is to determine whether or not any juror has any connection with anybody involved in the trial of this case and whether or not you

have any reason why you could not be fair and impartial if called upon to participate as a juror.

In this case the Seventh Judicial Circuit Solicitor's Office is prosecuting the case.

Solicitor, if you will, stand and introduce yourself to the jury.

MR. HUNTER: My name is Eddie Hunter and I'm an assistant solicitor here in the Spartanburg office of the Seventh Circuit Solicitor's Office.

THE COURT: And in this case the defendant is being represented by lawyers in the Seventh Judicial Circuit Public Defender's Office.

I'll ask each of you to stand and introduce yourselves.

MR. HALL: I'm Robert Hall with the public defender's office here in Spartanburg.

MS. GOWDY: I'm Abigail Gowdy. I also work with the Seventh Circuit Public Defender's Office.

MS. WASZAK: My name is Eva Waszak. I'm also work with the public defender's office.

THE COURT: All right. And the remaining person sitting at the defense's table is James Bridges Byrd.

Mr. Byrd, if you will, stand and face the jury panel.

(Whereupon, the defendant stood.)

THE COURT: Other persons that may be called as

witnesses during the trial -- the reason I'm introducing these folks and reciting this witness list is I need to find out if any potential juror here has any connection by blood or by marriage, social, personal, professional, church, school, employment.

Do you have any connection whatsoever in any fashion with anybody that's introduced? And that would include any respective members of their families if you happen to know a family member.

So if you know anybody that's introduced -- I've already introduced some, and I'll introduce some more. But if you have any connection with anybody, please stand so that we can determine what that connection is and whether or not it would affect your judgment in any way during the trial.

Just remain standing while I recite the witness list.

Potential witnesses include Randy Martin; Clint Martin; Courtney Pearson. Michael Ward is a pathologist. Jon Guest, sheriff's department.

The next ones I'm going to recite all work for the sheriff's department. Isiah Parham; Josh Chrobak; Thom McAbee; Paul Norris; Nic Federico; Matthew Plummer; Sean Nix; Tanner Keeling; Travis Copeland; Chris Terry; Samantha Hayes; Eduardo Chavez who was formerly with the sheriff's department and who is now with the Greenville County

Sheriff's Office. Matthew Mulholland was formerly with the sheriff's department.

Are there any other potential witnesses to be called by the state?

MR. HUNTER: None from the state, Your Honor.

THE COURT: The defendant?

MR. HALL: None, Your Honor.

THE COURT: All right. We've got two -- three. Got three standing.

I'll start on the front row and work my way back. Identify yourself by name and number and tell me which person you have a connection with.

JUROR NO. 29: Adam Cochran, 29. I went to school with the defendant.

THE COURT: All right. And what school was that?

JUROR NO. 29: Boiling Springs High School.

THE COURT: All right. Is there anything about that connection from the school that would have any bearing upon your decision in this case if you were selected?

JUROR NO. 29: I have friends in both circles with --

THE COURT: All right. Here is my question. Is there anything about that connection that would have any bearing or have any affect upon your decision in the case if you were called upon to serve?

JUROR NO. 29: No, sir. I don't believe so.

THE COURT: Okay. Thank you. Be seated.
Next.
JUROR NO. 133: I'm Jennifer Raymond. I'm Juror 133.
THE COURT: What's your connection?
JUROR NO. 133: My husband actually retired from Spartanburg County, so I knew several names that you recited from Spartanburg County -- officers.
THE COURT: Okay. Is there anything about that fact or about your husband being formerly employed there that would affect your judgment in this case?
JUROR NO. 133: No.
THE COURT: All right. Thank you. Be seated.
Yes, sir.
JUROR NO. 147: Michael Shannon, Juror 147. I know a few of the sheriffs -- Tanner Keeling. Former. Former classmates and social aspects.
THE COURT: Okay. Is there anything about that fact or those circumstances that would affect your judgment in this case if you were selected?
JUROR NO. 147: I don't think so.
THE COURT: Well, do you think there's any reasonable probability that it could?
JUROR NO. 147: No.
THE COURT: Okay. Thank you. Be seated.
Now, this is an event which the indictment alleges

occurred back on June the 6th of 2021.

And where is the event location, Mr. Solicitor?

MR. HUNTER: [redacted] Swain Avenue in Boiling Springs just off Hwy. 9 near the Hardee's.

THE COURT: All right. [redacted] Swain Avenue, Boiling Springs off Hwy. No. 9.

Is there anybody on the jury panel that thinks you might have heard, seen or read anything that relates to this particular case? In other words, have you been exposed to any type of information that relates to this case from any source whatsoever? If so, I need to know of that fact.

(No response.)

THE COURT: Has any member of the jury panel or any members of your immediate family -- and let me define an immediate family member as a parent or a spouse or a child or a sibling -- parent, spouse, child or sibling.

Have you or any members of your immediate family as I just defined it ever been the victim of any type of crime that might be characterized or described as violent?

And I'll include in that definition murder, manslaughter, armed robbery, burglary first degree, criminal sexual conduct, assault and battery of any degree above third, domestic violence of a high and aggravated nature, or any other similar type of an offense.

Has any juror or an immediate family member ever been the victim of such? And also whether or not any -- you or any family member has ever been accused of having committed such. So ever been the victim of such or accused of having committed such. If so, please stand.

All right. I'll start to my right and work my way up.

Yes, ma'am. Name and number.

JUROR NO. 60: Sixty. Lee Ann Green.

THE COURT: Sixty?

JUROR NO. 60: Sixty, correct. I have a brother that did a stint in prison for marijuana. He --

THE COURT: That's all I need to know. That's not a violent crime.

JUROR NO. 60: Okay.

THE COURT: It's just possession. Anything else?

JUROR NO. 60: And my father was murdered.

THE COURT: All right. And was that here or somewhere else?

JUROR NO. 60: That was in Greenville County.

THE COURT: All right. And has that matter been resolved?

JUROR NO. 60: 1975.

THE COURT: Okay. Is there anything about that experience that you had in that relation that would affect your judgment in this case?

JUROR NO. 60: I don't think so.

THE COURT: Okay. Thank you, ma'am. Be seated.

Yes, sir.

JUROR NO. 160: Yes. Austin Terrell, Juror No. 160. My sister was a victim of a rape.

THE COURT: All right. Anything about that fact that would affect your judgment in this case?

JUROR NO. 160: No.

THE COURT: Thank you be seated.

Yes, ma'am.

JUROR NO. 151: Your Honor, Connie Smith, Juror No. 151. And I was robbed in 2019, and he was charged with first degree burglary. There were four people involved.

THE COURT: Anything about that experience that would affect your judgment in this case?

JUROR NO. 151: No, sir.

THE COURT: Thank you. Be seated.

Yes, ma'am.

JUROR NO. 66: Mary Hinojos, 66. My son is serving two life sentences for murder.

THE COURT: Anything about that experience that would affect your judgment in this case?

JUROR NO. 66: No.

THE COURT: Thank you. Be seated.

Yes, ma'am.

JUROR NO. 97: Yes. Debra McBeth, Juror 97. And my father was murdered when I was very young.

THE COURT: And is there anything about that experience that would affect your judgment in this case if you were selected?

JUROR NO. 97: No.

THE COURT: Thank you. Be seated.

Is any member of the jury panel -- or has any member of the jury panel or any of your immediate family members ever been employed as any type of law enforcement officer? You or a family member, immediate family member as I described it, ever been employed as any type of law enforcement officer? If so, let me know.

All right. I'll start to my right and work to my left.

Your name and number.

JUROR NO. 166: Somer Turner, 166. My uncle is a police officer for Greenville County -- Eric Turner.

THE COURT: Would that have any bearing in your decision here?

JUROR NO. 166: No, sir.

THE COURT: Thank you. Be seated.

Yes, ma'am.

JUROR NO. 78: Allison Johnson, 78. My uncle is a constable in South Carolina.

THE COURT: Would that have any bearing in your decision in this case?

JUROR NO. 78: No.

THE COURT: Be seated. Thank you.

Yes, ma'am.

JUROR NO. 98: I'm Sharon McCravy, No. 98. My brother-in-law is a police officer in Wellford.

THE COURT: Where?

JUROR NO. 98: Wellford. Wellford is next to Greer.

THE COURT: Okay.

JUROR NO. 98: Wellford-Duncan-Lyman.

THE COURT: Okay. Anything about that fact that would affect your judgment here?

JUROR NO. 98: No, sir.

THE COURT: Thank you. Be seated.

Yes, ma'am.

JUROR NO. 133: Jennifer Raymond, Juror 133. My husband is currently a police officer at Upstate.

THE COURT: Anything about that fact that would affect your judgment today --

JUROR NO. 133: No.

THE COURT: -- in this case?

JUROR NO. 133: No.

THE COURT: Thank you. Be seated.

Is there anything about the -- the nature of the case

itself or the allegations that have been made by way of the indictment? Is there anything about the nature of the case itself that would prevent any juror from being able to be fair and impartial if you were selected? If so, let me know.

(No response.)

THE COURT: Has any member of the jury panel already formed an opinion as to what you think the outcome ought to be based upon what you've seen or heard up to this point or based upon any other consideration? In other words, have you already made up your mind as to a decision? If so, let me know.

(No response.)

THE COURT: Does any juror know of any reason whatsoever why you believe you could not be fair and impartial if you were called upon to serve as a juror in this particular case? If so, let me know.

(No response.)

THE COURT: None responding.

Any other questions requested by the state?

MR. HUNTER: No, Your Honor.

THE COURT: By the defendant?

MR. HALL: None, Your Honor.

THE COURT: All right. We're going to select a jury. The way that's done is your names have been randomly

selected by a computer. And so you'll be called to come forward as your name is called.

The court reporter is seated right in front of me. You'll be standing right in front of her. You'll turn and face the audience.

Each side has an opportunity to have you seated for service in the case or to have you excused from serving in the case.

If either side asks that you be excused, just go back and have a seat where you are now.

If both agree to have you seated for service in the case, you'll be having a seat in the jury box to your right and to my left.

So please come forward as your name is called, and you'll be informed as to whether or not you've been accepted or excused from service in the case.

THE CLERK: Juror No. 98, Sharon McCravy.

What says the state?

MR. HUNTER: Please present this juror.

THE CLERK: What says defense?

MR. HALL: Please excuse the juror in the trial of this case.

THE CLERK: Juror No. 9, Jimmy Baldwin.

What says the state?

MR. HUNTER: Please present this juror.

THE CLERK: What says defense?
MR. HALL: Please swear the juror.
THE CLERK: Juror No. 42, Sonya DeYoung.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please swear the juror.
THE CLERK: No. 6, Jeffrey Atkins.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please swear the juror.
THE CLERK: No. 18, Lakita Boyd.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please excuse the juror from the trial of this case.
THE CLERK: No. 148, Esther Shcherban.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please excuse the juror from the trial of this case.
THE CLERK: No. 128, Robert Poteat.

What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please swear the juror.
THE CLERK: No. 174, Tammy West.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please swear the juror.
THE CLERK: No. 78, Allison Johnson.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please excuse the juror from the trial of this case.
THE CLERK: No. 97, Debra McBeth.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please excuse the juror from the trial of this case.
THE CLERK: No. 94, Christopher Mason.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?

MR. HALL: Please swear the juror.
THE CLERK: No. 1, Kimber Allison.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please swear the juror.
THE CLERK: No. 63, Angela Highhouse.
What says the state?
MR. HUNTER: Please excuse this juror.
THE CLERK: No. 64, Brandon Hill.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please swear the juror.
THE CLERK: No. 46, Samantha Durkin.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says the defense?
MR. HALL: Please swear the juror.
THE CLERK: No. 150, David Sloan.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please excuse the juror from the trial of this case.

THE CLERK: No. 165, Zachary Triplett.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please swear the juror.
THE CLERK: No. 66, Mary Hinojos.
What says the state?
MR. HUNTER: Please excuse this juror.
THE CLERK: No. 133, Jennifer Raymond.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please excuse the juror from the trial of this case.
THE CLERK: No. 81, Nicholas Kandaras.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says the defense?
MR. HALL: Please swear the juror.
THE CLERK: No. 112, Christopher Morris.
What says the state?
MR. HUNTER: Please excuse this juror.
THE CLERK: No. 167, Steven Upton.
What says the state?
MR. HUNTER: Please excuse this juror.

THE CLERK: No. 147, Michael Shannon.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please excuse the juror from the trial of this case.
THE CLERK: No. 160, Austin Terrell.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please excuse the juror from the trial of this case.
THE CLERK: No. 166, Somer Turner.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please swear the juror.
THE CLERK: This will be for the alternate.
129, Elizabeth Powell.
What says the state?
MR. HUNTER: Madam clerk, will you repeat the number?
THE CLERK: 129.
MR. HUNTER: Thank you.
Please present this juror.
THE CLERK: What says defense?

MR. HALL: Please swear the juror.
THE COURT: Second alternate.
THE CLERK: 146, Allison Schultz.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please excuse the juror from the trial of the case.
THE CLERK: No. 59, Johnny Green.
What says the state?
MR. HUNTER: Please excuse this juror.
THE CLERK: No. 11, Patrick Bearden.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please excuse the juror from the trial of this case.
THE CLERK: No. 26, Suzanne Casey.
What says the state?
MR. HUNTER: Please present this juror.
THE CLERK: What says defense?
MR. HALL: Please swear the juror.
(Whereupon, a jury was impaneled.)
THE COURT: Those who have been selected, I'll ask you to please go with the bailiff to a jury room. And I'll

bring you back shortly.

(The following takes place outside the presence of the jury.)

THE COURT: Are there any matters that need to be addressed regarding jury selection by the state?

MR. HUNTER: No, Your Honor.

THE COURT: By the defendant?

MR. HALL: None, Your Honor.

(Whereupon, the remaining members of the jury venire were excused.)

THE COURT: Any pretrial motions or other matters to address?

MR. HUNTER: I don't believe so from the state, Your Honor.

MR. HALL: Your Honor, just the issue of my client and his status. He's on home detention out on bond. We'd ask the investigator bring us the affidavit. I left it in the file downstairs.

(Pause.)

THE COURT: Show that to Mr. Hunter first.

MR. HALL: Mr. Roderick Walton with the bonding company says he will keep him out on bond. Of course that's contingent on detention for bond.

THE COURT: Does the state have a position?

MR. HUNTER: The state would request that he be

remanded. He doesn't have to right now, but at the end of the day we'd ask that he be remanded back into custody as is customary in this court.

THE COURT: You don't have an objection to him remaining out on bond for lunch?

MR. HUNTER: No, Your Honor.

THE COURT: Okay. We'll address his continuation this afternoon. Right now he'll be -- stay on bond at least during lunch.

Mr. Byrd, do you understand you have an obligation to be in court when your case is tried? You're here as a condition of your bond. So you have to be present. And should you not appear or you show up late or you don't show up at all the case is going to continue in your absence. Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: And it'll be an additional criminal offense for failure to appear. Do you understand?

THE DEFENDANT: Yes, sir.

THE COURT: So we are going to be recess now until 2:00 o'clock. So you need to be back here in this courtroom not later than 2:00 o'clock.

Mr. Hall might need you earlier than that, but I need you here sitting there at 2:00 o'clock this afternoon.

Bring the jury back, please.

(The following takes place in the presence of the jury.)

THE COURT: Ladies and gentlemen, we're going to take this time to break for lunch. We'll start with the trial this afternoon at 2:00 o'clock. So you're going to be excused until that time. You'll be asked to report back to the jury room at 2:00 o'clock this afternoon.

If you need instructions, talk to the bailiffs. They'll let you know when and where to report. But you need to be back not later than 2:00 o'clock.

Keep in mind now that you've been selected you can't talk about the case. You can't allow yourselves to be exposed to any type of information about the case.

Your decision has to be based upon what you see and hear during the trial of this case, and you can't be influenced by any outside or extraneous information, because it might not be accurate.

So have no discussions with anybody about the case until deliberations take place at the trial's conclusion. Don't talk about it with family or friends. Don't talk about it even among yourselves until deliberations take place.

Have a good lunch. I'll see you at 2:00 o'clock this afternoon.

(The following takes place outside the presence of the

jury.)

THE COURT: Court is in recess until 2:00 o'clock.

(Whereupon, a recess was taken.)

(Fired cartridge casing marked State's Exhibits No. 1 through 10 for Identification; projectile jacket marked State's Exhibit No. 11 for Identification; fired projectiles marked State's Exhibits No. 12 through 15 for Identification; 9mm marked State's Exhibit No. 16 for Identification; body-worn camera No. 3 marked State's Exhibit No. 17 for Identification; suspect interview marked State's Exhibit No. 18 for Identification; photographs marked State's Exhibits No. 19 through 32 for Identification diagram marked State's Exhibit No. 33 for Identification.)

THE COURT: All right. During the lunch recess a matter arose regarding a particular juror. It was brought to my attention that I had not asked a question which might have elicited a response from that juror that would have caused the defense to exercise a peremptory challenge or peremptory strike.

And as a result of that circumstance, the solicitor and defense counsel and the Court have had a discussion, and all are in agreement that that juror shall be removed and the first juror selected as an alternate take that juror's place.

Is that a fair statement of what happened?

MR. HUNTER: Yes from the state.

MR. HALL: Yes from the defense, Your Honor.

THE COURT: And we're all in agreement that Juror 165 will be excused and Juror 129 will take that juror's place.

MR. HUNTER: Yes, Your Honor.

MR. HALL: That's correct, Your Honor.

THE COURT: All right. Anything we need to address before the jury comes in?

MR. HUNTER: Nothing from the state, Your Honor.

MR. HALL: Nothing from defense, Your Honor.

(The following takes place in the presence of the jury.)

THE COURT: Good afternoon, ladies and gentlemen.

We are ready to begin with jury selection -- excuse me. We're ready to begin with the trial of the case for which you have all been selected.

And one of the jurors has been excused from service in this particular case.

And so, Ms. Powell, that means you're going to be the twelfth juror now.

And Ms. Casey will still be an alternate juror.

Mr. Mason, I'm going to ask you to serve as the foreperson of the jury. As the foreperson you've got three specific duties that the other jurors don't have.

Number one, you'll be asked to serve as the

spokesperson for the jury, and that just means if something arises during the trial that needs to be brought to my attention -- you or a fellow juror has some difficulty or problem or question -- you're going to be the person to let me know of that fact.

You can do it directly if you're here in the courtroom. Do it through the bailiff if you're outside of the courtroom.

Secondly, you'll be called upon to preside over jury deliberations when that time comes, and that of course is not until the end of the trial after all of the evidence has been received and I've instructed you on the law that's applicable in the case.

But when that time does come, you'll be tasked with the responsibility of presiding over the deliberations simply to ensure that they are carried out in some orderly fashion.

And, thirdly, you'll be asked to actually write the verdicts or the decisions of the jury. You'll do that on a verdict form that I'll provide you at the trial's conclusion on which you will indicate the jury's unanimous decisions.

Now, the foreperson has those specific duties that I've just indicated, but that doesn't mean that he is any more important than any of you other jurors, and that's

because the decision of a jury is the unanimous consensus opinion of all 12 jurors. And so all of you will have an equal say and an equal vote in what the ultimate decisions will be in this case.

Someone simply has to be delegated those responsibilities that I've just indicated, and I have delegated those to Mr. Mason in appointing him as the foreperson.

But, as I say, all of you jurors are equally important so far as the decisions are concerned, because the verdicts have to be unanimous. All of you must be in agreement.

Now, Ms. Casey, you're going to be participating as an alternate juror, and the function of an alternate juror, as you have already learned, is to take the place of one of original 12 if, for some reason, one of these 12 cannot continue to serve for some reason.

Should that occur, you become the twelfth juror. In that event you participate throughout the trial, including jury deliberations at the trial's conclusion.

However, when the time does come for deliberations if the original 12 are able to perform that function, then your service ends and you don't participate any further. And that's because the decision of a jury is that of 12, and no more than 12 are permitted to engage in that deliberation process.

But it is important that you pay just as careful attention as we ask of all of the jurors in the case because, as you have seen, from time to time for one reason or another a juror may be unable to continue. In that event you become the twelfth.

So we do appreciate your participation as an alternate juror just as we appreciate the participation of each of you jurors who have been selected for the purpose of deciding the verdicts in this particular case.

You may swear the panel.

(Whereupon, the jury was duly sworn.)

THE COURT: All right. As you know, you have been selected to decide the verdicts in the case of State vs. James Bridges Byrd.

As you also know, Mr. Byrd has been accused by the prosecution by way of this indictment with having committed the crimes of murder and possession of a weapon during the commission of that violent crime.

The indictment alleges, as I told you, that on June the 6th of 2021, the state claims Mr. Byrd did with malice aforethought wilfully kill one Kush Patel by shooting him with a firearm and that he died as a proximate result of that gunshot wound.

Count two alleges that he did at the same time and place possess or visibly display a firearm during the

commission of a violent crime, that violent crime being the crime of murder set forth in count one.

As I told you, the indictment's not evidence of anything. It doesn't establish anything. It's not proof of anything. It's simply the charging paper. It's the means by which any person accused of a crime in this court is brought to this court for a disposition of the case.

Now, as to the indictment and the charges contained therein the defendant has entered a plea of not guilty. A plea of not guilty places upon the state the burden of proving the allegations that they have made by way of the indictment, the burden of proving each of the essential elements of the crimes that are alleged in the indictment; and therefore the burden is upon the state to establish the defendant's guilt to the satisfaction of you 12 jurors beyond a reasonable doubt before any verdict of guilty could be returned.

Every person who is accused of a crime -- and it doesn't matter how serious the offense might be for which that person stands charged -- a person accused of a crime is always presumed innocent of that charge, and that presumption of innocence remains with any defendant, as it does with this defendant, from the time that he is placed under arrest and throughout the course of the criminal process and even throughout the course of the actual trial

in the case.

That presumption of innocence will be with Mr. Byrd even as you go back to begin with your deliberations at the trial's conclusion, and that presumption of innocence will be with him in that jury room, and it'll be with him forever, unless you 12 jurors determine that he is no longer entitled to that presumption of innocence.

In other words, after you have carefully deliberated the case, you've considered all of the testimony and the evidence presented, and from that evidence you have been able to determine the material facts that relate to the allegations contained in the indictment, and after deciding those facts you apply the law that I will have provided you, if you 12 jurors determine that the defendant's guilt has been proven beyond a reasonable doubt, then he would no longer be entitled to the presumption of innocence. But it is only if, unless and until you are satisfied of his guilt beyond a reasonable doubt that the presumption of innocence would no longer be applicable.

Now, the way the trial will proceed is that in a moment the lawyers are going to address you in what are called opening statements.

There are two occasions in the trial of a case where lawyers are permitted to address the jury directly, and that is at the beginning of the trial before any evidence

is introduced, then again at the conclusion of the trial after all of the evidence has been received.

But please keep in mind, as I've just indicated, the lawyers' statements are not evidence. The lawyers aren't witnesses to anything. They don't know anything about this case of their personal knowledge or perception like witnesses will be testifying to when they take the witness stand and testify before you.

The lawyers aren't going to take the witness stand. They're not going to be placed under oath. They're not going to be subjected to direct and cross-examination like witnesses will be who are providing information to you.

And so what the lawyers tell you in their statements is not to be considered by you nor construed as evidence upon which you will base any decision in this case, but the lawyers' statements do serve a purpose so you should listen to what they have to say.

The opening statements will provide you with a basic understanding as to what this case is about from both the perspective of the state and of the defense so that you'll have some context in which to place the evidence that we will be receiving shortly thereafter.

The closing statements occur after all of the evidence has been received. And, again, while those statements are not evidence that opportunity does afford the lawyers a

chance to talk to you about the evidence that you've seen and heard during the trial. And each will be trying to persuade you based upon that evidence that you should or should not arrive at a particular decision.

It's in between the opening and the closing statements that we actually receive the evidence upon which you will base your decision.

The state, as you know and have been told, has the burden of proof. The state has to prove a defendant guilty beyond a reasonable doubt, and so the state has to go forward first in their presentation of evidence.

Once the state has concluded with that presentation any defendant or person accused of a crime has an opportunity to testify or to call additional witnesses or to introduce other evidence. But please understand that the burden is never upon a person accused of a crime to prove that they are not guilty or to prove that they are innocent, because in many circumstances that might not be possible.

The burden on always upon the state to establish a defendant's guilt beyond a reasonable doubt, and the burden is never upon a defendant to prove anything or to offer any type of evidence, but a defendant is always afforded an opportunity in the event he or she wished to do so.

So after the evidence has been received and you've

heard the final summations of the lawyers, I will then instruct you fully on the law as it relates to the criminal law generally and as it relates to these particular crimes specifically.

And then you'll be asked to go back and to begin with your deliberations, and through that process you're simply going to be called upon through the exercise of good judgment and common sense conscientiously applied to the testimony and evidence received during the trial to determine the facts relating to the allegations, from the evidence presented.

Upon deciding the facts you'll apply the law that I will have provided you, and you will determine whether or not the defendant has been proven guilty of these crimes beyond a reasonable doubt. And if he has, then the verdict is guilty; and if he has not, then the verdict is not guilty.

So all that we're going to ask for you to do is to pay careful attention through the course of the trial. There are a number of witnesses that might be called, and all of the information is important. Some of it's more important than others. But all of the information is important to some aspect of the case, and that's why witnesses are being called.

And so you've got to pay attention to each witness

while they testify, because in deciding the facts in a case you often have to judge and evaluate the credibility or the believability of witness testimony.

And so you've got to watch a witness as they testify so that when you do go back to begin deliberations you'll be in a proper position to be able to evaluate a witness' testimony and credibility in light of not just that witness' testimony but in light of all of the testimony and all of the evidence received during the trial of the case.

It's also important that you keep an open mind throughout the course of the trial. That just means that you're not to begin making up your minds or formulating your opinions as to what you think the ultimate decision in this case ought to be until all of the evidence has been received, until you've been instructed as to the law and until you've been asked to begin with your deliberations in the case.

That is the process that has been designed over the last 240-some-odd years to ensure that you can arrive at a fair and impartial decision in any case that you might be called upon, but today it's this particular case.

So I do want to thank you in advance for your participation, as well as for your careful attention. I would ask you please give the lawyers your attention now as they give you their opening statements.

Mr. Hunter.

MR. HUNTER: May it please the Court.

Alcohol, marijuana, L.S.D., Xanax. That's what that defendant took the night that he killed Kush Patel.

Thank you for being here. Again, my name is Eddie Hunter. This is Investigator Guest. You'll hear from him. He's the main investigator on this case.

And you'll hear that on June 6th of 2021 at [redacted] Swain Avenue, Boiling Springs, which is kinda near the Hardee's heading up there towards the big area, Hwy. 9 that everybody's gone to Whataburger now. But on that early morning Mr. Byrd killed his best friend, Kush Patel.

You'll hear some witnesses like the Martins who lived at the house, as well as Ms. Pearson who's about to be a Martin.

You'll hear how Mr. Patel come over to that house almost every day, because Randy Martin and his son Clint were friends with Mr. Byrd, allowed him to come and live there about a year prior. But Mr. Patel came over because they were best friends almost every day.

And being young and stupid, they would basically drink themselves until they passed out, then wake up in the morning and go to work almost every day. Best friends.

But on this morning or night they decided to take a hallucinogenic drug, and shoots and kills his best friend.

So this isn't a case of who done it.

You'll hear. He admits he did it. And you'll hear from the investigator and hear from the officers. He was arrested on the scene. And you'll actually see video of an interview with him where he admits to shooting his best friend.

You'll hear from the I.D. officers who go to the scene and collect the weapon, collect the shell casings, ten of them, because Mr. Patel was shot, 22 bullet wounds, 11 entry and 11 exit. There's ten shell casings.

You'll hear from Dr. Ward who says not -- some of those are entry and exit, entry and exit. But shot 11 times, two of them in the back.

And you will hear from Mr. Martin, Randy Martin, who was present that night sleeping on the couch who actually spoke to Mr. Byrd who admitted to him that he was having a bad trip and that's why he wanted some Xanax because he believed that would help him calm down.

Shortly thereafter Mr. Byrd who had told Mr. Martin, you'll hear, that Mr. Patel was actually asleep in the room. Mr. Byrd goes back into that room. About 15 minutes later he comes out into the living room. Mr. Patel is following behind him.

Mr. Patel does not attack him; Mr. Patel does not swing at him; Mr. Patel does not throw a punch at him; Mr.

Patel does not have a weapon.

And as Mr. Byrd goes around the couch, goes around the other side of the couch, Mr. Patel is following him, but he's not closing the distance. He's not running; he's not charging.

And then he gets back to the doorway and turns back to Mr. Patel. Mr. Martin is standing right beside Mr. Patel, and he now has a gun, lifts it up and shoots at least ten times at his best friend killing him. Those two in the back, those were the fatal wounds.

Now, I urge you to use your common sense. The judge at the end of this trial, he's going to give you definitions of law. He's going to go over reasonable doubt, presumption of innocence. He's going to go over murder, what murder means. Killing of another with malice aforethought. He's going to go over voluntary intoxication. Just because you take a substance, that's not a defense to a crime. If you voluntarily take a substance, that's not a defense.

But you'll hear from Mr. Martin and you'll hear from Courtney who called 9-1-1. You'll hear from the officers. And at the end of this trial I'm going to come up here and I'm going to ask you to find him guilty -- guilty of murder and guilty of possession of a weapon during the commission of a violent crime.

I want to go over that real briefly. That just means that if you committed a violent crime, in which in the State of South Carolina murder is considered a violent crime where you're in possession of a weapon. Obviously, this is a gunshot case. You can't have gunshots without a weapon. We have the weapon. But I'm asking you to find him guilty for shooting and killing his best friend not in self-defense. Guilty. Thank you.

THE COURT: Mr. Hall.

MR. HALL: May it please the Court -- Solicitor.

Mr. Foreman, ladies and gentlemen of the jury, as Mr. Hunter told you, there's not a whole lot contested in this case. There is a homicide, which is a death of a person at the hands of another.

A lot of the things that we'll go through, there's not going to be a whole lot of contest, but there is some contest of what led up to that.

This is what we're saying self-defense. There's only so much any individual can do in a case to show self-defense, but the evidence can show that. A person can testify, but what does the evidence show?

I ask that you pay careful attention, which you've sworn to do, because a lot of things that go on, don't go on, can make a big difference in a case and in your decision.

It's very rare as a defense attorney I stand up and say what I'm about to say.

Mr. Byrd is going to get on the witness stand and testify, and he's going to tell you what happened. He's going to be cross-examined. Just like any of the officers, any of the witnesses the state calls, I get to cross-examine.

He's coming to you so you can decide what happened here, not what -- this is a horrible tragedy. Someone's dead. But how did it happen? Why did it happen?

That's going to be the question for you, and he's going to get on the stand and tell you what happened. And you'll be able to take everything that was presented and make your decision, and including in that, sometimes what was not presented.

You've sworn to give him a fair and impartial trial. That's what we expect from you. That's what he expects from you. Thank you.

THE COURT: Mr. Hunter.

MR. HUNTER: The state would call Courtney Pearson.

COURTNEY GRACE PEARSON, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HUNTER

Q Get as close as you can to the microphone so we can all hear you.

Will you please state your full name for the record?

A Courtney Grace Pearson.

Q Ms. Pearson, how are you?

A I'm 26 years old.

Q And how are you currently employed?

A I am a childcare worker.

Q Okay. And do you -- did you live in Boiling Springs at this time?

A I did.

Q Okay. Who lives at [redacted] Swain Avenue?

A Randy Martin.

Q And who is he to you?

A He is my fiancé's dad.

Q So he's your future father-in-law.

A Yes.

Q Okay. Who else lived at that address?

A At the time, I did, and as well as Clint.

Q Okay. And did Mr. Byrd live there as well?

A Yes, sir.

Q Okay. Who is Kush Patel to y'all?

A A great friend, a best friend.
Q Was he -- so Mr. Martin is the older gentleman who owns the house.
A Yes, sir.
Q And the rest of y'all are about the same age?
A Yes, sir.
Q So he was friends with all of you.
A Yes, sir.
Q When did you and Clint Martin start dating?
A We started dating around 2018.
Q Okay. So a few years before this incident?
A Yes, sir.
Q Did you used to party with Mr. Byrd and Mr. Patel?
A Here and there.
Q Did Clint party with them as well?
A Here and there.
Q Earlier. However, around June of 2021 were y'all the partying type -- you and Mr. Martin?
A That night we were all partying. I had maybe a half of a can of the Malibu stuff, and that's about it.
Q Okay. And was your fiancé drinking at that time?
A I think he had maybe a shot or two.
Q Okay. But nothing serious?
A No.
Q What time did y'all go to bed?

A I would say around 9:00 or 9:30.
Q Okay. When I say y'all, I mean yourself and your fiancé, correct?
A That's correct.
Q Who was present at the house?
A Randy Martin, myself and Clint and Byrd and Kush.
Q Okay. How often would Kush come over to the house?
A Pretty often, daily basis, weekend. Mostly on the weekends.
Q And who would he come over to see?
A Byrd -- Clint.
Q Okay. So, basically, the three guys were the three amigos.
A Pretty much.
Q What would they do when they hang out at the house?
A Play video games. We'd barbecue. Just hang around.
Q Okay. What were Mr. Byrd and Mr. Patel doing on this night?
A Earlier in the day we went to Dave and Busters -- me, Clint and Byrd. We came home. We cooked stuff in the smoker. I made all the sides and we ate. And after that we just kinda went our separate ways.
Q Okay. Where did -- obviously, you're not in the same bedroom as Mr. Byrd, correct?
A No.

Q Okay. So you shared a bedroom with Clint Martin?
A Clint, yes.
Q When did Mr. Patel come over?
A If I had to guess, maybe about 5:00 or 6:00 p.m. that day. I know it was in the evening.
Q Okay. So he came and ate with y'all as well?
A No.
Q No.
A He did not go with us. It was just me, Clint and Byrd who went earlier in that day.
Q I said he came to eat with y'all.
A Yes. Sorry. Yes. He did come to eat.
Q So after the barbecue, y'all kinda went your own way?
A Pretty much, yes.
Q Okay. Do you know where Mr. Byrd and Mr. Patel were at that time when you went to bed?
A Yes. In Byrd's room or the room that he stayed in.
Q Okay. So around 9:00 or 9:30 you go to bed. Are you a light sleeper or a heavy sleeper?
A Pretty heavy. I have my dog in my room with us, and we sleep with the T.V. on.
Q Okay. Do you remember hearing Mr. Patel and Mr. Byrd that night?
A I woke up a few times, not really fully awake, but I heard laughter, maybe a bump and a bang here and there, but

that's it.
Q Did you hear any shouting?
A Never.
Q Any yelling?
A No.
Q Anything that sounded like a fight?
A No.
Q Okay. So just some laughter?
A Yeah.
Q Boys being boys?
A Boys being boys.
Q What's the next thing that you remember?
A The loud popping. I mean, we -- I didn't know if it was somebody breaking in. I didn't know if it was a firecracker. I just knew it was loud, and I was worried about Randy.
Q What were you worried about?
A It being a gun and somebody robbing the house.
Q So what did you do after you hear this loud popping?
A I yelled at client to get his gun, to go down the hallway and make sure the house was okay and nobody was breaking in.
Q And did you call anybody?
A No. Once we found out what was going on, I called 9-1-1.

Q That's the someone that you called. You called 9-1-1.
A Yes.
Q Okay. And you made the report of this case?
A Yes.
Q Where were you when you made your 9-1-1 call?
A In my bedroom sitting on my bed.
Q So after you hear the shots, you don't really see anybody?
A I stayed in the bedroom. I didn't exit, not until the cops arrived.
Q You didn't talk to any of the parties involved.
A No, sir. Well, I talked to Clint just because he was kinda relaying what was going on in the other room.
Q But you -- okay. You talked to Clint, but you didn't talk to Mr. Byrd.
A No.
Q Okay. And then, obviously, when police got there, you spoke to the police.
A Yes.
Q And gave them a statement.
A Yes, sir.
Q Please answer any questions Mr. Hall may have for you.

CROSS-EXAMINATION

BY MR. HALL

Q And you heard the popping, the gunshots.

A Yes, sir.

Q Do you know how many you heard?

A More than six.

Q More than six.

A It just kept going.

Q Were they very rapid?

A Yes, sir.

Q Boom, boom? And just --

A Boom, boom, boom, like, yes, sir.

Q One right after the other.

A Yes, sir.

Q Okay. And did you -- you said you didn't hear any yelling or anything before. Did you hear anything after that?

A No. I mean, I heard -- I heard them talking about Kush.

Q Okay. Did you hear James holler anything?

MR. HUNTER: Objection, Your Honor. Hearsay.

THE COURT: Sustained.

BY MR. HALL

Q I've not asked what -- did you hear his voice?

A Not that I recall.

Q Okay.

MR. HALL: If I may approach the witness, Your Honor.

Q Now, I'm not going to ask you to read this out loud, but I want you to look at it and see if that refreshes your memory.

(Pause.)

Q Okay. Not saying what you heard. Did you at that night -- that night did you hear him yell something? Not what he said, just did you hear him yell something.

THE COURT: Yes just or no.

A Yes.

Q Okay.

MR. HALL: I have no further questions.

MR. HUNTER: Nothing from the state.

THE COURT: All right. You may step down.

MR. HUNTER: Your Honor, may she be excused from her subpoena?

THE COURT: She may be.

(Whereupon, the witness was excused.)

MR. HUNTER: At this time the state would call Officer Deputy Chrobak.

JOSHUA BRANDON CHROBAK, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HUNTER

Q Can you please give your full name for the record?

A Joshua Brandon Chrobak.

Q Okay. And how are you employed?

A Work for the Spartanburg County Sheriff's Office.

Q How long have you been employed there?

A Since February of 2020.

Q Okay. What did you do before the sheriff's office?

A I sold potato chips to --

Q Sold potato chips?

A -- local gas stations.

Q Okay. Where are you from?

A Detroit, Michigan.

Q Where did you go to high school?

A Boiling Springs High School.

Q Okay. So you actually knew some of these parties involved?

A I did.

Q Okay. Went to high school with them?

A I did.

Q What unit are you with at the sheriff's office?

A I work the uniform patrol.

Q And what is uniform patrol?

A Uniform patrol -- we, basically, answer calls to service. We answer your typical assaults, shopliftings, domestic disturbances.

We can also serve warrants, conduct traffic stops. Basically, do whatever we want whenever we have free time.

Q So you're -- you're the officers that arrive when a 9-1-1 call is made, the first ones.

A Correct.

Q Okay. You're the ones that we usually see in the black and white cars.

A Correct. Yes, sir.

Q Were you working early morning hours of June 6th of 2021?

A I was.

Q Okay. And did you respond to [redacted] Swain Avenue?

A I did.

Q Around what time?

A I believe it was just after 4:00 or just before 5:00 o'clock.

Q Okay. Maybe a little bit before 4:00 o'clock?

A Possibly.

Q Okay. But it was in the early morning hours.

A Correct. It was still dark outside.

Q Where is [redacted] Swain Avenue?

A Just located off of Hwy. 9 around the Hardee's, I

believe.
Q And this is a weird question, but we have to prove jurisdiction. What county is it in?
A Within Spartanburg County.
Q What state?
A South Carolina.
Q Okay. When you first get there, what do you observe?
A I looked through the -- the storm door or the glass front door and I observed who I know now as Kush Patel laying on the couch. I observed him to be breathing at that time. And blood on the floor.
Q Do you enter the house?
A I did.
Q Okay. Who else is present at the house?
A Courtney, Kush, Mr. Byrd, Mr. Martin and Clint.
Q Who is also Mr. Martin.
A Correct.
Q Okay. Is Mr. Martin, Randy Martin, speaking at that time and telling you what happened?
A Correct, yes, sir.
Q And based on that, who did you put in handcuffs?
A Mr. Byrd.
Q Okay. What did you do with Mr. Byrd at that time?
A I escorted him. I placed him in handcuffs and escorted him to my patrol vehicle and placed him in my

patrol vehicle.
Q Okay. After you did that, what did you attempt to do at the scene?
A I assisted E.M.S. with life-saving measures.
Q And why did you assist E.M.S. with the life-saving measures?
A The amount of blood was very significant, and it was kind of close quarters. I always try to help out as much as I can.
Q Okay. After E.M.S. takes Mr. Patel away, what do you do?
A I get notified by my supervisor to transport him to the sheriff's office to the interview room.
Q Okay. And did you do that?
A I did.
Q Okay. You didn't read him Miranda rights at that time, correct?
A I did not.
Q And why not?
A It was very quick. Just placing him, securing him, in the vehicle, separating the parties and then rendering aid.
Q Okay. Did you ever ask him any questions?
A I did not.
Q Okay. So you did not interrogate him.
A I asked him what's in his pockets, and that's it.

Q Okay. However, once you get to the C.I.D. department -- what is C.I.D.?
A C.I.D. is where all of our investigators are at. We have some interview rooms that we place people in that need to talk to investigators.
Q And did you do that with Mr. Byrd?
A I did.
Q Did you ask him any questions?
A I did not.
Q However, did he start speaking to you?
A He did.
Q Okay. During your time at the scene did you have your body-worn camera on?
A I did.
Q Okay. During your time transporting him to the C.I.D. department, which is at the sheriff's office, correct?
A Correct.
Q Did you have your B.W.C. on?
A I did.
Q And then when he starts speaking to you, did you have your B.W.C. on?
A I did.
Q Okay. And did you record that?
A Yes, sir. I did.
MR. HALL: No objection.

Q I'm going to show you what's been marked State's Exhibit 17. It's a C.D. Do you recognize that?
A I do.
Q All right. Is this your B.W.C. from the time in C.I.D.?
A Yes, sir.
MR. HUNTER: Your Honor, at this time the state would offer State's Exhibit 17 into evidence.
MR. HALL: What was the number?
MR. HUNTER: Seventeen.
MR. HALL: No objection.
THE COURT: It's admitted.
(Body-worn camera No. 3 of Josh Chrobak marked State's Exhibit No. 17.)
MR. HUNTER: Permission to publish, Your Honor.
(Pause.)
(Whereupon, State's Exhibit No. 17 was played for the jury.)
Q So he told you he shot him but he didn't know the cause, correct?
A Correct.
Q And after he's done talking with investigators, you take him to jail?
A I did.
Q And is that the completion of what you did during this

case?

A Yes, sir.

Q Please answer any questions Mr. Hall may have for you.

CROSS-EXAMINATION

BY MR. HALL

Q Chrobak?

A Yes, sir.

Q Okay. Deputy Chrobak, this house on Swain Avenue, you go in the porch kind of in the middle of the house, and you have to go to the right to go in. It's not -- go straight in from the steps, right?

A Correct.

Q Okay. And so you're almost, I guess almost, at the end of the porch when you go in the house, or very close to the end.

A Correct.

Q Front door. Yeah.

Now, when you got there, I assume the way that it is, you turned to your left when you entered the house. And was anybody in the room at that point?

A Kush Patel was in the room.

Q He was in the room. He was where in the room?

A Hanging over the sofa like this.

Q Was he on the sofa or up against the front of the sofa?

A He was up against the front of the sofa. Legs on the ground and leaning over.
Q And is that sofa close to where you come in or the other end of the room?
A Almost directly to my left.
Q Okay. And I believe there's a fireplace and a television in front of that sofa.
A Correct.
Q And -- and do you know about how wide that room is when you stand at the door to the far wall?
A For what, would probably say about 35 feet.
Q 35-foot. You say it was a 35-foot-wide room?
A If you're talking about from the fireplace to that wall, I'd say probably about 15-foot.
Q From wall to wall, you're saying.
A Yes, sir.
Q Like, from the fireplace to the exterior wall.
A Yes, sir.
Q I meant how wide when you're standing at the front door entering, is the room when you're facing in. How wide is that?
A Approximately 50 feet.
Q Fifty feet?
A It's been 1/21. I can't remember it.
Q Okay. All right. Do you remember how close the sofa

and Mr. Patel were to the fireplace?
A I'd say probably about 10 or 15 feet.
Q I mean just guessing or you're just not remembering or just --
A I'm remembering that. Picture it in my head.
Q Okay. Have you looked at any of the pictures or anything before you came in today?
A I have.
Q Okay. All right. I think Mr. Randy Martin was there.
A Yes, sir.
Q All right. And Mr. Byrd, I believe, came in with his hands up.
A Yes, sir.
Q And you cuffed him. All right. Did you -- when you were in there, did you see the E.M.T.s or anything, anybody, moving a sofa or anything around?
A Moving a what, now? I'm sorry.
Q A sofa or anything in that room around?
A Correct. And I kicked the sofa as well.
Q Okay. So things did get moved around?
A It did.
Q All right. But you didn't consider that kind of close quarters up there where the sofa was, and the fireplace?
A Not really.
Q Okay.

MR. HALL: I have no further questions of this witness.

MR. HUNTER: I have no questions for this witness, Your Honor.

THE COURT: You may step down.

MR. HUNTER: Your Honor, at this time the state would call Isiah Parham.

ISIAH THOMAS PARHAM, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HUNTER

Q Is it Investigator Parham?

A Yes, sir.

Q Can you please give your full name for the record?

A Isiah Thomas Parham.

Q And how are you currently employed?

A With the sheriff's office in I.D. investigation.

Q How long have you been at the sheriff's office?

A It'll be five years in a few months.

Q And, obviously, you worked at the city before that. How long did you work at the city?

A Five years at the city.

Q Okay. Did you work any law enforcement before that?

A Not before the city, no.

Q Okay. What were your job duties at the city -- city police department?

A I was on patrol.
Q And have you been in the forensic department at the sheriff's office your whole time?
A Correct.
Q Like you said, the whole five years?
A Correct.
Q For the forensics or I.D. department, what are your job duties?
A We go to different crime scenes, take photos, collect evidence, that type of thing.
Q So you're going out there dusting for fingerprints.
A Correct.
Q Doing blood swabs.
A Correct.
Q Taking photos.
A Correct.
Q Did you do that in this case?
A Correct.
Q Ultimately, did the sheriff's office execute a search warrant on this house?
A Yes.
Q And that's why you started taking the photos?
A Yes.
Q What do you first do when you get to a crime scene?
A When I get on the crime scene, I speak with deputies

or investigators that's already there that inform me, you know, what exactly is going on.

Once we establish all of that, I take overall photos of the area, usually 360 or close to it.

Q And in this case you first went in and did a cursory look, then waited for the search warrant?

A Right.

Q Okay. We'll start with the big thing first. Did you recover a weapon at [redacted] Swain Avenue?

A Correct.

Q I show you what's been marked State's Exhibit 16. Do you recognize that item?

A I do.

Q And how do you recognize that item?

A I recognize this item as a Taurus 9mm, and I recovered it because it has my name beside the recover line.

Q And that's your handwriting?

A Correct.

Q Is it the same or substantially the same condition as you recovered it that night?

A Correct. Outside of the lock that's been placed through it myself.

Q And I believe the casing are no longer in the magazine.

A Right.

Q Okay. So the -- the casing that are in the box, they were in the magazine at the time you collected them?
A Correct.
Q Okay.
MR. HUNTER: Your Honor, at this time the state would offer State's Exhibit 16 into evidence.
MR. HALL: No objection.
(Taurus 9mm marked State's Exhibit No. 16.)
Q I show you what's been marked State's Exhibit 27. Did you take this picture?
A Yes.
Q Okay. And do you recognize that picture?
A Yes.
Q Does that fairly and accurately depict the scene as you remember it that night?
A Yes, sir.
MR. HUNTER: Your Honor, at this time the state would offer State's Exhibit 27 into evidence.
MR. HALL: No objection.
THE COURT: It's admitted.
(Photograph marked State's Exhibit No. 27.)
Q So that picture is of this gun?
A Yes.
Q Okay. You can look at it on your screen if you need to. Where did you locate it?

A On the kitchen table, I believe.
Q Okay. And this was the magazine in the gun?
A Yes. Appears so.
Q Can you tell the jury how many rounds it holds?
A Seventeen.
Q And there was how many pieces of ammunition left in the magazine?
A One, two, three, four, five, six.
MR. HUNTER: Your Honor, may Mr. Hall and I approach?
(Bench conference held off the record in the presence of the jury but out of the hearing of the jury.)
THE COURT: All right. Ladies and gentlemen, I've got one matter I'll need to address outside of your presence.
Please go to your jury room. Don't discuss the case. I'll bring you back shortly.
(The following takes place outside the presence of the jury.)
MR. HUNTER: Your Honor, the next pictures I'm going to show Mr. Parham -- I know Mr. Hall and I talked about this before the trial -- do show blood on the floor.
We are attempting to admit them to show the positioning where Mr. Patel was, where he was located. Obviously, this is a case where they're claiming self-defense as he stated in his opening.
While they may be a little bit prejudicial because

there is blood, we do not see a dead body. This is, obviously, a murder case. There's going to be blood. I think the jury understands with gunshots wounds there's going to be blood.

But this would show where Mr. Patel was. We're going to have testimony where Mr. Byrd was in this room. And so we believe that the probative value of these pictures substantially outweighs any prejudicial effect that these pictures may have because there's blood in them.

THE COURT: Your turn.

MR. HALL: All right. Your Honor, I think it's highly prejudicial, the amount of blood there.

They do have Randy Martin, the homeowner, to testify about the placement, the sofa where Mr. Patel was, wall, all of that, without putting in this picture of the blood. I think it's just highly prejudicial when there's -- if it's just to show where he was, there's other ways to do it.

THE COURT: You got any black and white photos?

MR. HUNTER: I can make these black and white, Your Honor.

THE COURT: Let's do that.

MR. HUNTER: Okay. I just need a few minutes to go print black and white.

THE COURT: Let's take 15 minutes.

You can step down. Don't discuss your testimony.

We'll be at ease 15 minutes.

(Whereupon, a recess was taken.)

THE COURT: All right. Any objection to those, Mr. Hall?

MR. HALL: Not to the black and white, no, sir.

MR. HUNTER: Your Honor, I just ask that we mark 29, 30 and 31, the colored ones, as court's exhibits for the record.

THE COURT: All right.

(Pause.)

(Photograph marked State's Exhibit 29 changed to Court's Exhibit No. 1; photograph marked State's Exhibit 30 changed to Court's Exhibit No. 2; photograph marked State's Exhibit 31 changed to Court's Exhibit No. 3.)

THE COURT: All right. Ready for the jury?

MR. HUNTER: The state is ready, Your Honor.

MR. HALL: Ready, Your Honor.

THE COURT: Bring them in.

(The following takes place in the presence of the jury.)

THE COURT: The jury is present.

You may continue.

BY MR. HUNTER

Q Investigator Parham, I'm going to show you what's been

marked State's Exhibits 29, 30 and 31. Do you recognize these pictures?

A I do.

Q Okay. And did you take those pictures?

A I did.

Q All right. And just briefly describe what they are pictures of in general.

A These pictures are in the living room common area.

Q So that's pictures of the living room at [redacted] Swain Avenue?

A Correct.

Q And do they fairly and accurately depict the scene as you remember it that night?

A They do.

MR. HUNTER: Your Honor, at this time the state would offer State's Exhibits 29, 30 and 31 into evidence.

MR. HALL: No objection, Your Honor.

THE COURT: They're admitted.

(Photographs marked State's Exhibits 29, 30 and 31.)

Q I'm going to show them on the elmo if you can just kinda describe what we're looking at.

A Right here we're looking at the living room floor. I believe that's like a -- the pooling in the middle of the picture is like a few feet away from the mantle, I believe.

Q Okay. So this right here is blood.

A Correct. Appeared to be, correct.
Q And we heard earlier about a fireplace with a T.V., and that's this area right here?
A Correct.
Q Okay. And is this a hallway back here?
A It is.
Q Okay. Leading back to the bedrooms?
A Correct.
Q Okay. We see a little better in 30.
A Correct. That's the same.
Q What is this?
A That's a couch.
Q And had that been moved at that point?
A It was. I had moved it, but that's how it was when I appeared on scene.
Q Had been moved by E.M.S. and others officers. If you don't know, that's fine.
A I'm not -- yeah. I'm not sure.
Q I'll ask them.
Did it appear to have normally been placed there to watch T.V.?
A It appeared so in a direct vicinity.
Q And then 31. What are we looking at there?
A That's the same area from a different angle.
Q So it's just kind of three different angles in the

same area?
A Correct.
Q And this is a loveseat?
A Correct.
Q When you first walked into this house, what did you notice?
A I noticed there was a lot of trash on the floor, dog food. And I know there was a lot of dust and stuff on the fan. That's the only thing I noticed.
Q So just generally dirty?
A Correct.
Q And you noticed the blood on the floor?
A Correct.
Q Did you take pictures throughout the house though?
A Correct. I did.
Q Again, I'm going to show you some more pictures. State's Exhibits 28 and 32. Did you take these pictures?
A I did.
Q And do they fairly and accurately depict the scene of [redacted] Swain Avenue as you remember that night?
A They do.
MR. HUNTER: Your Honor, at this time the state would offer State's Exhibits 28 and 32 into evidence.
MR. HALL: No objection.
THE COURT: Admitted.

(Photographs marked State's Exhibits Nos. 28 and 32.)
Q What did you observe in this room?
A Like I said, a lot of beer cans, liquor bottles. I think it was like some torches in there.
Q Okay. And would this be a marijuana bowl? I can zoom in further for you.
A Correct. It appeared to be.
Q And, again, in that same room, what did you -- what else did you observe?
A This picture right here is a box of Coronas.
Q Some more alcohol?
A Some more alcohol.
Q All right. Investigator Parham, I'm going to show you what's marked State's Exhibits 1 through 8. Do you recognize those items?
A Yes. I do.
Q Okay. And how do you recognize those items?
A I recognize these items as being fired cartridge casings, and my handwriting with my name.
Q So when you say fired cartridge casings, where did you collect those items?
A These were collected from the living room area, the common area.
Q Okay. I'll go ahead and have you open them just so you can look at them. Feel free to tear the paper. It's

okay.

(Pause.)

A That's correct. All of them fired cartridge cases.

MR. HUNTER: Your Honor, at this time the state would offer State's 1 through 8 into evidence.

MR. HALL: No objection.

THE COURT: Admitted.

(Fired cartridge casings marked State's Exhibits Nos. 1 through 8.)

Q What caliber are they?

A 9mm.

Q What caliber is this?

A 9mm.

Q Okay. Can you please tell us where you found -- and when you say shell casing, we don't need to go through all of those. We're talking about this bottom part, the gold here, this -- I don't know what type of material this is.

A Correct.

Q So the shell casing. The bullet's no longer there. It's just the shell casing.

A It's just -- exactly. It's just the casing.

Q So you located eight of them, correct?

A Correct.

Q Where did you locate them?

A They were in the living room on the floor beside the

coffee table, was Item 1; in between the coffee table and the fireplace was Item 2; at the base of the fireplace was Item 3. I'm sorry. Items 4 through 7 were found on -- on the mantle above the fireplace. And Item 8 was found by the window at the side table. So all of them was in the living room.

Q So, generally, you found four up here on this mantel.

A Correct.

Q Up here on this mantel?

A Correct.

Q One down by this table.

A Correct.

Q One here by the window in the seat.

A That's correct.

Q And then two more on the floor right here in front of the fireplace?

A Correct.

Q So all generally in front of the fireplace.

A Correct. In that same area.

Q Okay. Ultimately, were two more shell casings recovered?

A I do believe so.

Q By Investigator McAbee?

A Correct.

Q Did you also collect some bloody clothing?

A Correct.
Q Okay. And was that located near that blood stain that we are looking at?
A Yes.
Q Okay. And was there a pocketknife in that bloody clothing?
A Yes, sir.
Q Was it in the shorts?
A Yes, sir.
Q Was it open or unopened?
A I believe it was closed.
Q So it's closed and inside shorts.
A Correct.
Q Please answer any questions Mr. Hall may have for you.

CROSS-EXAMINATION

BY MR. HALL

Q Do you know how that gun ejects fired cartridges? Left or right?
A I would have to look if they got the gun to see which way it shoots out.
MR. HALL: May I approach the witness, Your Honor, with State's Exhibit 16?

BY MR. HALL

A It appears that it -- it appears that it could possibly eject to the right. The opening is more to the

right.

Q Okay.

MR. HALL: I believe that's all I have of this witness.

MR. HUNTER: Nothing, Your Honor.

THE COURT: You may step down.

MR. HUNTER: Your Honor, at this time the state would call Investigator McAbee.

THOMAS EZEKIEL MCABEE, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HUNTER

Q Can you please state your full name for the record?

A Thomas Ezekiel McAbee.

Q And how are you employed?

A I'm employed through the Spartanburg County Sheriff's Office.

Q How long have you been employed there?

A Between 2018 and 2019.

Q Okay. And what are your duties -- what have been your duties at the sheriff's offers?

A I worked patrol for almost a year. I then transferred over to the crime scene unit with C.I.D. And most recently I left the traffic unit after transferring there. Now I'm back with the crime scene unit with Spartanburg County.

Q So you went uniform patrol, crime scene, traffic,

crime scene.
A Yes, sir.
Q And you're currently in crime scene?
A Yes, sir.
Q And back in 2021, you were originally part of the crime scene forensic unit, correct?
A Yes, sir. That will be correct.
Q Now, I know when the crime scene comes out to a crime scene like this -- when I say crime, the crime scene unit comes out. How are obligations delegated?
A Normally when a team has come out, you've got a team leader. You've already had deputies, obviously, at the scene. They've already contacted violent crimes, supervisors. They contact our violent crimes investigators at which point we are called out once it's determined that there is a deceased individual.

Once that happens, an on-call team is called out. Usually consists of two or more, about three, people. And we show up. We make sure that photographs are taken 360 from point of view, is what I like to call it.

We also wait on a search warrant at that point in time, depending on the crime. Well, depending on the crime scene. We have this normally, a search warrant. We make sure that it's signed by a magistrate.

And then we all enter. At that time once we have

confirmed that search warrant is there, we then go inside. Once again, we do point of view, 360-degree photographs of the exterior of the home, interior of the home. Photograph any type of evidence that is there. And we collect and document that evidence.

Q And who was lead for this case three years ago?

A Investigator Parham.

Q Okay. So the investigator who was just on the stand.

A Yes, sir.

Q And so for the lead investigator, they're the ones that mostly take the pictures, collect the evidence?

A That is correct.

Q And you're there to assist them?

A Yes, sir. That is correct.

Q And that's the role you took originally in this case.

A That is correct, yes, sir.

Q I'm just going to show you one picture from that night. Show you 26, State's Exhibit 26, and State's Exhibit 24. Do you recognize those items?

A Yes, sir. I do.

Q Okay. And you went back out to this residence after the resident called you recovering some evidence, correct?

A Yes, sir. That is correct.

Q And do the State's Exhibit 26 fairly and accurately depict what you saw the first night?

A It does, yes, sir.
Q And State's Exhibit, I believe, 24.
A Uh-huh.
Q Is that a picture you took when you went back out to the residence?
A That is correct, yes, sir.
MR. HUNTER: And, Your Honor, at this time the state would offer State's Exhibits 26 and 24 into evidence.
MR. HALL: No objection.
THE COURT: Admitted.
(Photographs marked State's Exhibits Nos. 24 and 26.)
Q Can you tell the jury what we're looking at in State's Exhibit 26? This is a picture the night of.
A What this -- what this picture depicts is a photograph that was taken, of course, the night of the incident.
As you can see, and as described prior, potentially in the house you could tell the home was unkept. It was cluttered. There was trash, cigarette butts, things of that nature.
And what you could see here is a lot of the trash is on the floor. You can also see some of the drywall on the floor that's there.
Behind the couch, you can see on the behind the area of the couch, the back end, you've got stuffing that is coming out of the couch.

Q Okay.
A And it -- it seems to be pretty much interjectory with the damage to the walls in the back of the -- the couch there.
Q Did you have to go back out to the house?
A Yes, sir. I did.
Q And why did you go back out?
A I had to go back out because I was called due to the fact that two other fired cartridge casings that were 9mm at [redacted] Swain Avenue were located when they were -- when the home was being cleaned up.
Q So you were called out there by the homeowner.
A Correct. A Mr. Robert Martin. I'm sorry. Randy Martin.
Q Randy Martin.
A Correct. Yes, sir.
Q And he gave you consent to search his house that day?
A He did.
Q And that's on June 7th?
A Yes, sir.
Q Okay. And that's when you took that State's Exhibit 24 picture.
A Yes, sir.
Q And this is that same couch. It's now been moved. Because what were Mr. Martin and his sister doing that day?

A They were cleaning up the house and just trying to get it straightened up.
Q So you took a clearer picture?
A Yes, sir. I did.
Q And you said there were two other shell casings located.
A Yes, sir. There were.
Q Let me show you State's Exhibit 25. Do you recognize this picture?
A Yes, sir. I do.
Q And how do you recognize that picture?
A I took that photograph the day that I went out there.
Q Does it fairly and accurately depict the scene as you remember it?
A Yes, sir. It is.

MR. HUNTER: Your Honor, at this time the state would offer State's Exhibit 25 into evidence.

MR. HALL: No objection.

THE COURT: Admitted.

(Photograph marked State's Exhibit No. 25.)

BY MR. HUNTER

Q I'm sorry. I told you to look at those. But can you look at the T.V. real quick?
A Yes, sir.
Q Those are the two shell casings that you recovered?

A Yes, sir. They are.
Q Okay. And where were they recovered?
A They were recovered to the left of the fireplace mantel in the floor.
Q Show you one other picture so you can kinda point it out, or I'll point it out and you tell me if that's correct.
A Okay.
Q Kind of right here in this corner.
A In this area right here, yes, sir.
Q And you can't really see the cap. It's right behind here. You see the wood paneling from the mantel right here.
A Correct.
Q Go ahead and open those items.
(Pause.)
Q So State's Exhibit 20 -- excuse me. State's Exhibit 10 -- 9 and 10. Those are the two shell casings you recovered --
A Yes, sir.
Q -- that was seen in that picture?
A Yes, sir.
MR. HUNTER: Your Honor, at this time the state would offer State's Exhibits 9 and 10 into evidence.
MR. HALL: No objection.

THE COURT: Admitted.

(Fired cartridge casings marked State's Exhibits Nos. 9 and 10.)

BY MR. HUNTER

Q Is it common for y'all to possibly miss small items when you're doing your job duties?

A It is possible.

Q Okay.

A Yes, sir.

Q When you went back were you also able to recover anything from the couch?

A I was, yes, sir. Part of the call --

Q What did you recover?

A It was a fired bullet. It was a projectile that was actually stuck in the cotton at the back of the loveseat.

Q And that would be this large piece right here?

A That -- that is correct.

Q Show you what's been marked State's Exhibit 12.

A Yes.

Q Do you recognize that item?

A Yes, sir. I do.

Q And how do you recognize that item?

A I recognize that item because not only was this photo documented. It is what I collected from the couch, from the back of the couch.

Q And did you sign the evidence form as the person collecting it?
A Yes, sir. I did.
MR. HUNTER: At this time the state would offer State's Exhibit 12 into evidence.
MR. HALL: No objection.
THE COURT: Admitted.
(Fired projectile marked State's Exhibit No. 12.)
BY MR. HUNTER
Q Please answer any questions Mr. Hall may have for you.
A Yes, sir.
MR. HALL: I have no other -- no questions for this witness, Your Honor.
THE COURT: Step down.
MR. HUNTER: Would you like for me to call my next witness, Your Honor?
THE COURT: If you've got one.
MR. HUNTER: This one is going to be a little lengthy. That's why.
THE COURT: Okay.
MR. HUNTER: The state would call Randy Martin.

RANDY KERMIT MARTIN, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HUNTER

Q Please state your full name for the record.

A Randy Kermit Martin.

Q Okay. And where do you reside?

A [redacted] Swain Avenue, Boiling Springs.

Q How long have you lived there?

A This time since I bought it from my brothers and sisters, probably three and a half, four years.

Q But it was a family home before that?

A Yes, sir. We moved there in 1966.

Q Did you grow up in that house?

A Yes, sir.

Q Okay. But it's your house now.

A Yes, sir.

Q Okay. Who lived at that house with you back in 2021?

A Myself, my son Clint, his fiancé Courtney, James Byrd.

Q Okay. Now, I can understand how your son and his fiancé lived there. But how did Mr. Byrd come to live there?

A My son approached me one day, said he had a friend that was sleeping on a guy's couch and the guy was partying a lot. He wasn't getting a lot of sleep. He just asked me if he could come and spend a little time there.

Q So Mr. Byrd was supposed to just spend a little time there?
A Yes.
Q However he ended up living there, didn't he?
A Well, we didn't put a timeframe on him. Once he come, I could tell he needed a little help here and there. And so I had a spare room. It was no big deal. We didn't seem to have any big conflicts.
Q Okay. Who is Kush Patel to you?
A Kush I had met a few times prior to that. He was friends with Clint Byrd. My daughter knew him. Just all -- all my kids knew him. And I had met him once or twice.
Q So he was a friend there. Was he allowed to come into your house?
A Kush?
Q Yes.
A He was pretty much there on -- times. Every day during the week. But yes. He didn't have to knock. He could just come right on in.
Q Okay. And how long had Mr. Byrd been living there?
A From the time he got there up until that date, I think it was probably over a year.
Q Okay. What would the boys do when they would come over?

A On a typical Saturday night they would drink a little. They would smoke some pot. And to me, James or Kush neither one could handle their alcohol a lot. A typical Saturday night about 10:30, they would be asleep.
Q Okay. Were they hanging out with Clint a lot at this time?
A Well, Clint has a girlfriend -- Courtney. And Clint at this time, he wasn't drinking any alcohol or anything. So and he's in the bed every night around 9:00 o'clock.
Q Okay.
A He's not -- he's not one to stay up late.
Q So this defendant and Kush would drink themselves until they fell asleep around 10:30 or 11:00?
A Sometimes. You know, sometimes they would drink more than they would other nights, but a lot of times when Kush would get off work he would come by, and he might not be there but a couple of hours. He might stay the night. It was just he was welcome to come and do as he pleased.
Q Okay. On this night do you remember when Mr. Patel showed up?
A It was around -- he come straight from work. I want to say it was a little after 5:00 in the evening maybe.
Q A little bit before dinnertime?
A Sir?
Q A little bit before dinnertime?

A Yes, sir.
Q Okay. And I know I've asked another officer, but what county is your house in?
A Sir?
Q What county is your house in?
A Spartanburg.
Q What state?
A South Carolina.
Q Okay. Is this where the shooting happened at your house?
A Yes, sir.
Q Okay. On this specific night, what were you doing earlier around 8:00 or 9:00 o'clock?
A 8:00 or 9:00 o'clock, I may have been watching something on T.V., but I don't think I was much after.
Q Were you drinking?
A I think around 11:00. No, sir. I don't drink.
Q I'm sorry. You were about to say something. I interrupted you.
A Let's see. I think I was up until about 11:00 that night.
Q Were you drinking with them?
A No. I don't drink alcohol.
Q Did you have any health issues at the time?
A Sir?

Q Did you have any health issues at the time?
A Yes. I -- I didn't know what was wrong with me, and I was -- my body wasn't producing any blood, and it turned out I had an iron deficiency. And twice my blood levels got really low. And one time I don't think I'd have lasted another 24 hours. I just -- I didn't know what was wrong with me. I felt terrible.

One night, 3:00 a.m., the doctor called me from the hospital and sent an ambulance straight out there to get me my blood levels were so low. But, yes, I was ill at that time.

Q But at this time were you taking any drugs that made you not understand what was going on?
A No.
Q Okay. Did you have a prescription for Xanax?
A No.
Q Did you didn't have. Okay. But did you have any Xanax at the house?
A Yes.
Q Okay. On this night what were James Byrd and Kush Patel doing earlier in the night?
A Well, when Kush come in, they went back to his room. And I don't know if they come back out until about -- I know -- I don't think they come back out of the room until around 10:30.

Q Did Kush bring some alcohol?
A Yes.
Q So were they drinking and smoking as you previously said they always did?
A I assume so. They were in the room. Most of the time the door's shut. They -- I didn't -- very rarely I even went in there. I might stop every now and then and see what they were playing on the video game. But they done whatever they wanted to do and I done whatever I wanted to do.
Q Just so we can kinda get the lay of the land, that night you're out here in the living room?
A Yes.
Q Okay. Where we see this blood spot right here --
A Yes.
Q -- is that where this corner of the couch was?
A That should be the left end of the couch, sitting on it be to the left.
Q So you had a loveseat seated here.
A Yes.
Q And a couch that went this way.
A Yes. And this end of the loveseat generally was close to the front of the couch the way it lined up.
Q So, again, this couch has been pushed back here. This end of the --

A Yes.
Q -- couch is normally right here where the blood spot is.
A That's correct.
Q Okay. And there's not much room between the loveseat and the couch to get through there.
A No. Just the walking space.
Q Okay. And back through this hallway, which is the first bedroom on the right?
A That would be Mr. Byrd's.
Q Okay.
THE COURT: Let me ask you to put your hand down. The court reporter is having difficulty hearing you. Keep your hand away from your face.
BY MR. HUNTER
Q And this would be a picture from Mr. Byrd's room?
A Yes.
Q Okay. Same here.
A Yes, sir.
Q All right. So they're back there, what you believe is, smoking and drinking. Do they come back out of that room?
A Yes. I believe it was about 10:30.
Q Okay.
A And I asked him where they were going, because

normally if they be drinking, if they said they were going to get something to eat, I would tell them just to let me go get it so that they wouldn't be driving since they had been drinking. But they told me they were going to get some pot.

Q So that's what they told you.

A Yes, sir.

Q How long were they gone?

A I don't think they were gone but like 20 minutes.

Q So they came back pretty quickly?

A Yes, sir.

Q And did you talk to them when they got back?

A They just -- I think they just come right by me and went on back to the room.

Q And, again, that's probably around 11:00 o'clock when they get back?

A Yes.

Q Okay. And that's Kush and Mr. Byrd.

A Yes.

Q Because your son and Courtney are already asleep at this point?

A Yes.

Q At this time did you generally stay out in the living room?

A Yes. I was in the living room.

Q Is that where you end up sleeping a lot of nights?
A Some, yes.
Q Fall asleep watching T.V.
A Yes, sir.
Q Is that what you did this night?
A Yes, sir.
Q Okay. After they go back to the room, do you fall asleep at some point?
A Yes, sir.
Q Are you woken up?
A Yes, sir. I was woken up, and I think I looked at the clock and it was around 3:00 a.m.
Q Who woke you up?
A Mr. Byrd.
Q Okay. Was Kush there in the room with him?
A No, sir.
Q What did Mr. Byrd say?
A He told me that they had went and got some acid and that he didn't want to be feeling the effects of it any more.
Q So he admitted to you that he was high on acid.
A Yes, sir.
Q Okay. Did he ask you for anything?
A He asked me if I had any idea what we could do to come down, and which I didn't. I didn't know what to do for

him.

I told him. I said, "Where is Kush at?"

He said -- he made the statement. He said, "Kush is being aggressive to me."

I said, "Where's he at?"

He said, "He's in the chair asleep."

I said, "Well, do not wake him up." I said, "I don't know what to do for you to take this." I said, "I have some Xanax. You might can take it. Go in there and lay down and try to go to sleep."

Q All right. Let's back that up. You talked about a lot there.

A Right.

Q Did he ask for a Xanax or did you give it to him?

A No.

Q Okay. But did you state that he could have one?

A Yes.

Q And did he take it?

A Yes.

Q Okay. Did he ever ask for Kush to have one?

A No.

Q Did you ever give one to Kush?

A No.

Q Did you give any extra to Mr. Byrd?

A No.

Q Okay. Where did he stay Mr. Patel was at?
A In the recliner, the gaming recliner, in the room asleep.
Q He was asleep.
A Yes, sir.
Q He stated he was aggressive earlier but he was asleep now.
A Yes, sir.
Q Okay. Did he expound on what he meant by aggressive?
A No.
Q But he admitted he was high.
A Yes.
Q Did -- what did you tell him about waking Kush?
A Not to.
Q Okay. What do you remember happening shortly thereafter?
A I think I was still sitting up on the couch, and seemed like it was about, I'm thinking, around 3:12. I don't know if I was dozing off. I heard a thud, and that's all I heard.
Q Did you hear any yelling?
A No.
Q Did you hear any screaming?
A No.
Q Okay. Then what did you observe next?

A It wasn't but just a second or two. Here come James through the hall door into the living room.
Q How fast was he walking?
A He was walking a little faster than a normal stride.
Q Was Kush behind him?
A Kush was, I'm going to say, three or four seconds behind him.
Q Okay. So he's not right behind him.
A No.
Q Okay. First explain the direction that Mr. Byrd went in.
A He come through --
Q I'm going to put a picture up for you.
A Okay.
Q What direction did Mr. Byrd come from?
A From the right side through the hall door.
Q Through this door right here.
A Yes.
Q Okay. And where did he go?
A He come straight back to the end of the couch, passed it, turned around and faces the hall door.
Q So he comes this way around the back of the couch, comes back around to the door.
A Well, at that time he comes straight to the back of the couch and just turned around.

Q Okay. So he comes back here to the back of the couch and turns a round.
A Yes. Turned around and faces the hall door.
Q Okay. And who is coming outta the door?
A Kush is coming through the door.
Q Okay. How was Kush walking?
A He wasn't -- he was just -- it was just a steady walk.
Q Okay. Where does Mr. Byrd go from there?
A He -- he stayed there. As Kush come through the door, James heads down the back of the couch.
Q So he comes down this way.
A Yes. Towards the loveseat.
Q So they basically do a circle --
A Yes.
Q -- with Kush following Mr. Byrd.
A Yes.
Q Okay. At any time that they're doing this circle did Mr. Kush advance on Mr. Byrd? Did the distance close any?
A No. It was just a steady, steady walk.
Q Obviously, I believe you said Mr. Kush said something. Do you remember what he said?
A He said, "All my buddies are pussies," went he come through the door, and that was all he said the whole time.
Q Were those his last words?
A Yes.

Q Okay. So he does a walk around that the couch just like Mr. Byrd.
A Yes.
Q Okay. Did you ever see him with a weapon?
A No.
Q Did you ever see him strike at Mr. Byrd?
A No.
Q Did you ever him throw a punch at Mr. Byrd?
A No.
Q Did you ever see him kick at Mr. Byrd?
A No.
Q Throw anything?
A No.
Q Do anything that looked like an attach on Mr. Byrd?
A No.
Q Okay. At some point does Mr. Patel end up here where this blood is --
A Yes.
Q -- at the edge of the couch?
A Yes.
Q Okay. And where is Mr. Byrd at that time?
A He's standing back over at the hall door.
Q Standing back over here.
A Facing.
Q Okay. Facing towards Mr. Byrd.

A Yes. He's facing toward Kush.
Q Is there anybody else in the room with you?
A Just us three.
Q Okay. What did you observe next?
A So I'm standing there trying to figure out what to do, and I come down and I had two options. I could either step in front of Kush and see where -- what happens, or I could break his train of thought.

Excuse me. I have stitches in my mouth and new teeth shoved on them. And so if I sound like I'm -- I'm raring to talk.

So I opt to break his train of thought. So I'm about that far from tapping him on the shoulder when the gunfire starts.

Q Okay. So you're standing next to --
A Right beside him.
Q Right beside him. Did you feel like you were in danger?
A Oh, yes.
Q From Kush.
A From Kush, no.
Q Okay. Who did you feel like you were in danger from?
A Well, I didn't feel any danger at that point. I was just going to remedy the situation that was before me one way or the other just to -- you know, I don't know. I was

just going to try to shut it down.
Q Did you ever see a gun?
A No.
Q Did you know that Mr. Byrd had a gun that night?
A That night?
Q Earlier, obviously earlier.
A I believe I knew they was one in the room, yes.
Q But when he walked around the couch, you didn't see it?
A No. I looked, just looked, at his face. And he come straight by me and turned. I never saw his hands.
Q And, again, they're just walking.
A Yes. It was a little hurried. Not a running or skip. Just a little fast walk.
Q Was anybody chasing someone?
A No.
Q When you hear that gunfire, what did you see?
A I didn't see nothing but flashes, and just flash after flash after flash. I didn't think it was ever going to stop.
Q Do you know how many times?
A No.
Q But it was a lot?
A Yes.
Q How would you describe it?

A Terrifying.
Q When the flashes are over, what does Mr. Patel do?
A He -- I don't know if I pulled him or if he jumped. I don't know. I cannot remember this part. But he ended up sitting down and his back against the corner of the front of the couch. And he was sort of slumped like this in a sitting position.
Q So he never got past the corner of the couch.
A No.
Q Okay. Did you see Mr. Byrd shooting any -- any direction?
A Yes. My dog was on top of my loveseat asleep. And I think when he jumped down onto the cushion the gun went that way.
Q So the same loveseat that we saw the bullet holes in earlier?
A Yes.
Q And your dog passed away?
A Yes. He was killed too.
Q But you didn't see him firing any more shots? I guess -- once -- once the gunfire's happening, where are you looking?
A I'm right beside Kush. I think every one of them seven bullets had to just come right close to my chest here.

Q So you're almost in between Mr. Patel and Mr. Byrd?
A My options, two options, my second one, was to just step in front of him and...
Q You were close enough to touch Mr. Patel?
A Oh, yes. I was right beside him.
Q At that time were you close enough to touch Mr. Byrd?
A No.
Q Was Mr. Patel close enough to touch Mr. Byrd?
A No.
Q So Mr. Byrd -- or excuse me -- Mr. Patel falls down on the couch, what do you do?
A At that time I step over him. I go around. I reach for the gun and get it in my right hand.
Q And that's from Mr. Byrd.
A Yes.
Q And then what do you do with your left hand?
A I come around and I slapped him harder than I ever slapped anybody in my life, and I said, "What the F have you done?" I said, "Get in that room and sit in that recliner." And I took the gun to the kitchen table.
Q And that's when Courtney called 9-1-1?
A Clint and Courtney was coming up the hall at that time. I said, "Call 9-1-1. Kush has been shot."
Q And Clint actually had a weapon with him?
A He had a Mossberg pump shotgun.

Q Did you hear Kush say anything else or did you hear -- what did Kush do?
A I knelt down after I had -- I left the gun on the table. I went back to Kush, but there was nothing I could do.
Q Was Kush making any noises?
A He was make a gurgling sound, yes.
Q I know this is hard, but I just want to go over it one more time.
Did you see Kush ever throw a punch at Mr. Byrd?
A No.
Q How long were they in the room, that room, together with you?
A It was quick. Kush's pace was steady. Byrd -- he never got within 10-foot of him.
Q But no punches.
A No.
Q No weapons.
A He walked through the door and made that statement. And he just steady, like he was focused on Byrd. And that was my goal, to break that focus when he rounded that couch.
Q No strikes?
A Sir?
Q No strikes against Mr. Byrd?

A No. He never acknowledged I was in the room, never glanced at me.
Q So you did not observe any fight in that room.
A No. I heard that one thud, and then here they come, and that was it.
Q Actually, I do have a few questions with that picture that's up.
I know we had the officer earlier -- sorry -- stated it was 50 feet. It's much smaller in that room, correct?
A Yes.
Q Okay. Is generated with a loveseat on the left against the window and another couch kinda making an L shape with that loveseat looking towards the T.V.
A Yes.
Q All right. And is that coffee table normally off to the side there, or is it centered on the T.V.?
A It would be more toward the front.
Q Okay. So the -- the coffee table and the couch had been pushed out for E.M.S.?
A Yes, sir.
Q And you were present when the E.M.S. came to the scene, correct? When they got there. Not necessarily inside, but you were present when E.M.S. got there.
A Yes. I think they had done escorted us out and across the road.

Q And you stayed and spoke to officers --
A Yes.
Q -- and gave a written statement --
A Yes.
Q -- of what you observed that night?
A Yes.
Q And, again, had you been drinking?
A No. I don't drink.
Q Had you taken any drugs that night?
A No.
Q Please answer any questions Mr. Hall may have for you.

CROSS-EXAMINATION

BY MR. HALL

Q Now, you were -- said you were kinda -- were you sitting up or lying back down after 3:00 o'clock?
A I believe I was sitting up.
Q Okay. But you were dozing off.
A Maybe a little, yes, sir.
Q But you heard a thud.
A Yes, sir.
Q Enough to wake you.
A Yes, sir.
Q Okay. When James came into the room, you said he was walking fast or at a high rate. Did you look in his face?
A Yes.

Q All right. Could you see him, see his face, distinguish it?
A Yes.
Q How did he look to you?
A I couldn't really make a determination on that. I mean, it was just for a -- maybe two seconds. And he was behind me.
Q Okay. When he got behind you, he stopped?
A He stopped and turned around.
Q Okay. Was Kush already entering the room then?
A I'm going to say yes. He was -- he wasn't far behind him. Two or three seconds.
Q How many steps? I'm short-legged but have a long stride. How many feet from the doorway to get to the back of the sofa?
A I'm going to -- three and half strides.
Q All right. Three and half strikes. Okay. Doesn't take much. Pretty quick to get there.
All right. Could you see Kush's face?
A Yes.
Q Now, he made that comment --
A Yes.
Q -- about all of his friends. Could you see what his face looked like?
A Yes. I was watching him when he come by. He -- he

just looked like Kush. He just looked like he was focused on something.

Q All right. And that something, you thought you had to break that train of thought. And you were going to either step in front of him or get his attention somehow to break that train of thought.

A Yes, sir.

Q Okay. And if you're standing where you were in front of the sofa, Kush is here. How far is it to the fireplace and T.V. -- the wall?

A Probably 8 feet.

Q Eight feet. So a couple of strides.

A Yes, sir.

Q Okay. Now, James went around the sofa to your left and Kush came from your right, went behind the sofa.

A James was on my right when he come by. And when he cleared the sofa, he spun around. He was standing at my back right here then.

Q If we can see that --

A He come straight through toward the couch, and I'm sitting on the right end of the couch. And when he clears the couch, he just turns around and --

Q I'm talking about once when Kush came in the room and James went on down the sofa --

A Yes.

Q -- went around to the left.
A And around the other end.
Q And you must have moved down towards the left. I mean, Kush came behind the sofa.
A Yes. When Kush cleared the hallway door and -- and made that straight walk toward him, James went down the back of the couch, rounded that end.
Q Okay.
A At that time Kush was making the turn, and James went back over to the hallway. And Kush was coming around the end of the couch down there.
Q Okay. Now, are you sure James made it to the hallway or to that -- what is that piece of furniture beside the door?
A It's an old Victrola.
Q An old Victrola.
A Yes, sir.
Q Was he at that? Do you think he could have been in that Victrola?
A He was right at it.
Q Right at it. Okay. All right. But you felt like you had to break that train of thought, whatever it was.
A Well, something was going on. I didn't know what it was, but I could tell something needed to be done.
Q All right.

A I knew they -- at that time I knew they were on some kind of hallucinogenic drugs. I didn't know what it was they had took. He just said it was acid. And I felt like I needed to do something. If I'd saw the gun, I'd've went for the gun, but I didn't see it.

Q Okay. Thank you. No further questions.

MR. HUNTER: Just briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. HUNTER

Q You said at that point you knew that they were on acid.

A Yes. When James come and told me at 3:00 o'clock, I knew it then.

Q Because Mr. Byrd had already told you he had taken acid.

A Yes, sir.

Q And he'd already taken a Xanax.

A Yes, sir.

Q Thank you.

THE COURT: Thank you. You may step down.

THE WITNESS: Thank you, Your Honor.

(Bench conference held off the record in the presence of the jury but out of the hearing of the jury.)

THE COURT: All right. Ladies and gentlemen, we're going to recess for the afternoon.

Keep in mind the caution I gave you before lunch. No discussions about the case. You can't do any research. You can't conduct your own investigation; you can't look on the internet to see if you can find anything about the case or any issue that might arise.

As I've already told you, you have to base your decision upon what you see and hear during the trial. You can't supplement your wealth of knowledge by conducting outside research or discussing the case with other people.

All right. With that in mind, have a good afternoon. Please report to your jury room at 9:45 -- 9:45 in the morning.

(The following takes place outside the presence of the jury.)

THE COURT: Mr. Hunter, will you gather those exhibits and give those to the court reporter, please?

(Pause.)

THE COURT: Court is in recess until 10:00 o'clock in the morning.

MR. HUNTER: Your Honor, I didn't know if we want to take up his custody status.

THE COURT: Oh, where is the bondsman? Are you just relying upon the affidavit?

MR. HALL: Pardon me, Your Honor?

THE COURT: I said -- I asked where the bondsman was,

and then I asked are you just relying upon the affidavit.

MR. HALL: Yes, sir.

THE COURT: Okay. He's on home detention with a monitor?

MR. HUNTER: Yes, Your Honor.

THE COURT: Has there been any violations?

MR. HUNTER: No, Your Honor.

THE COURT: All right. Mr. Byrd, I'm going to let you continue on bond subject to the same caution, same caution I gave earlier.

You've got to appear on time. If you don't, that's a violation. If you don't show up, it's a criminal violation. If don't show up on time, it's a contempt violation. But you have to be present in the morning not later than 10:00 o'clock.

Mr. Hall might need you before then, but you've got to be there not later than 10:00 o'clock. And if you don't show up, trial is still going to proceed. Do you understand?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay. Court is in recess until 10:00 o'clock in the morning.

END OF PROCEEDINGS AUGUST 26, 2024

(Proceedings August 27, 2024)

(The following takes place outside the presence of the jury.)

THE COURT: All right. Any matters to address before the jury is brought in?

MR. HUNTER: I just wanted to discuss what we talked in chambers, Your Honor.

Obviously, we're going to attempt to call Deputy Chevies who had the B.W.C. that night that when he entered the house he observed the room as it was before E.M.S. or other police moved items around and where the victim was.

We're going to have him, based on what she said that's what happened, testify as to what he saw. But we were going to attempt to play his B.W.C.

I know Robert was going to object to that because it does show the victim bloody on the edge of the couch. And I believe you told us we weren't going to be able to play that now but maybe later depending on what other evidence may come in. We may be able to play it. I just wanted to put that on the record.

THE COURT: And so we can anticipate what might happen later. As I understand Officer Chavez is no longer here in Spartanburg. He's in Greenville?

MR. HUNTER: He's in Greenville County, yes, Your Honor, but he's watching the video now in our office.

THE COURT: All right. Mr. Hall, you're not contesting in any fashion the authenticity of that video, are you?

MR. HALL: No, sir.

THE COURT: And so in the event it were allowed to be introduced during your case, you wouldn't object to it based on authenticity.

MR. HALL: No, sir. No problem as to authenticity.

THE COURT: Okay.

MR. HUNTER: Thank you, Your Honor.

THE COURT: All right. Bring the jury in, please.

(The following takes place in the presence of the jury.)

THE COURT: Good morning, ladies and gentlemen.

As you know, when we recessed yesterday the state was in the midst of their presentation of evidence, and so we'll continue with that presentation this morning.

Mr. Hunter.

MR. HUNTER: Thank you, Your Honor. The state would call Dr. Ward.

(Diagram marked State's Exhibit No. 34 for Identification.)

DR. MICHAEL EUGENE WARD,

having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HUNTER

Q Dr. Ward, can you give us your full name? Correct?

A Michael Eugene Ward.

Q And what is your occupation?

A I'm a physician. I'm also the medical examiner for Greenville County.

Q Are you a licensed physician?

A Yes. I am.

Q In what states?

A South Carolina.

Q How long have you practiced in your profession?

A Almost 32 years.

Q And are you currently practicing in that profession as well?

A Yes. I am.

Q Where did you do your college?

A My under -- I have a bachelor's degree in biology from the University of Alabama. I have a master's degree in forensic science from the University of Alabama, which is in Birmingham.

I received my medical degree from the University of South Alabama.

I did a four-year anatomic pathology residency at the

Medical University of South Carolina in Charleston and a one-year fellowship in forensic pathology at the University of New Mexico in Albuquerque.

Q And you stated you're the medical examiner for Greenville County.

A Yes.

Q Does that also include working in Spartanburg County?

A We have a -- we have a contract with Spartanburg County to perform autopsies for them as well.

Q Okay. And as part of your job as a forensic pathologist, what is a forensic pathologist?

A So a pathologist is a physician whose specialty is the study of disease and disease processes that affect man.

Forensic pathology takes that one step further with education in trauma to determine cause and manner of death and then the presentation of that information in the courtroom.

THE COURT: Excuse me just a minute.

Dr. Ward, I know you're speaking to the jury, but the court reporter is over here.

THE WITNESS: Yes, sir.

THE COURT: She likes to see your face while you're testifying. So please don't turn directly towards the jury.

THE WITNESS: Yes, sir. Thank you.

THE COURT: Thank you.

BY MR. HUNTER

Q And are you a member of any specialized medical or scientific groups?

A Yes. I am.

Q And what are they?

A I'm a member of the American Medical Association, the National Association of Medical Examiners, as well as the American Academy of Forensic Sciences.

Q And in order to perform the specialty you perform, are you -- do you have to take any board certified exams?

A Yes. I have.

Q And what are they?

A I have qualifying exams in both anatomic and forensic pathology.

Q And how long have you been certified in that?

A I'm sorry?

Q How long have you been certified in that field?

A Anatomic pathology since 1992 and forensic pathology since 1993.

Q In your job as a pathologist have you had to perform autopsies?

A Yes. I have.

Q Approximately how many?

A Well over 7,000.

Q Okay. And as your job as a forensic pathologist and medical examiner of Greenville and also under contract as the medical examiner for Spartanburg, have you had an occasion to testify in cases as an expert in forensic pathology?

A Yes. I have.

Q Approximately how many times?

A Well over a hundred times.

MR. HUNTER: Your Honor, at this time the state would move that Dr. Ward is an expert in forensic pathology.

THE COURT: Does the defendant challenge his expertise?

MR. HALL: I do not, Your Honor. We agree.

THE COURT: He is so qualified.

BY MR. HUNTER

Q Back on June 7th of 2021 did you have the opportunity to perform an autopsy --

A Yes. I did.

Q -- for Spartanburg County?

A Yes. I did.

Q And who did you perform that autopsy on?

A Kush Patel.

Q And where did you perform that autopsy?

A At the autopsy facility of the Spartanburg Regional Medical Hospital.

Q How do you perform an autopsy?
A An autopsy begins with an external examination to document any findings to include trauma that may be on the outside of the body.
Then it progresses to an internal examination to examine the continuation of these wound tracks through the body, as well as to determine any natural disease that may be present.
Q And did you do that in the case of Mr. Patel?
A Yes. I did.
Q Do you first measure the body?
A Yes.
Q All right. And what was his measurement? How tall is he?
A Mr. Patel was 5'9" and weighed 197 pounds.
Q Obviously, in this -- in reading this as a gunshot wound, were you able to observe any gunshot wounds?
A Yes. I was.
Q How many wounds did you observe -- gunshot wounds?
A There were a total of 20 entrance and exit wounds, as well as two projectiles recovered. So a total of 11 separate wounds -- entrances, exits and projectiles recovered.
Q So you actually recovered some projectiles from Mr. Patel's body?

A Yes.
Q And where were they when you recovered them?
A One was located in the left elbow.
Q I think we all know where the left elbow is. So what about the next one?
A I'm sorry. I'm trying to --
Q Okay. You're fine. Just read it. If you use a medical term, I want you to point to your body.
A I apologize. One is to the left elbow and one is to the back of the left upper arm.
Q Okay. So there were projectiles found in those areas.
A Correct.
Q I'm going to show you what's been marked State's Exhibit 34. Do you recognize this item?
A Yes. I do.
Q And how do you recognize that item?
A This is a body diagram which has marked the entrances and exit gunshot wounds for this autopsy for demonstrative purposes.
Q And did you create that document?
A Yes. I did.
MR. HUNTER: Your Honor, at this time the state would offer State's Exhibit 34 into evidence.
MR. HALL: No objection.
THE COURT: Admitted.

(Diagram marked State's Exhibit No. 34.)

MR. HUNTER: Your Honor, may the witness step down to point out items on the elmo?

THE COURT: He may be. Be sure to keep your voice up.

(Whereupon, the witness left the stand.)

THE COURT: Do you want him there?

MR. HUNTER: I believe this is the closest one.

THE COURT: All right. Just be sure to keep your voice up.

BY MR. HUNTER

Q I have the microphone here for you. Come over there and stand.

(Pause.)

Q Can you describe the injuries to the right arm?

A There are multiple injuries to Mr. Patel's right arm to include three gunshot wounds of entry in the right upper arm on the back portion. So they are labeled as E-4, E-5 and E-6.

There's an entrance gunshot wound to the back of Mr. Patel's right wrist labeled as E-7.

There's an exit wound where one of the projectiles exited near the right elbow labeled as X-5.

Then there are two exits on the front portion of his right wrist labeled as X-4 and X-6.

And E-7, the gunshot wound to the back of his right

wrist, exited the palm of his right hand at E -- at X-7.

Q So he was shot with his hand up here exiting through the palm.

A That's correct.

Q What about to his left arm?

A The left arm shows an entrance gunshot wound near the left elbow labeled as E-11. And that was associated with a projectile that we recovered from the joint of the left elbow.

There's an entrance gunshot wound to the mid-left forearm on the back portion, which exited the front portion of his left wrist.

Then there's an entrance gunshot wound to the -- near the front portion of the elbow here in the crook of the arm labeled as E-9 which exited out the anterior, the front, portion of his left forearm.

Then there's a separate gunshot wound on the front portion of his left upper arm labeled as E-8, which a bullet or projectile was recovered from the back of the left arm.

Q Were any of those immediately fatal?

A They would not be, no.

Q Okay. Let's talk about the most serious ones.

Can you talk about the abdomen gunshot wounds -- the gunshot wound? That's wound No. 3.

A There's a gunshot wound to the front portion of the abdomen or the stomach which enters roughly in this region here just above the level of the belly button. It's labeled as E-3.

It is a superficial gunshot wound in that it only travels through the skin and underlying fatty tissue of the abdomen and exits out the skin of the left lower quadrant of the abdomen near the bend of the leg labeled as E-3. Or I'm sorry. As X-3.

Q Okay. So he was shot through the -- just above his navel and exit again also in the front.

A That's correct.

Q Now, let's talk about the gunshot wounds in the back. Gunshot wound No. 1. What can you tell us about that?

A Gunshot wound No. 1 is labeled as E-1. It is in the region of the right upper back. It penetrates through the skin and muscle of the back, enters the chest cavity, perforates the right lung or the -- sorry. It perforates or penetrates through the right lung, the heart to exit the skin of the right upper chest through X-1.

There's also a gunshot wound E-2 which also enters through the back of the right chest, through the right lung, the right kidney diaphram or the muscle with which we use to breath, the liver and then exits out the anterior portion or the front portion of the right chest at X-2.

There was associated blood within cavities, but Mr. Patel had been to the operating room. So it's difficult to tell how much blood he had inside was from the gunshot wound or from the surgical procedure.

Q What can you tell us about the bullet path of those two gunshot wounds?

A Gunshot wounds Nos. 1 and 2 are from Mr. Patel's back to his front and very slightly from his right to his left.

Q And what about direction up and down, specifically with gunshot wound No. 2?

A It goes slightly upward. So it's from below upward.

Gunshot wound No. 1 is from back to front, right to left and upward.

No. 2 is from back to front and upward without much deviation to the left or to the right.

Q So shot at an upward angle on both of the gunshot wounds.

A That's correct.

Q And they exit out of his chest.

A They do.

Q All right. And those are the fatal wounds?

A Yes. They are.

Q Because they pierced what organs?

A Lung, liver and heart.

Q You can take a seat. Thank you.

(Whereupon, the witness returned to the stand.)

THE COURT: The court reporter has got an issue. She'll be right back.

(Pause.)

THE COURT: All right. You may continue.

BY MR. HUNTER

Q Did you find any evidence of any natural causes for the cause of Mr. Patel's death?

A No, sir.

Q And to a reasonable degree of medical certainty, were you able to come to an opinion as to the cause or manner of death of Kush Patel?

A Yes. I was.

Q And what was that opinion?

A Gunshot wounds of the chest.

Q And the manner of death was?

A Homicide.

Q Please answer any questions Mr. Hall may have for you.

CROSS-EXAMINATION

BY MR. HALL

Q Now, in your report you use a term stippling. Can you explain what that is?

A Yes, sir. Gunpowder stippling is a term used in association with gunshot wounds where not only the projectile strikes the target but also components of the

gunpowder strike the project -- the target.

When a weapon is fired gunpowder produces gas that propels the projectile forward. That gas travels for a very short distance.

Unburned gunpowder or soot will travel for a slightly further distance. And then some gunpowder particles do not ignite and they will travel for a further distance.

If they strike the skin, they can cause minute abrasions of the skin called gunpowder stippling. And it's these little punctate or pinpoint abrasions of the skin associated with striking gunpowder on the skin around a gunshot wound.

Q Okay. And how far can those particles travel and still create marks?

A So the official answer to that is you have to test fire each weapon with particular -- same ammunition to see how far those particles will travel. But generally it's accepted that they will travel no more than 3 feet. So it's generally described as -- which gunpowder stippling alone, 2 to 3 feet from the muzzle of the gun to the target or to the skin associated with that gunshot wound.

Q And could those powders, the stippling, things that create the stippling, be in clothing if it was fired through a shirt or pair of pants or --

A So depending on the type of material, the particles

can penetrate through a loose weave. It generally doesn't go through clothing like a jacket or leather, a leather jacket or something, but if it's a loose -- loose weave shirt, then, yes, the particles can penetrate through that clothing.

Q But can those particles also be in the clothing that the bullet goes through?

A Yes, sir.

Q Okay. And there's ways to test for that and get those results of whether or not there is powder in the clothing, gunpowder residue.

A Yes. That's correct. There are ways to identify that gunpowder in the clothing.

Q Okay. And you've numbered these entry and exit wounds. I think Mr. Hunter and I agree this diagram today is more clear than the report we had before. It just starts, labeled one, entrance, exit. Do you have any idea of which shot was fired first?

A No, sir.

Q Do you have any idea if, say, a hand was raised or an armed was raised? You just know where the bullets went in and out, is that correct?

A I know where the paths are through the body. To put a -- the arm in this particular -- in this particular instance an arm in a position, you would have to give me a

scenario as where the shooter is and where the victim is as well.

Q But you don't know which shot was first.

A No, sir.

Q You don't know which shot was last.

A No, sir.

Q Okay. And you can only tell the -- the travel route into the arm or body cavity but not the position of the person they were shot without more information.

A That's correct.

Q Okay. And where did you find the sippling in this case?

A On the -- associated with gunshot wounds three, four and five on the back of the right arm.

Q Okay.

MR. HALL: I have no other questions.

REDIRECT EXAMINATION

BY MR. HUNTER

Q Just reading your report now. You said three, four and five. Did you mean four, five and six?

A Quite possibly, yes. Thank you.

Q Just -- you just want to look at gunshot wound No. 3 if you want to look at your --

A Gunshot wound No. 3 is the gunshot wound to the abdomen, which is not associated with any stippling. You

are correct. It is gunshot wounds four, five and six to the back of the right arm.

Q And four and six are actually on the right wrist. I mean, I can pull this if this will be easier for you. Actually though you have entry. So you have different numbers. Okay.

A So in this diagram they are labeled as E-4, E-5 and E-6. That may be different numbering of the gunshot wounds in the report.

The gunshot wounds are -- have to be given a number -- gunshot wound No. 1 and gunshot wound No. 2. To do that the -- as I'm documenting these gunshot wounds, I don't know which entrance goes with which exit.

So while I'm making my diagram, they are labeled and photographed as a gunshot -- as entrance one, entrance two, entrance three, and then they're matched up with their appropriate exit.

That's why the numbering system is very somewhat confusing in the autopsy report, but these are labeled as entrance four, five and six associated with exits four, six and five.

Q So the exits are down here by the wrist.

A That's correct.

Q Okay. And, again, shots that you have labeled as entrance one and two are in the back. Do they show any

stippling?
A They did not.
Q Thank you.
MR. HALL: Nothing further.
THE COURT: All right. Thank you. You may step down.
MR. HUNTER: May Dr. Ward be excused, Your Honor?
THE COURT: He may be.
(Whereupon, the witness was excused.)
MR. HUNTER: Your Honor, at this time the state would call Eduardo Chavez.
(Body-worn-camera video of Eduardo Chavez marked State's Exhibit No. 35 for Identification.)
EDUARDO CHAVEZ, having been first duly sworn, testified as follows:
DIRECT EXAMINATION BY MR. HUNTER
Q Mr. Chavez, what's your title? Do you work at the Greenville County Sheriff's office now?
A Yes, sir.
Q And what's your title?
A I'm a homicide investigator.
Q Investigator Chavez, please state your full name for the record.
A Eduardo Chavez.
Q And how long have you been in law enforcement?
A A little over ten years.

Q Okay. And back in 2021, were you working uniform patrol for Spartanburg County?
A Yes, sir.
Q Okay. Did you have an opportunity to be dispatched to [redacted] Swain Avenue?
A I did.
Q On June 6th of 2021?
A Yes, sir.
Q Did you have your body-worn camera activated?
A I did.
Q Okay. When you get to the scene, what do you do?
A Exit my vehicle. I start walking up towards the house. As I approach [redacted], I observed one of the other deputies escorting a male subject out. I then walked up the steps into the residence.
Q Okay. And when you walk into the room there, what did you observe?
A Once I walked in, it was super dark. So I pulled my flashlight out, shined it in.

I noticed there was a loveseat to my left immediately next to the door, a couch kind of across from me, and then on that couch was Mr. Patel. It was just his arm and his head that was on the couch. The rest of his body was on the floor.

Q What side of the couch was he on?

A If you're looking at the couch --
Q From the back of the couch.
A -- from the back, it would have been to my left.
Q Okay. So the left side. Was there a hallway on the far right side?
A Yes.
Q Okay. And so Mr. Patel was laying on the left side of the couch.
A Yes.
Q Or his head and his arm were.
A Yes.
Q Can you just kinda on the bar right there show me how he was laying?
A So he was like this with just the head and the arm on the couch. And then, like I said, the rest of his body was on the -- on the floor.
Q Okay. And that couch was kind of an L shape with a loveseat --
A Yes.
Q -- to face the T.V.?
A Yes. There's just a small passageway to get into the rest of the living room from the doorway.
Q Okay. I've showed you State's Exhibit 35. You watched this earlier.
A Yes, sir.

Q And did you recognize it as your B.W.C.?
A Yes.
Q Not going to show it to you, but I just wanted to make sure that you recognized it.
Please answer any questions Mr. Hall may have for you.

CROSS-EXAMINATION

BY MR. HALL

Q Let me get this straight. You said there was a loveseat to your left as you came in.
A Yes, sir.
Q Was it immediately to the left or the other end of the room or where?
A It was maybe like a foot from the door once you walked in to my left as you are facing in the house.
Q Okay. How close was the -- just stand right here. We're about 10 or so feet apart. How far was it from the entrance to the back of the sofa where you found Mr. Patel?
A Maybe 2 or 3 feet.
Q Okay. So this isn't a huge room.
A No.
Q Small, medium.
A It's a living room.
Q Living room.
MR. HALL: I have no other questions.
MR. HUNTER: One thing, Your Honor.

REDIRECT EXAMINATION

BY MR. HUNTER

Q This is already in evidence, State's Exhibit 29. We see what's been testified as blood on the floor. Is that where Mr. Patel was found?

A I believe that's where he was moved after all of the furniture was moved around to put him down for -- to attempt aid.

Q Okay. So but that's the loveseat that we see here that you're talking about.

A Correct.

Q Okay. And the couch was situated here?

A Somewhere around there, yes, sir.

Q Okay. Again, facing the T.V.

A Correct.

Q Okay. Thank you.

MR. HALL: Nothing further from the defense.

THE COURT: Thank you. You may step down.

MR. HUNTER: Your Honor, at this time the state would Investigator Samantha Hayes.

SAMANTHA HAYES, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HUNTER

Q Will you please state your full name for the record?

A Samantha Hayes.

Q And you work at the sheriff's office.

A Yes.

Q How long have you worked at the sheriff's office?

A I worked at the sheriff's office since 2019. And prior to that I worked at the City of Spartanburg Police Department since 2006.

Q Okay. And what were your job duties at the city police department?

A At the city I started out in the uniform patrol division. From there I went to the criminal investigation division. And then I went to the forensics unit at the City of Spartanburg.

At the time I came to work at the sheriff's office in 2019, I went to basically the forensic version of that at the county, which is crime scene investigation.

Q Okay. So in 2021 you were working in crime scene, the forensic department.

A For Spartanburg County, yes, sir.

Q And currently, what do you?

A Currently a school resource officer.

Q Okay. But back in 2021 you were working for the crime scene unit.
A Yes, sir.
Q Okay. Did you have a chance to work on this case?
A I did.
Q Okay. What were your duties on this case?
A In this case -- so during the shift that I work, it was myself and Investigator Parham. And the two of us worked on crime scene calls. So typically one of us would go to the scene itself and then somebody if went to the hospital and there was another request, the other one would then go to that.

So Investigator Parham had gone to the scene. And then I stood by for any other assistance, which at the time the victim was transported to Spartanburg Regional Medical Center. So I did photograph as much as I could the victim coming in the trauma bay.
Q Okay. And, ultimately, were you in the trauma bay when he was declared?
A I was not. He had been circled by a team of, like, trauma surgeons and trauma employees. He was whisked away pretty quickly into surgery. So I didn't really get to see much of him at all before he was whisked up to get by the three of them.
Q Once you leave the hospital, where did you go?

A From there I was requested to meet Investigator Jon Guest at the C.I.D. at Spartanburg County. And the request was to complete a G.S.R. kit and to also photograph the suspect he was interviewing.
Q And the G.S.R. kit is a gunshot residue kit?
A Yes, sir.
Q Okay. And did you speak to Mr. Byrd that night?
A I did. I entered the room and I gave him directions on how the kit was going to be completed and then all the steps that are taken that are within that kit in the instructions.
Q Okay. Did he start talking to you about what happened during this night?
A He did. As I was giving him instructions that are provided with the kit, he told me that he had shot him -- referring to the victim -- and he became emotional and was talking about that at length.
Q Now, when you're performing the G.S.R. kit, did you notice a wound on his hand?
A I did. I inspected his hands and asked him if he had any injuries on his hands. He did indicate that he had a, like a, small scratch that was located on the top of his right hand, not quite at the knuckle, maybe just a little bit above that ring-finger knuckle on the right hand. He mentioned that it wasn't from the events of that evening,

that it wasn't from that.
Q So he told you that that scratch was not from the events of this evening.
A Correct.
Q Okay. After performing the G.S.R. kit did you also perform any other items on Mr. Byrd?
A Investigator Guest requested that I photograph him prior to collecting the clothing items that he was wearing. So I did walk him through where to stand and photograph him. And I stepped outta the room so that he could have privacy to change into some different clothing so his clothing could be collected.
Q I'm going to show you what's been premarked State's Exhibits 19 through 23. Do you recognize these pictures?
A Yes, sir.
Q And did you take those pictures?
A Yes, sir.
Q Do they fairly and accurately depict Mr. Byrd the night of or early morning hours of June 6th of 2021?
A Yes, sir.
MR. HUNTER: Your Honor, at this time the state would offer State's Exhibits 19 through 23 into evidence.
MR. HALL: We have no objection.
THE COURT: They're admitted.
(Photographs marked State's Exhibits Nos. 19 through

23.)

Q Specifically State's Exhibit 22, is this the scar that you're talking about?

A It is located just above that ring-finger knuckle on the right hand. It's got kind of like a thicker, scabby type texture to the top of it with a darker coloration.

Q And Mr. Byrd said that was not from this incident.

A Correct.

Q With all the other photographs that you took did you observe any injuries, scratches, bruises anything like that, to Mr. Byrd?

A I did not.

(Pause for the jury to view exhibits.)

Q In the room that you took these pictures, what room is it?

A It's an interview room that's located within the criminal investigation division.

Q And there's video cameras in this room?

A Yes, sir.

Q And did the video camera record this incident of you taking the pictures and the G.S.R. kit?

A Yes, sir.

Q Okay. And have your reviewed that video?

A Yes, sir.

Q And that fairly and accurately depicts what happened

that night?
A Yes, sir.
Q And Investigator Guest is actually in that video earlier talking to Mr. Byrd?
A Yes, sir.
Q Okay. Please answer any questions Mr. Hall may have for you.

CROSS-EXAMINATION

BY MR. HALL

Q You basically do the gunshot residue. Do you know if anything was ever done with that?
A I'm unaware. So my role in that was to collect it, to package it and to place it into property and evidence. From there the lead detective will typically make the determination of what needs to be submitted through our lab to SLED.
Q And then I think y'all cut off the camera or covered the camera letting him change into a jumpsuit.
A I'm not sure how he did that. He made it black out so he would have some privacy.
Q But you collected his clothing.
A Yes, sir.
Q Was there anything that may be unusual -- smell -- about his clothing?
A The pants when they were packaged in the brown paper

bag, they did have some dampness to them that was showing on the bag. And there was a slight odor of urine.

MR. HALL: I have no other questions of this witness.

MR. HUNTER: Nothing from the state, Your Honor.

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

MR. HUNTER: Your Honor, may we take a short break so I can set this video up?

THE COURT: All right. I'll ask the jury to please go to your jury room.

Don't talk about the case. I'll bring you back shortly.

(The following takes place outside the presence of the jury.)

THE COURT: We'll be at ease for 15 minutes.

(Whereupon, a recess was taken.)

(Pre-interrogation waiver form marked State's Exhibit No. 36 for Identification.)

THE COURT: Ready for the jury?

MR. HUNTER: Yes, Your Honor.

THE COURT: Bring them in.

(The following takes place in the presence of the jury.)

THE COURT: The jury is present. You may proceed.

MR. HUNTER: Your Honor, the state would call Inves -- excuse me -- Sergeant Jon Guest.

JON MICHAEL GUEST, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HUNTER

Q Please state your name for the record.

A Jon Michael Guest.

Q How are you currently employed?

A With the violent crime division of the Spartanburg County Sheriff's Office.

Q How long have you been at the Spartanburg County Sheriff's Office?

A A little over 14 years.

Q Go over your 14 years of experience.

A Before I came to the sheriff's I was at the city police department for four and a half years starting in 2006. I worked uniform patrol answering calls for service.

I came to the sheriff's office in October of 2010. I was assigned to uniform patrol.

And then in 2015, I went to property crimes and investigations.

And then in 2017, I transferred to violent crime, homicide and C.I.D.

Q And how were you assigned in June of 2021?

A I was assigned to violent crimes, on-call violent crime.

Q Okay. So homicides?

A Homicides, suicides, armed robberies, missing persons, assaults, shootings.
Q Violent home invasions?
A Yes. Anything crime against a person for the most part.
Q Okay. How were you notified about this case?
A So I was contacted about 3:50 a.m. by one of the sergeants working on the road who had responded to the scene. I was on call that night for violent crime.
Q Okay. So there's not a violent crime investigator officer always at the sheriff's office. They're on call just in case?
A Unfortunately, not. So we work on an on-call basis.
Q Okay.
A We work 8:00 to 5:00, Monday through Friday. And then we're on call during the week or the weekend.
Q Okay. So you receive a report from an officer who tells you what's going on.
A Yes.
Q And you start delegating responsibilities to your other officers.
A Yes. I contacted our first sergeant and asked him to draft a search warrant for the residence once I was given the information by Sergeant Terry, I believe on the road. Yes. And also contacted Investigator Nic Federico and

asked him to respond to the scene as well.
Q And then to your knowledge Federico and Paul Norris, the first Sergeant, spoke about a search warrant.
A Yes.
Q And, ultimately, it was executed at that residence?
A Yes.
Q And what did you decide to do?
A I asked Sergeant Terry to have the suspect they had in custody on the scene, Mr. Byrd, transported to the sheriff's office in C.I.D., and I responded to C.I.D. to speak with him.
Q And did you speak with Mr. Byrd?
A I did.
Q In the interrogation room that --
A Yes.
Q -- Samantha Hayes just spoke about?
A Yes.
Q And that room is being recorded.
A It is.
Q And the interview was being recorded.
A It is or it was, yes, sir.
Q As well as some time before and after?
A Yes. So when the deputy arrives -- I believe it was Deputy Chrobak. When he arrives at the sheriff's office, he turns the camera on in the room so that that person is

being video and audio recorded the entire time they're in that -- that room.

He was there for, I don't know, maybe an hour before I actually got there. And then once my interview is done with him that video continues to run until he's removed from the room and either released or taken to jail.

Q And I'm going to show you State's Exhibit 18. I know that this isn't in there, but is that a copy of the video?

A Yes.

Q Okay.

MR. HUNTER: Your Honor, at this time the state would offer State's Exhibit 18 into evidence.

MR. HALL: No objection, Your Honor.

THE COURT: It's admitted.

(Suspect interview marked State's Exhibit No. 18.)

BY MR. HUNTER

Q When you first begin talking to a suspect, what do you do?

A Introduce ourselves, kind of explain to them that we're going to have to talk to them to get -- ask some questions and give them the opportunity to answer some questions that we have about a specific incident. And then we issue them their, what are called, Miranda rights.

Q Why do you have to issue the Miranda rights?

A They -- if he's in custody and he's being

interrogated -- you see it on T.V. a lot, but it's not at the time of arrest. We have to read you your rights when you're in custody and we're going to ask you specific questions about a crime.

Q So, again, you read their Miranda rights once they're in custody and when they're being interrogated.

A Correct.

Q Has to be both.

A Correct.

Q Not just custody.

A Correct.

Q Okay. And did you read Miranda rights to Mr. Byrd?

A I did. We have a standard form we go by.

Q I'm going to show you State's Exhibit 36. Is that standard -- is this the standard form that you go by?

A Yes. It is.

Q Okay. And is that a copy of the form from that night?

A It is.

MR. HUNTER: Your Honor, at this time the state would offer State's Exhibit, I believe, 36 into evidence.

MR. HALL: No objection.

THE COURT: Admitted.

(Pre-interrogation waiver form marked State's Exhibit No. 36.)

Q Can you please read the top of the form and what's on

there?
A Sure. It's a pre-interrogation waiver form. It's got the case number, Spartanburg County Sheriff's Office, the individual's name that you're interviewing. In this case James Byrd. His address is [redacted] Swain Avenue, B-Springs, South Carolina. His age at the time, which is 21. The date, 6/6/21. The time is 4:46 a.m. And then the location we are at, which is S.C.S.O.C.I.D.
Q Now, is that information that you filled out?
A Yes.
Q Okay. But some of that information actually comes from Mr. Byrd?
A Well, I ask him, yes.
Q Okay. And then the next few items. Those are the actual Miranda warnings?
A Correct.
Q And do you read those out loud to him?
A I do.
Q Can you please read those out loud to us?
A "I have the right to remain silent. Anything I say can and will be used against you, me, in a court of law. I have the right to talk to a lawyer and have him present with me while I'm being questioned. If I cannot afford to hire a lawyer, one will be appointed to represent me before any questioning if I so wish. I have the right to stop

answering questions at any point in the questioning."

Now, we do sometimes replace I with you just because it sounds weird the way we're reading it, but those are all the rights.

Q Okay. And you read those to Mr. Byrd.

A Yes.

Q He indicated that he understood them.

A He did.

Q How did he indicate that he understood them?

A Well, he told me that he understood them, and then there's also an area here for me to sign and for him to sign where he indicates that he understands what his rights are.

Q And did he sign that form?

A He did.

Q Okay. So, again, these are the rights that you read to him.

A Correct.

Q And these are his signatures indicating he understood them.

A Correct.

Q And then that's your signature.

A Yes.

Q Okay. I just want to talk a little bit about when you're talking to a suspect. Did he indicate that he was

under the intoxication of drugs?
A He did. I don't remember if it was a few minutes or if he'd made a statement or two before that, but he did tell me that he was very, very, very -- the words he used was very, very, very fucked up on acid.
Q Okay. However, when you spoke to him did he know his name?
A Oh, he did, yes.
Q Did he know his date of birth?
A He did.
Q Did he know his address?
A He did.
Q Did he where he was?
A He sure did.
Q The questions that you asked, did he respond appropriately to those questions?
A He did. He stayed on top of it the entire time.
Q Okay. At any point during your interview with him did you offer him anything, any reward?
A No.
Q Did you threaten him at all?
A No.
Q Did you coerce him to give you this statement?
A No.
Q Did he appear to give it to you freely and voluntarily

and knowingly?
A Yes.
Q What did you first start asking him?
A So, basically, I just asked him to tell me what happened tonight. And he began to go into telling the story of -- of what occurred with -- with him and Kush starting out that evening.
Q Okay. Did he tell you how he came into contact with the L.S.D.?
A He told me that he and Kush went to buy the L.S.D. acid from a Brandon Medlock that they were friends with and that they split the acid on the drive back to Swain Avenue. They bought point 2.5 grams and split the amount of acid and took it on the way back to the house at Swain.
Q So they actually took it in the car on the way back.
A That's what he told me, yes.
Q And he explained how he lived at [redacted] Swain?
A Yes.
Q Okay.
A Told me who he lived with, their names.
Q And did he tell you who was at the house?
A He did.
Q And does that information match up with the information you received from the reports and the officers?
A Yes.

Q Okay. What did he tell you about Kush?
A So he told me that Kush has been a friend of his since high school. They also took the acid that night, and that Kush was having a bad trip on the acid and was talking crazy. Said that he was concerned just because of the way Kush was talking, kind of outta his head a little bit, that he went and got a gun out of his dresser in his bedroom, I believe, and put it in his waistband, put it in his pants and -- I'm sorry?
Q That's okay.
A And then he was experiencing some effects from the acid as well and went to Randy Martin in the house, woke him up and asked him for a Xanax because he had heard Xanax can reverse or slow the affects of the acid.
Q Okay. So at the time he went and spoke to Randy Martin for the Xanax, he admitted to you that he already had the gun on his person.
A Yes.
Q Did he also admit that Kush was falling in and outta sleep to you?
A Yes.
Q Okay. And that's before -- or that's after he'd already gotten the gun, correct?
A Yes.
Q Did he admit to shooting Kush?

A He did.
Q Did he believe he should have escalated it that far?
A He told me that --
MR. HALL: Object, Your Honor. He's asking what he thought somebody should have done.
MR. HUNTER: Your Honor, I'm using the words he said in an interview.
THE COURT: The defendant?
MR. HUNTER: Correct.
THE COURT: All right. Well, rephrase it to clarify that.
BY MR. HUNTER
Q In speaking with him did he state that it escalated too far?
A What he told me in the interview was that he fucked up and that he did shoot him. I asked him if he had a weapon, and he said no. And he said he messed up.
Q Did he state -- he took full responsibility for that.
A Yes.
Q That's what he said to you.
A Absolutely, yes, sir.
Q Now, when talking about the Xanax, did he say anything about Kush taking Xanax?
A I think that he said he tried to get him to but he didn't. I don't remember anything about Kush taking Xanax.

Q Okay. But he said to you that Kush was supposed to take Xanax.
A I think so, yes.
Q Okay. He admitted that he didn't know if Kush had a gun or knife?
A That's correct. Actually, I think he told me that he did not. It wasn't that he didn't know. He told me. I asked him if he had a gun or a knife or a weapon, and he said no, I don't -- I don't think so, I don't think he did.
Q At any point after -- because your interview doesn't take that long, does it?
A No. It's very brief.
Q Okay. At any point did he tell you that there was a fight over a gun?
A No.
Q At any point did he tell you that he was afraid for his life?
A No.
Q At any point did he tell you he was afraid of great bodily injury?
A No.
Q He tell you that he had been punched, kicked, stabbed, shot, hit, any attack whatsoever?
A No.
Q After you leave the room and while he's staying there

did you observe anything he said on the video?

A So we're able to watch those live as well once we exit the room. And I don't remember exactly how far after I left.

I'm outta the room talking with First Sergeant Norris and Detective Federico and contacting Ms. Hayes to come take pictures and that kind of thing.

But I did go back and watch some of the activity inside the room while I wasn't there. He is talking out loud to himself. And Mr. Byrd makes the comment that I just killed my best friend and it's my fault.

MR. HUNTER: Your Honor, at this time I wish to play the video.

(Whereupon, the video was played for the jury.)

MR. HUNTER: I am going to go forward a few minutes.

(Whereupon, the video was played for the jury.)

Q All right. Just wanted to point it. That's where he said it shouldn't have escalated and he takes full responsibility for that.

A Correct.

(Whereupon, the video was played for the jury.)

Q So I just point out that that's where -- he got the gun before he even went out to ask for the Xanax.

A Correct.

Q So not at the time of the shooting but prior to that.

A Yes.

(Whereupon, the video was played for the jury.)

Q He stated he got scared and that was his fault?

A Yes.

Q Not Kush's fault.

A Right.

(Whereupon, the video was played for the jury.)

Q And that's what we spoke about earlier where he admitted he just killed his best friend and it was his fault.

A Correct.

Q We'll go forward a little bit because there's a lot of dead time here.

(Whereupon, the video was played for the jury.)

Q I want to talk briefly about the G.S.R. kit.

A Right.

Q I believe Samantha Hayes said it would have been your decision to have it tested.

A Yes.

Q And why did you decide not to have it tested?

A Well, there's two reasons.

The main reason is Mr. Byrd admitted to being the shooter. There was no need to do that. He confessed to being the shooter. We tape those. We don't actually tape them much any more. SLED has shut down their, part of

their, trace department. So those packages were sent to SLED for processing. SLED has actually shut down part of that lab because mainly what a G.S.R. is useful for is if we had caught Mr. Byrd walking near the scene and he told us I have not fired a gun at all tonight. You could do a G.S.R. on him to prove that he had, in fact, fired a weapon. With him already admitting that to me, it was redundant or pointless to send that off.

Q Okay.

A And they wouldn't have tested it anyway.

Q Same thing with the weapon and the shell casing that were recovered?

A Yes.

Q Okay. So, again, he'd already admitted that he was the shooter.

A Yes.

Q Mr. Martin had told you -- told officers that he was the shooter.

A Correct.

Q Okay. All right. Briefly, just want to go over the interview again and I'll stop. At what point did he say he got the gun?

A When Kush was talking strange, he said he went and got the gun from the dresser. And then he went to Mr. Martin to ask for a Xanax, and then it went from there.

Q So he got the gun before he went to take a Xanax.
A What he told me, yes.
Q Okay. And, again, outside of stating that he was rushing him and that he thought that there was an intent to hurt him, did he ever say he felt threatened --
A No.
Q -- of any death or great bodily harm?
A No.
Q Did he ever tell you that?
A No.
Q Ever tell you there was any fight over the gun?
A No.
Q Did he ever tell you that any action on the part of Mr. Patel that would indicate an attack was about to happen?
A None at all.
Q Please answer any questions Mr. Hall may have for you.

CROSS-EXAMINATION

BY MR. HALL

Q Now, he did have some problems answering your questions clearly.
A No.
Q I mean, when he was giving his name he -- he had slurred speech, I guess.
A Yes. It took him a moment.

Q Now, his clothing -- I guess y'all didn't do any testing on his clothing for the same reason.
A Right.
Q Okay. Did they collect Mr. Patel's clothing?
A I would have to check the report. Probably. That's typically standard practice.
Q And --
A As long as the hospital doesn't discard them before we get there. We typically collect them from the victim and the suspect just out of practice.
(Pause.)
Q But typically those things would be sent down -- the shell casings and those types of things were sent to SLED, were they not?
A Were they or -- I'm sorry. I don't understand what you're asking.
Q The shell casings went down to SLED.
A Yes, no. They did not.
Q And they -- they didn't need to do anything with them.
A No, sir.
Q Normally, those, that clothing, is sent down too.
A No.
Q No?
A No.
Q Okay.

A Typically, clothing is collected for identification purposes more than trace, because, again, SLED for the same purposes, they don't do that any more.

MR. HALL: If I may approach the witness, Your Honor.

BY MR. HALL

Q If I may approach the witness to show you the SLED report, the way it's printed out. There's something else on there but...

A So you're asking me on this case did these go to SLED for testing. Yes. The casings and the firearm did go to SLED. They were not tested.

Q Okay.

A I'm sorry. I misunderstood your first question.

Q All right. Are the clothing Mr. Patel had -- I think it was representing cutting the clothing off -- do you know if that was ever collected and tested?

A It -- it would not have been sent for that purpose, no. We knew he was bleeding and we knew who fired the firearm.

Q So you're saying the -- Mr. Patel's clothes were not preserved for evidentiary reasons?

A I -- I assume. I don't have the report in front of me. I don't remember.

Q Do you not think that there could -- may have been some evidence, you heard? Like the pathologist was talking

about there might be something on the clothing from the fired gun?
A He -- he was correct. They -- they used to do that. They don't any more.
Q They don't do that.
A The only time they will is very, very, very specific situations, and it's, again, when someone says they're -- they're not going to do it if you have a known suspect. They're going to do it if you have someone who says I was not around the fired firearm tonight at all and you either do G.S.R. or have their clothing and sent to them, they can tell you that.
Q I'm not talking about Mr. Byrd's clothing. I'm talking about Mr. Patel's clothing.
A Either way. They wouldn't do either one of them.
Q So if there's something that would -- testing for powder residue on clothing, which would tell them, you, us, the jury, how close maybe somebody was within 3 feet?
A No.
Q That's not? Okay.
A They will not do that, no.
Q I have no other questions. Thank you.
MR. HUNTER: No questions, Your Honor.
THE COURT: You may step down.
MR. HUNTER: May Mr. Hall and I speak to you outside

the presence of the jury?

THE COURT: All right. Let me ask the jury to please go to your jury room.

Don't talk about the case. I'll bring you back in just a few minutes.

(The following takes place outside the presence of the jury.)

MR. HUNTER: Your Honor, at this time we would like to show Chavez's body camera to you. I believe based on the testimony by Dr. Ward he's getting into stippling.

I didn't want to say that back there because I didn't know if he was going to bring it up, but that's the whole point of the positioning of the victim because now he's saying he's within 3 feet of the shooter, and the video will show exactly where the victim was laying.

THE COURT: How -- how would that establish how close they were?

MR. HUNTER: Well, it can establish where he was, and we have testimony that the defendant -- where the defendant was. So this is video showing those exact locations.

MR. HALL: I think that same witness said he may not have been.

They want to place him at the door, but I think Mr. Martin testified, well, he might not have been that far, because there's the fireplace, a little bit of space.

But the gunshot stippling on the victim shows that at least one point they were within 3 feet. And I just asked if they did any testing on the clothing to see if there's anything on the clothing.

So I -- I don't think exactly where the victim was -- their own evidence shows they were within 3 feet at some point during the firing. We just don't know when those shots were fired versus the other shots.

THE COURT: Well, I'm not understanding what the difference is now than from our previous discussion.

MR. HUNTER: Now there's been testimony. There was previously testimony they were farther apart. Now there's been testimony gathered that they may have been closer. And we have a video that shows exactly where the victim was when he was shot.

THE COURT: Okay.

MR. HUNTER: So that at least establishes one place of where they were located. If distance is an issue, we can at least -- I think it's probative to our case that shows he's actually at the couch and not any closer to that door.

THE COURT: Well, I didn't understand that that's being disputed.

MR. HUNTER: Well, but it's being disputed of where his client was shooting from and that -- that would show the distance between that door and where the victim is.

THE COURT: All right. Tell me where -- tell me -- who provides the conflict? Tell me that.

MR. HUNTER: When he elicited testimony that he may have been closer than the previous testimony that was given.

THE COURT: Well, I'm not understanding how that's proving to be different by showing a picture of a body on a sofa.

MR. HUNTER: Because it actually shows -- it shows where the victim is.

THE COURT: It shows where the victim ended up for sure.

MR. HUNTER: Correct. And we know where the pool of blood. That's -- there's no other blood around to be seen from the other pictures.

THE COURT: Right.

MR. HUNTER: And we can also see through that video where the door is.

THE COURT: True.

MR. HUNTER: An area where he believe the defendant was shooting from. And so that video shows that in a much better capacity than a black and white image. And it also shows the scene how it was that day.

THE COURT: Well, we've already discussed that part of it. I don't -- I don't see there's any change in my view.

So I'm going to deny that motion.

MR. HUNTER: Okay. When they come back, the state will be resting, Your Honor.

THE COURT: Okay.

MR. HUNTER: Thank you.

THE COURT: All right. Mr. Hall, what about Mr. Byrd? Is he going to testify?

MR. HALL: I believe so, Your Honor, but we do need to speak with him before he makes that final decision.

THE COURT: All right. Let's take -- how many minutes do you need? How many minutes do you need to talk to him?

MR. HALL: Just a few minutes, I would imagine.

THE COURT: All right. We'll take ten minutes.

(Whereupon, a recess was taken.)

THE COURT: All right. Mr. Hall, have you talked to Mr. Byrd about his right to testify and not?

MR. HALL: Yes, I did, Your Honor.

THE COURT: Has he indicated a preference?

MR. HALL: He does want to testify, Your Honor.

THE COURT: All right. Mr. Byrd, do you understand when you're charged with a crime as you are now you have an absolute right to remain silent? Nobody can ever require that you make a statement or provide any evidence on your own or take the witness stand and testify during the trial.

If you do elect to take the witness and testify, you

have to answer not only your lawyer's questions, but you have to answer the questions, to the extent they're relevant, posed of you by the prosecutor even if the responses to those questions might tend to prove you guilty of the crime they claim you committed.

If you elect not to testify I'll instruct the jury they can't hold that against you. They can't consider it in any fashion, and they couldn't even take into account during their deliberations or in their determination as to whether or not your guilt has been proven beyond a reasonable doubt.

Have you and your lawyers discussed the advantages and disadvantages of testifying, as well as not testifying?

MR. HALL: You need to answer his question.

THE DEFENDANT: Yes, sir.

MR. HALL: Speak up.

THE DEFENDANT: Yes, Your Honor.

THE COURT: And do you appreciate what those advantages and disadvantages are?

THE DEFENDANT: Yes, Your Honor.

THE COURT: And have you had plenty of time to talk to your lawyers about your decision?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Have you made a decision?

THE DEFENDANT: Yes, Your Honor.

THE COURT: What is it?
THE DEFENDANT: I agree to testify.
THE COURT: And is that a decision that you made of your own free will and accord?
THE DEFENDANT: Yes, Your Honor.
THE COURT: Has anybody pressured you into that decision?
THE DEFENDANT: No, Your Honor.
THE COURT: Has anyone even suggested to you or advised you as to what decision you ought to make?
THE DEFENDANT: No, Your Honor.
THE COURT: You made that decision on your own?
THE DEFENDANT: Yes, Your Honor.
THE COURT: You're satisfied with it?
THE DEFENDANT: Yes, Your Honor.
THE COURT: All right. Do you have any other witnesses, Mr. Hall, you're going to call?
MR. HALL: I may call Randy Martin or -- excuse me -- Clint Martin or maybe call Ms. Pearson, Courtney Pearson, back.
THE COURT: Well, here's what I'm going to ask you about.
I don't know how long Mr. Byrd's testimony is going to take, but I guess it'll be the longest.
Do you have somebody to get us to lunchtime or --

MR. HALL: I think he would have to testify before they would be able to testify.

THE COURT: All right. How long do you think the direct will take?

MR. HALL: I would think at least 15 or 20 minutes. It will go pretty slow.

THE COURT: Well, do y'all want to start after lunch? Do you want to take lunch and do it after lunch?

MR. HALL: Yes, sir. I believe that would be better.

THE COURT: All right. I'll bring the jury back. We'll excuse them until 2:00. How about that?

MR. HUNTER: Can I just go ahead and rest, Your Honor, while we're here?

THE COURT: Yeah, yeah.

All right. Bring the jury in.

(The following takes place in the presence of the jury.)

THE COURT: All right. The jury is present.

Mr. Hunter.

MR. HUNTER: Your Honor, at this time the state would rest.

THE COURT: All right. Ladies and gentlemen, that is all of the testimony or other evidence to be offered by the state, at least in their case in chief.

Before we go further I've some matters I'll need to

address with the lawyers, and I'm not sure how long that's going to take. But it's a convenient time now for us to break for lunch, so we'll do that, and then we'll resume with the continuation of the trial this afternoon at 2:00 o'clock.

So you're going to be excused now for lunch. Remember the cautions I've previously given you including not talking about the case with anybody. And please have a good lunch and report back to the jury room at 2:00 o'clock this afternoon -- 2:00 o'clock. I'll see you then.

(The following takes place outside the presence of the jury.)

THE COURT: All right. Mr. Hall, any motions?

MR. HALL: Your Honor, I make motions for a directed verdict of not guilty based on the evidence presented. There's -- primarily the state's relying on him being back from the shooting.

We have forensic evidence that there is -- at least one of the shots was within 3 feet. And that's pretty much it, Your Honor.

THE COURT: Well, what does that establish?

MR. HALL: It establishes -- they're saying that he shot him from a distance. He says they were close.

I understand that -- I hate these motions, this motion, at this point because we've got to make it or it's

an error on our part, but at this point I agree there's not a whole lot of evidence from the state's presentation that says it should be granted.

THE COURT: All right. Mr. Hunter.

MR. HUNTER: Your Honor, I agree with Mr. Hall. Obviously, in the light -- the evidence most favorable to the state, we have had witnesses testify that this defendant fired the fatal shots.

The defendant has admitted on video that he fired the fatal shot, and also in that video that he actually went and got the gun and armed himself 15 minutes before the incident even took place.

Your Honor, so we believe in the light of the evidence most favorable to the state that this motion should be denied.

THE COURT: There's more than sufficient evidence to make it a jury question, and so the motion for a directed verdict is denied.

Any other matters we need to address before we recess?

MR. HALL: We'd like for him to remain out on bond as he has so far, Your Honor.

THE COURT: He will.

You remember my instruction, Mr. Byrd?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay. Court is in recess until

2:00 o'clock.

MR. HALL: Thank you, Your Honor.

(Whereupon, a recess was taken.)

THE COURT: Are we ready for the jury?

MR. HUNTER: The state is ready, Your Honor.

THE COURT: Ready for the jury?

MR. HALL: Yes, sir.

THE COURT: Bring them in.

(The following takes place in the presence of the jury.)

THE COURT: Good afternoon.

As you know, when we recessed for lunch the state had concluded with their presentation of evidence. So we'll now proceed with any to be offered by the defense.

Mr. Hall.

MR. HALL: The defense calls James Bridges Byrd.

JAMES BRIDGES BYRD, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HALL

Q James, give us your full name.

A James Bridges Byrd.

Q And where do you live, James?

A My address now currently [redacted] Dover Road, Apartment H, Spartanburg, South Carolina.

Q Do you live alone?

A I live with my mother.
Q Okay. And where are you working?
A I work for Crown Healthcare Laundry Service.
Q This is a place that takes in linens and things and cleans them and ships them back out?
A Yes, sir.
Q Now, you were in jail for this -- on this charge for a while, but then you finally got out on bond.
A Yes, sir.
Q About when did you get out?
A November 22nd, I believe.
Q Of what year?
A 2022.
Q Okay. And how soon did you go to work?
A Two weeks.
Q Two weeks. All right. And you're on home detention.
A Yes, sir.
THE COURT: You don't have to lean into it. Just speak up.
THE WITNESS: Okay.
BY MR. HALL
Q Don't lean back in your chair. Just sit in the chair and just speak up.
A Yes, sir.
Q Now, you've been here the whole time. You know what's

been going on. Let's go back over.

How long have you known Mr. Patel?

A Five or six years.

Q And where did you meet him?

A High school.

Q And that school was?

A Boiling Springs High School.

Q Is that where you met Mr. Martin, Clint Martin?

A Yes, sir.

Q Okay. How long have you known him?

A About the same time.

Q Now, knowing somebody and being friends with them can be different. You've been friends pretty much from the start?

A I wouldn't say close friends, no, sir.

Q Okay. Are we talking about Mr. Patel or Mr. Martin?

A Both.

Q Both. All right. Did that change at some point?

A Yes, sir.

Q Approximately when?

A Around 2017-2018.

Q All right. Did all of you hang out together?

A Yes, sir, for the most part.

Q Now, I think you just went through -- you went through the 11th grade.

A Yes, sir.
Q Do you know how far Mr. Patel went?
A He graduated, I believe.
Q Okay. Now, this all would happen a few years after he graduated, correct?
A Yes, sir.
Q Y'all been friends the whole time?
A Yes, sir.
Q Y'all do things together?
A Yes, sir.
Q All right. What kind of things would y'all do?
A Before we got close it was mainly party, but, you know, the two years prior to the incident we'd hang out, go fishing, go take trips places, cook on the grill and play video games. Things of that nature.
Q Okay. And, again, you're talking about Mr. Patel --
A Yes, sir.
Q -- or all three of you?
A Mr. Patel.
Q All right. Did Mr. Martin participate with that stuff sometimes?
A Yes, sir, depending on the occasion.
Q I believe he had a girlfriend and had other interests.
A Yes, sir.
Q Okay. The gun in this case, I believe we have that

you got that from Clint Martin.
A Yes, sir.
Q How long had you had that gun?
A Three or four months.
Q Okay. Was there some occasion that caused you to get a gun?
A I just wanted it for protection.
Q All right. Now, when you got the gun, how old were you?
A Twenty-one.
Q How long had you been 21?
A Two or three weeks maybe.
Q Okay. Now, did Mr. Patel know you had that gun?
A Yes, sir.
Q Did he know where you kept it?
A Yes, sir.
Q Had y'all ever gone out with that gun and done target practice?
A Yes, sir.
Q Okay. Where did you go?
A He owns some property that had a pond on it and we would go out there.
Q Just curious. Did y'all fish when you were out there sometime?
A Yes, sir.

Q And both of you would shoot the gun?
A Yes, sir.
Q Did y'all have real target set up or just cans or what?
A Real targets.
Q Who was better with the gun?
A I would say he was.
Q He get closer to the center more than you did?
A Yes, sir.
Q Now, the evidence shows that you said when -- I guess for lack of a better word -- y'all were partying, y'all were doing drinking, smoking marijuana or T.H.C. products and sometimes doing other drugs.
A Yes, sir.
Q Was that a pretty much constant thing every night or just some nights?
A Just some nights.
Q All right. There's testimony, statements from you that y'all had done L.S.D., commonly known as acid --
A Yes, sir.
Q -- that night. How did that come about? Had you ever done acid before?
A No, sir.
Q All right. Why this night did y'all do acid?
A About two weeks prior he introduced me to mushrooms in

a chocolate bar for him, and I enjoyed that. And we agreed that when he came over again that we would -- he would go and get the mushrooms on his behalf this time.

Q On his. Had you paid for them the first time?

A Yes, sir.

Q Oh, and the night before this happened, the evening before this happened, was the night y'all were supposed to have some, you said, what's called psychedelic mushrooms but in some kind of edible form.

A Yes, sir.

Q You say chocolate?

A It was like a chocolate bar.

Q Okay. All right. Now, you heard the testimony of the Martins. He came over. I think everybody had supper, grilled out or whatever. And then you and Mr. Patel went to your room.

A Yes, sir.

Q Okay. What was going on in your room?

A We were just watching T.V., playing the game until we got onto the subject of that.

Q Okay. And how did you get to L.S.D.?

A I believe I asked him about the mushrooms, if he was going to get them.

Q And how did L.S.D. come up out of that?

A He said that he couldn't find any mushrooms but he

could find acid.
Q All right. Had you ever done that before?
A No, sir.
Q Okay. So y'all discussed that?
A Yes, sir.
Q Where you would get it and what not?
A Yes, sir. It was a mutual agreement.
Q You decided, yeah, let's try that.
A Yes, sir.
Q All right. About what time did y'all go to get the L.S.D.?
A It was around 11:00 o'clock, I believe.
Q All right. And was it far away?
A No, sir. Maybe a 10-minute drive.
Q All right. And did you go into somewhere or did you meet somebody? How did that transpire?
A We met somebody.
Q Okay. Met them in the parking lot?
A No. It was at a home.
Q In his home?
A I believe so.
Q Did you meet them in the front or go in the house?
A Just stayed in the driveway.
Q Okay. And y'all told the police -- you told the police who that was and where it was.

A Yes, sir.
Q Okay. Who was driving?
A I was.
Q And y'all bought the L.S.D. Did you get back in the car?
A Well, we never left the car.
Q You never left the car. Did you go straight back to Swain Avenue, or what did you do?
A Went straight back to Swain Avenue.
Q I believe you said in some of the talking with the officers you -- you each took part of the L.S.D. Do you take it and swallow it or what?
A You kinda put it on your tongue and let it dissolve.
Q Did you know how to do that, what to do?
A He explained everything to me.
Q And what -- how long did it take you to get back to Swain?
A Ten minutes maybe.
Q So what time were you back?
A Probably around 11:30.
Q Okay. Could you feel the effects of the L.S.D. at some point?
A About 12:00 p.m. is when we started to feel the beginning of the effects.
Q Okay. What were the effects of taking L.S.D.?

A The color's more vibrant. You're more in a -- in a happier emotional state. Things feel different. It's really hard, kind of hard, to explain.
Q And did Mr. Patel seem to be having the same experience as you?
A Yes, sir.
Q All right. I guess you're -- the two of you are in your bedroom.
A Yes, sir.
Q Tell us how the bedroom is laid out.
A So my bed is laid against the far wall on the other side where the door would be.
Q Is it to an exterior wall or an interior wall?
A An exterior wall.
Q Exterior wall.
A Yes, sir. And my T.V. stand would be direct -- directly in front of that. And I had a table for my smoking supplies right beside the T.V. stand.
Q And there's something about a chair?
A I have a -- I have a recliner beside the bed.
Q Beside the bed.
A That'd be on the right side of the bed.
Q Okay. So to get the layout of the house, if you're at your bedroom door and you're going to go into the den or living room where Randy was sleeping, would you go straight

out, right, left or what?
A Left.
Q To the left.
A Yes, sir.
Q There's a door opening and then the door opened.
A It's almost immediately.
Q Okay. Where were you in the room while y'all were experiencing this?
A I was on the far side of the room against the wall where that table was, so in between.
Q Standing, sitting or what?
A Standing.
Q Okay. Where was Mr. Patel?
A He was across from me for most of the night standing up as well.
Q Okay. Were y'all playing video games? Were y'all -- what were you doing?
A Usually, we was watching videos on u-tube. Just some funny videos people post trying to get a good laugh.
Q How long did this go on?
A And hour, maybe an hour and a half.
Q Were you enjoying this experience?
A Yes, sir.
Q Did Mr. Patel seem to be enjoying the experience?
A Yes, sir.

Q Did that change for either of you?
A Yes, sir.
Q Tell us what happened.
A He began to kind of pen me against the wall in a way that -- at first I thought he was playing, and after a while it got to the point where I didn't feel like he was playing any more.
Q Okay. Now, you're a tall young man. How tall are you?
A How tall am I? Maybe 6'.
Q Back then you were maybe 6'?
A Maybe.
Q How much did you weigh back then?
A Maybe 150.
Q Okay. You weren't living the best, the most healthy lifestyle back then, were you?
A No, sir.
Q Did you do, like a lot of young men do, go out to the gym and work out?
A No, sir.
Q Do you know about Mr. Patel? Did he do that?
A Yes, sir.
Q Was he -- hate to say this -- was he healthier than you, stronger than you?
A Yes, sir.

Q Now, boys and young men sometimes with their friends will wrestle and horse around. Do y'all ever do that?
A Yes, sir.
Q And usually the goal of that is to see who can pin or hold down the other.
A Right.
Q Outwrestle. Did you ever win?
A No, sir. Maybe on a few occasions.
Q Okay. Doesn't that mean that Mr. Patel usually won?
A Yes, sir.
Q All right. Now, go back to June 6th, 2021. It's now after midnight. Y'all were in your room. How long did y'all keep watching videos and such?
A Maybe another hour, or hour and a half or so.
Q So when did the -- when say he would kind of pin you up against the wall?
A That'd be maybe 2:00 or 2:30 in the morning.
Q Did he put his hands on you or put his hands on the wall?
A No, sir. It was more of a just kind of in a way I couldn't -- where I wouldn't be able to get around him.
Q Would he press up against you?
A Yes, sir.
Q Did you say anything to him about this?
A Yes, sir. I told him. I asked him to leave me alone.

Q At first did you just think it was normal horseplay?
A Yes, sir.
Q Did your opinion of that change?
A Yes, sir.
Q How many times had he done it before you think something's going on here?
A Two or three times.
Q All right. Had this gotten any worse or better before you went in at 3:00 o'clock and woke up Mr. Martin?
A It got better because I was finally able to get him to sit down in the recliner, and that's when I went to go use the restroom. And the bedroom door and the restroom door are right across from each other.

As soon as I came outta the bathroom I noticed is when he was rocking back and forth, and that's when I just went ahead and went straight into the living room to wake Randy up.

Q Okay. And I believe they testified you asked him for Valium.
A Yes, sir.
Q Why did you ask him for Valium?
A I was told by Mr. Patel that the Zanax can reverse the affects of the acid.
Q Do you know if Mr. Patel had done acid before?
A Yes, sir.

Q Had you seen him do it?
A No, sir.
Q So he said he had.
A Yes, sir.
Q Okay. And did you just take the Valium, or what did you do with it?
A I split it in half originally and tried to give Mr. Patel the other half, but he refused to take it.
Q Was he still in the chair?
A Yes, sir.
Q Did you wake him up to say, here, take this, or was he awake?
A I woke him up to tell him to take it.
Q Okay. Did he speak to you and say, no, I'm not going to take it or that way or --
A He just said -- he just said no.
Q I believe there's a dresser or something in your room.
A Yes, sir.
Q Where is the dresser? We know where the bed is.
A The dresser is at the foot of the bed.
Q Now, we know -- is the foot of the bed -- is the dresser on the wall where the kitchen is?
A Yes, sir.
Q Okay. So you go in the room, and the dresser would be the right coroner and then the bed.

A No, no, no. The dresser would be against the wall to the hallway. I heard your question wrong.
Q Okay. The dresser would be --
A Against the wall that the hallway would be on.
Q Okay.
A It's on the same wall that the door is.
Q All right. Now, did you have in all of this occasion to go to the dresser?
A I went to put my keys away into the dresser.
Q Where had your keys been?
A On top of the dresser.
Q Why were you putting your keys away?
A I didn't want either me or him to see the keys and take them to go on joy rides or anything. So I was trying to put them out of sight.
Q Is there anything else in that drawer?
A That's where the firearm was located.
Q Okay. After you put your keys in there, what, if anything, happened?
A That's when Mr. -- Mr. Patel rised up and came -- came towards me. And at that point I had closed the dresser drawer. He reopened it and acted as if he was grabbing the firearm. I closed it back and asked him what he was doing. He didn't answer. He proceeded to try to open the drawer again. That's when I grabbed it before he could. He

grabbed my arm, so I grabbed his. He grabbed my other arm.
Q All right. When you say he -- you closed the drawer the first time.
A Yes, sir.
Q And he opened it again.
A Yes, sir.
Q Did he go for the gun that time?
A Yes, sir.
Q And you -- so you grabbed the gun.
A Yes, sir.
Q What happened?
A That's when we wrestled for a brief second. I was able to get my foot behind him to trip him. He fell to the ground. I stepped over him and proceeded to retreat to the living room with Randy.
Q All right. You grabbed the gun. Where did he grab you?
A On my wrist.
Q But you had the gun?
A Yes, sir.
Q All right. And you say you wrestled. Did you push him back? Did he -- what?
A He grabbed. He grabbed this wrist and grabbed this arm like he was trying to push me back, and that's when I stuck my foot behind him and just went forward. And he

tripped over my foot and fell backwards.
Q All right. And that's when you went into the living room.
A Yes, sir.
Q Okay. When you went in the living room before did you have the gun with you then?
A No, sir.
Q At that 3:00 o'clock when you went in there and ended up with the Valium, where was the gun?
A It was still in the dresser.
Q And Mr. Patel knew that's where you kept it.
A Yes, sir.
Q All right. You go into the living room. That's where Randy is.
A Yes, sir.
Q What -- what did you do?
A I immediately got behind the couch and behind him.
Q Okay. You're in there with your best friend, but you've gone into the next room. Why did you do that?
A I was afraid of him of getting -- from him getting the gun from me to use it against me.
Q Did you say anything to Randy when you went in the second time?
A I don't believe so.
Q Do you know if he was asleep, awake or what?

A I'm not sure.
Q Was your attention on something else?
A My attention was on Mr. Patel.
Q And was he in the bedroom, outta the bedroom? Where was he?
A At that point he was out of the bedroom and in the doorway of the living room. And that's when he made the statement that he was surrounded by a bunch of pussies.
Q Did he keep moving or stop or what?
A He stopped to make the statement and then proceeded to charge at me after that.
Q All right. Was he running?
A It was more of a fast pace walk.
Q So what did you do?
A I proceeded to back away from him and go around towards the front end of the couch.
Q Okay. And we know we've got a sofa and kind of an angle loveseat in front of a window. There's a coffee table?
A Yes, sir.
Q And in front of that's a fireplace.
A Yes, sir.
Q So when you got to the -- when you are retreating behind the sofa, when you got to the corner where you're either going to back into a wall or go between the two

pieces of furniture, where was Mr. Patel?
A He was still behind the couch. I say maybe at the middle of the couch.
Q So pretty close to you.
A Yes, sir.
Q Did you keep retreating?
A Yes, sir.
Q Were you going backwards?
A Yes, sir.
Q All right. Did you run into the loveseat?
A I don't -- it wasn't the loveseat, no, sir.
Q Okay. So you got between the sofa and the loveseat.
A Yes, sir.
Q Were you trying to head out the door, or what were you doing?
A I was just trying to back away.
Q Okay. As you are backing up do you have the gun up, down or what?
A I had it by my side.
Q All right. Obviously, that changed. What happened to make that change?
A I backed into something that put me to a stop. That's when I panicked and fired.
Q Was he still coming at you?
A Yes, sir.

Q What did you think was going to happen if he kept coming and you didn't stop him?
A He was going to overpower me and take the firearm from me and possibly use it against me.
Q Why didn't you turn and run out back into the hallway, back in your bedroom?
A I felt like I didn't have enough time.
Q How close was he?
A Maybe a few steps. Wouldn't take him long to get to me.
Q Talking 6 feet, 5 feet, what?
A Less than that. Three. Maybe 3 feet.
Q So that's basically me to the table, or was he a little further back?
A A little further back.
Q Was he -- he kept moving?
A He had a continuous pace, yes, sir.
Q Now, you've seen the evidence in this, you heard the testimony of the doctor. The fatal shot was to his back.
A Yes, sir.
Q Did you see him turning or anything at any point?
A No, sir.
Q Were you -- when you were pulling the trigger, were you watching what was going on? Did you close your eyes? Did you turn your head?

A I flinched and turned my head and closed my eyes.
Q Did you have any idea how many times you shot?
A No, sir.
Q So if I asked you why did you shoot, 10, 11, whatever it was times, you don't know.
A No, sir. I was afraid.
Q Do you know why you stopped pulling the trigger?
A No, sir.
Q Other than the drugs, do you know of any reason why he wanted to do this, he would want to harm you?
A No, sir.
Q You'd been doing drugs that night, you know. Are you sure that it's not the drugs that made you think this?
A No, sir.
Q And a lot of this, you didn't mention to the officers.
A Correct.
Q In fact, you said I take responsibility.
A Yes, sir.
Q Were you saying -- what were you meaning by that? Just tell us what you meant by that.
A I was just informing them that I am the one that fired the gun.
Q Now, I think when you talked to Investigator Guest you got a version that he was coming at me and I shot him.
A Yes, sir.

Q Now, are you -- and it's on the video express remorse for what happened. Do you still feel that if you had not stopped him he was going to take the gun and possibly kill you or shoot you and really hurt you?
A Yes, sir.
Q And that's based on what? What made you think he was going to do that?
A The fact that he went for the firearm. He continued to try to take the firearm from me and continued to come after me.
Q Was he usually talking a lot? Would he say things, chat with you, tell you what he was doing?
A Yes, sir.
Q What I'm going to do to you?
A Yes, sir.
Q Any of that go on? He said I'm going to kill you?
A No, sir. He was very nonverbal, just he was focused on me, and that was it.
Q When he made the comment I'm surrounded by pussies or all my friends are pussies, he was looking at you.
A Yes, sir.
Q Tried to take the gun.
A Yes, sir.
Q And makes those comments and he comes at you.
A Yes, sir.

Q And you basically had your back against the wall.
A Yes, sir.
Q Please answer any questions Mr. Hunter has.
A Yes, sir.

CROSS-EXAMINATION

BY MR. HUNTER

Q We heard earlier testimony that y'all had been to Dave and Busters that day, correct?
A Yes, sir.
Q And you had gone with Clint and Courtney.
A Yes, sir.
Q And then Kush came over when y'all had a barbecue.
A Yes, sir.
Q All right. And after the barbecue is when you and Kush went back to the room.
A Yes, sir.
Q Okay. And we heard testimony you'd known Kush for about five years?
A Yes, sir.
Q And recently since living at Mr. Martin's house y'all were best friends.
A Yes, sir.
Q Hung out all of the time.
A Oh, yeah.
Q Smoked and drank.

A Yes, sir.
Q Okay. And that's what you were doing this night.
A Yes, sir.
Q You drank alcohol.
A Yes, sir.
Q Smoked marijuana.
A Yes, sir.
Q Okay. Was Clint and Courtney involved in that?
A No, sir.
Q Okay. You admit you took L.S.D. or what you thought was L.S.D.
A Yes, sir.
Q Okay. And it was your idea to take the L.S.D. that night.
A It was a mutual agreement.
Q Is that what you told officers?
A No, sir.
Q All right. You told officers it was your idea to take L.S.D. that night, correct?
A I believe I told them I wanted to take L.S.D.
Q When Deputy Chrobak -- we watched his video --
A Yes, sir.
Q "I wanted to take L.S.D." Is that what you told him?
A Yes, sir.
Q Okay. And then on top of that you also agree that you

took a Xanax --
A Yes, sir.
Q -- from Mr. Martin.
A Yes, sir.
Q Okay. At any time during your interview with Jon Guest did you tell him that Kush Patel tried to grab your gun?
A No, sir.
Q Did you tell him at any time that he reached for your gun?
A No, sir.
Q Did you tell him at any time that he went into your drawer to get the gun?
A No, sir.
Q Did you tell them at any time that he had anything to do with a gun?
A No, sir.
Q Did you tell Officer Chrobak that?
A No, sir.
Q Not a single time.
A No, sir.
Q I think it was your story here today that he asked you -- you didn't get the gun until you walked out, is that correct? You were walking out. You got the gun and walked out of the room.

A Yes, sir.
Q And that's when Mr. Patel followed you after you tripped him.
A Yes, sir.
Q That's not what you told Officer Guest -- Sergeant Guest, is it?
A No, sir.
Q Okay. In fact, you told Sergeant Guest that before you went to get the Xanax you already had the gun.
A Yes, sir.
Q That's what you told him that night.
A Yes, sir.
Q So now the story's changed.
A Yes, sir.
Q Okay. You stated earlier that you wanted the gun for protection. Protection from what?
A Anything -- intruders.
Q And I believe it was your story today that y'all went around 11:00 o'clock, correct, to get the L.S.D.?
A Yes, sir.
Q You got back around 11:30.
A Yes, sir.
Q So not 9:30 or 10:00.
A No, sir.
Q Okay. And you took it on the way back to the -- in

the car, correct?
A Yes, sir.
Q I think that -- that part's the same.
A Yes, sir.
Q You did take it back in the car. You took about 1.25 grams.
A Somewhere in there, yes, sir.
Q Okay. And why do you take L.S.D.? What are you hoping to feel?
A Feel good.
Q Okay. It's a hallucinogenic, correct?
A Supposedly, yes, sir.
Q Okay. So you wanted to hallucinate.
A Yes, sir.
Q You wanted to feel things and see things that weren't there, change your perception --
A Yes, sir.
Q -- of reality, correct?
A Yes, sir.
Q Okay. And that's what happened, correct?
A No, sir.
Q That's not what happened. You didn't go on a bad trip?
A I wouldn't say I was on a bad trip, no, sir.
Q Okay. Just Mr. Patel. Not you though.

A Yes, sir.
Q Okay. I think you also stated during your testimony that he was across from you for most of the night, correct?
A Yes, sir.
Q So y'all were on different sides of the room.
A Yes, sir.
Q And for most of the night.
A Yes, sir.
Q And I believe your bed faces a dresser drawer. That has the T.V. on it, correct?
A Yes, sir.
Q Okay. And that's where the beers and the marijuana bowl were located.
A Yes, sir.
Q Okay. That's the dresser where the gun was, correct?
A Yes, sir.
Q And you were against that wall by that dresser.
A Yes, sir.
Q And he was against the wall closer, I guess, towards Clint and -- and Mr. Martin's bedroom.
A He wasn't against the wall, no. He was more towards the foot of my bed, the very edge of it.
Q But that -- that bed's up against that wall, right beside that wall.
A No.

Q You said y'all were on opposite walls.
A I'm on the side that the bed's against the wall.
Q Okay.
A He's on the other side.
Q Okay. Now, you admit that y'all had wrestled before.
A Yes, sir.
Q And that when y'all wrestled someone would win and that's it, correct?
A Yes, sir.
Q And he never when wrestling with you -- did he ever threaten to kill you?
A No, sir.
Q Had he ever punched you?
A No, sir.
Q Did he ever attack you?
A No, sir.
Q Any of those previous times?
A No, sir.
Q Nothing to give you rise to think that on this night could be any different.
A No, sir.
Q And, again, did you ever tell any of the officers when they asked you what happened what night that y'all were wrestling?
A No, sir.

Q Not a single time.
A No, sir.
Q Now, when you went and asked Mr. Martin for the Xanax, did you tell him that Kush was asleep?
A Yes, sir.
Q He was asleep.
A So I thought.
Q Okay. In your recliner, he was asleep.
A Yes, sir.
Q And that's what you told Mr. Martin.
A Yes, sir.
Q But you woke him up.
A Yes, sir.
Q Someone who you think is going on a bad trip, you decide to wake him up.
A Yes, sir.
Q And you tried to get him to take some Xanax.
A Yes, sir.
Q So you didn't ask Mr. Martin to get Kush some Xanax?
A No. That's the same Xanax I got from --
Q I know. But you didn't ask Mr. Martin for Xanax for Kush.
A No, sir.
Q Okay. But you told the officers you did.
A I don't recall.

Q You don't recall. Okay. And it's at that point that he -- you opened up or he tries to open up the dresser drawer --
A Yes, sir.
Q -- to grab the gun.
A Well, I opened the dresser drawer first --
Q To put keys in there.
A Yes, sir.
Q Okay. To grab the gun.
A Yes, sir.
Q Okay. Which, again, is different from what you told the officers, correct?
A Yes, sir.
Q Never stated that, correct?
A Yes, sir.
Q Okay. And the gun's in the dresser drawer. And you say he tries to go for it?
A Yes, sir.
Q And he knows that the gun is in the dresser drawer.
A Yes, sir.
Q He knows that both of y'all are tripping.
A Yes, sir.
Q And that you open the door -- dresser drawer where the gun is.
A Yes, sir.

Q Okay. And he grabbed your arm.
A Yes, sir.
Q And you shut the door.
A Yes, sir.
Q Then he reopens it?
A Yes, sir.
Q Are you able to shut it again?
A No, sir.
Q Okay. But you're able to get the gun.
A Yes, sir.
Q And he has grabbed your arm.
A Yes, sir.
Q Is he holding it pretty tight?
A I'd say so, yes, sir.
Q And he's grabbed your other arm as well. He's got it pretty tight?
A Yes, sir.
Q Where are the injuries on your arm?
A There are none.
Q Okay. That's what I thought. And you tripped him.
A Yes, sir.
Q Did you tell Jon Guest that you tripped him?
A No, sir.
Q Did you tell Deputy Chrobak that you tripped him?
A No, sir.

Q Now, I think you've used the word he charged at me or rushed me, is that correct?
A Yes, sir, yes, sir.
Q And that's when he's leaving the room. And you've already left the room?
A Yes, sir.
Q Did the distance between y'all ever close?
A Yes, sir.
Q It did? How quickly?
A Explain what you mean by did it close.
Q Did the distance between y'all ever get closer from when he's at the door and you're at the side of the couch?
A Yes, sir.
Q Okay. So it closed the distance. It got closer.
A Yes, sir.
Q As you're going around the couch, he's getting closer.
A Yes, sir.
Q Okay. At that time had he ever threaten to hurt you?
A No, sir. He was very nonverbal.
Q Did he ever -- did he ever punch you?
A No, sir.
Q Did he have a weapon?
A At the time, I wasn't sure.
Q Okay. You know now. Did he have a weapon?
A No, sir.

Q Okay. Did he ever kick you?
A No, sir.
Q Any action, overt act towards you, that he was going to hurt you?
A Besides the fact that he tried to take the firearm at me and was bigger stronger than me, coming at me, no.
Q But you're bigger than him. You're taller than him, aren't you?
A I'm taller.
Q Okay.
A But he weighed a whole lot more.
Q Any action while out in the living room?
A No, sir.
Q Nothing. And I believe it was your testimony today -- actually, let me do one thing before I get to that.

Mr. Hall asked other than the drugs did he have a reason to harm you, and your answer was no, correct?
A Yes, sir.
Q You had never felt threatened by Mr. Patel in your relationship as friends.
A No, sir.
Q Ever.
A Ever.
Q Until that night when you're on drugs too.
A Yes, sir.

Q Okay. One last point.
You stated you were backing up.
A Yes, sir.
Q Correct?
A Yes, sir.
Q And he's coming around the edge of the couch.
A Yes, sir.
Q How close? If you -- where you stated where you fired the gun, how close was he? Tell me. I'll approach you.
A Keep coming. About there.
Q Okay.
A I'd say.
Q Can I punch you from this?
A No, sir.
Q Can I assault you?
A No, sir.
Q Can I hit you?
A No, sir.
Q Can I kick you?
A No, sir.
Q I don't have any weapons. Can I do anything?
A No, sir.
Q Can you point your hand out at me like with a gun? It's much closer, correct?
A Yes, sir.

Q Okay. And it was your testimony that you backed into something and panicked, is that correct?
A Yes, sir.
Q. And that's why you fired.
A Yes, sir.
Q You felt something, an intimate object touch you, and you panicked.
A I had nowhere else to go.
Q And you fired.
A Yes, sir.
Q And, again, he was at the edge of the couch, correct?
A The front of it, yes, sir.
Q He was in front of the, I guess the, left side of the couch though.
A Yes, sir.
Q And you were more towards the right side towards the door. I'm not saying you are at the door, but towards the door.
A Yes, sir.
Q Okay. And most of the shots were on the right side, correct?
A Yes, sir.
Q And you weren't looking where you were firing.
A No, sir.
Q You weren't, because, obviously, you killed the dog,

correct?
A Yes, sir.
Q And you shot him in the back. If I'm this close to you, how do you shoot me in the back?
A I don't know, sir. Sideways.
Q Remember we're talking upward angle. I'm facing this way if I'm getting shot in the back, correct?
A Yes, sir.
Q Please answer any questions Mr. Hall may have for you.

REDIRECT EXAMINATION

BY MR. HALL

Q Had you ever been cuffed, let out, taken into an interrogation room and interrogated?
A No, sir.
Q So this was a very unusual experience.
A Yes, sir.
Q The actions that night in your room when you were pinned against the wall, did you call that wrestling?
A No, sir.
Q You told him leave me alone.
A Yes, sir.
Q Didn't want to participate. You said Mr. Patel was a stronger person than you.
A Yes, sir.
Q May have been a little shorter but...

A He had the advantage.
Q Weighed, I think they said, 47 pounds more than you.
A Yes, sir.
Q And most of the time, you said, he basically won any wrestling match. He manhandled you.
A Yes, sir.
Q Now, based on your experience, if he had taken an extra step or so and grabbed at you, would he have been able to wrestle you down and get that gun?
A Yes, sir.
Q On the trying to give him the Xanax, you woke him up.
A Yes, sir.
Q Were you trying to help him? What was going on with him when you tried to give him the Xanax?
A Yes, sir. Because he's the one that told me that the Xanax would kill the effects.
Q Now, as you testified before, when y'all had that little grabbing-for-the-gun incident, did he hurt you when he was grabbing you, or did he grab you and then pull your other arm quickly?
A He just -- he just grabbed me very quickly.
Q And then you were able to just kinda of step forward and he trips.
A It was for a brief second.
Q So he wasn't grabbing you, squeezing you and putting

you in pain or put you down and take the gun. It was just you reacted quickly that way.

A Yes, sir.

Q That day. All right. Thank you.

MR. HUNTER: Just one question, Your Honor.

RECROSS-EXAMINATION

BY MR. HUNTER

Q So as we said, he wasn't grabbing or squeezing you hard. He wasn't hurting you, was he?

A No, sir.

Q Okay.

THE COURT: Anything else?

MR. HALL: Nothing else.

THE COURT: All right. Step down.

MR. HALL: The defense would call Clinton Martin.

CLINTON WEBB MARTIN, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HALL

Q Mr. Martin, if you will, please state your name and where you live.

A Clinton Webb Martin, and I live at [redacted] Frady Road, Spartanburg, South Carolina.

Q And in June of 2021, where did you live?

A [redacted] Swain Avenue.

Q That's with your father?

A Yes, sir.
Q And --
A Courtney and Byrd.
Q -- Courtney and James. Okay. And I believe you knew Mr. Patel also.
A Yes, sir. I knew him longer than I knew James.
Q I believe Courtney testified pretty much that you had gotten outta the partying lifestyle and --
A Yes, sir. I didn't drink or anything at the time, no.
Q Now, you gave a statement to the police that night.
A Yes, sir.
Q Is that correct? And you heard shots, is that right?
A Yeah. I heard about 12 shots, I think it was.
Q And you got up.
A Grabbed my shotgun and walked through the hallway. When I got into the living room James was pacing the room saying Kush was trying to --

MR. HUNTER: Objection, Your Honor. Hearsay.

THE COURT: What was the question?

MR. HUNTER: He was about to say what James was saying.

THE COURT: Oh, he's testified. You can call him. Go ahead.

BY MR. HALL
Q All right.

A And when I walked into the living room James was pacing the room saying Kush was trying to attack him.
Q Okay. But you don't know anything else that happened before in the room or anything.
A No, sir. I -- I woke up to the gunshots.
Q I think you had gone to bed pretty early?
A Yeah. I go to bed at 8:00. I lay down about 8:00 and probably asleep by 8:30 or 9:00.
Q Please answer any questions the state may have.

CROSS-EXAMINATION

BY MR. HUNTER

Q Y'all had been friends for quite a while?
A Who?
Q All the three of y'all.
A Oh, yes, sir.
Q And then, obviously, as Courtney enters the picture, they start hanging out more often?
A Yes, sir.
Q Okay. And you'd hung out with them multiple times over the years.
A Yeah. During the rough part of my life is when I mainly hung out with Byrd. And then when I cleaned up, I started hanging out with Kush more, yes, sir.
Q Okay. So the rough part of your life you hung out with Byrd. The cleaner part of your life with Kush.

A Yes, sir.
Q Okay. You said you woke up to shots.
A Yes, sir.
Q I think you were here. Did you hear testimony that they used to wrestle?
A I never knew that.
Q Okay. You haven't observed that?
A No, sir.
Q Okay. And, again, Mr. Byrd lived at your house, correct?
A Yes, sir.
Q And you were always at your house.
A Yes, sir.
Q When you weren't working.
A Yeah. We worked at the same place. We were at home pretty much the same times.
Q So you never saw these wrestling matches.
A No, sir.
Q Did you -- and, again, you didn't partake in any of the alcohol or weed that night.
A I might have smoked on my own, but I didn't drink and I didn't really go in the room with them, no, sir, when they were drinking.
Q Okay. And so I think I asked Courtney, but did you hear anything after you went to bed until the shots?

A No, sir.
Q Nothing that would wake you up --
A No, sir.
Q -- until the shots. No arguments?
A No, sir.
Q No screaming; no yelling?
A No, sir.
Q No fights?
A No, sir.
Q Nothing like that.
A No, sir.
Q And the only one saying that Kush was trying to attack James was James.
A Yes, sir.
Q After he had just shot Kush.
A Yes, sir.

REDIRECT EXAMINATION

BY MR. HALL

Q Just for clarification. When did your relationship with Courtney start, when you met your wife?
A Probably 2018, 2019.
Q So it would have been a couple of years.
A Yeah. It had been a while. Yeah. She -- we -- I still done the same things until me and her had been together for about a year or two.

Q Okay. So when Mr. Patel and Mr. Byrd went off to do stuff, you weren't always around. You certainly weren't around --

A No, sir. I mean, we would -- like, if they were going fishing or something, I would go. But when they went out to drink or do whatever they were doing like that, no, sir, I didn't partake in it.

MR. HALL: No further questions.

THE COURT: You may step down.

MR. HALL: Defense would can call Courtney Pearson.

COURTNEY GRACE PEARSON, having been first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. HALL

Q Courtney, please give us your name and where you live.

A Courtney Grace Pearson, and I am at [redacted] Frady Road in Spartanburg.

Q Okay. You formerly lived at the location of this incident?

A Yes, sir. That's correct.

Q And you were there that night.

A I was.

Q You've already testified.

Now, I showed you a statement earlier when you testified but didn't ask what was in it and what you said you heard. But now I'll ask you. Did you hear James say

something after the shooting?
A I do recall I thought he said that Byrd -- excuse me -- Kush was trying to hurt and/or kill him, but that's all I really recall.
Q I have no further questions.
CROSS-EXAMINATION
BY MR. HUNTER
Q Courtney, you heard that from James himself, correct?
A Yes. That's correct.
Q Not from Randy.
A No, sir.
Q From Clinton.
A No, sir.
Q There was nobody else out in that room.
A No, sir. I was the only one in the room. I'm just hearing things that were coming from the living room.
Q Had you been privy to those wrestling matches that we hear about?
A No.
Q And you lived at this house, correct?
A That's correct.
Q Was y'all's room next door to theirs?
A Our room was in the very back to the left-hand corner. So we were directly beside the bathroom. So we were across from Byrd's side if that makes sense.

Q Okay. So the doors are kind of catty-corner to each other. When you look out one door kinda this way --
A So if you look out of Byrd's room our -- yes. It would be catty-corner.
Q You can look into your room from Byrd's door.
A If -- yeah.
Q When both doors are open.
A Yes. That's correct.
Q But it's not a very large house, correct?
A No.
Q So if anything's happening in that room, a large wrestling match, you'd be able to hear it from your room.
A Absolutely.
Q Never heard any of that.
A No. I have a dog that barks at noise too, and he never barked at anything.
Q Never like that.
A No.
Q Thank you.
MR. HALL: Nothing else.
THE COURT: Thank you. You can step down.
MR. HALL: We have no further witnesses. The defense rests.
THE COURT: Any reply?
MR. HUNTER: No, Your Honor.

THE COURT: All right. Ladies and gentlemen, that's all of the testimony or evidence to be offered in the trial of the case.

What remains to be done are the lawyers' final summations, after which I'll instruct you on the law, and then you'll begin deliberations.

But right now I've got a couple of matters I'll need to address first. We'll determine if we're going to conclude today or come back in the morning.

So right now please go to your jury room, but don't talk about the case. I'll bring you back in just a few minutes.

(The following takes place outside the presence of the jury.)

THE COURT: Motions?

MR. HALL: Yes, Your Honor.

Renew my motion for directed verdict with the new evidence and ask for a directed verdict.

THE COURT: It's still a jury question. That hasn't changed anything. Motion for a directed verdict is denied.

Let me see y'all just a minute.

(Bench conference held off the record.)

THE COURT: Bring the jury in, please.

(The following takes place in the presence of the jury.)

THE COURT: Ladies and gentlemen, the balance of the trial, as you know, consists of the lawyers' final summations, my instruction on the law, your deliberations.

That likely can't be accomplished for the balance of the afternoon that we have today. So we'll conclude in the morning. You're going to be excused now.

Remember my caution. No discussions; no research; no independent investigation.

Please report to your jury room at 10:00 o'clock in the morning -- 10:00 o'clock in the morning -- at which time we'll conclude. Have a good afternoon.

(The following takes place outside the presence of the jury.)

THE COURT: All right. Court is in recess until 10:00 o'clock in the morning.

I need to see counsel in chambers.

END OF PROCEEDINGS AUGUST 27, 2024

(Proceedings August 28, 2024)

(The following takes place outside the presence of the jury.)

THE COURT: All right. Let's address the issue of jury instructions.

MR. HALL: Yes, sir, Your Honor.

I had discussions with my Clint yesterday and this morning, and he would request self-defense of the murder, and then given the testimony and evidence that was presented, he is requesting a voluntary manslaughter charge also.

THE COURT: All right. What's the state's position?

MR. HUNTER: Your Honor, as we spoke back in chambers, I understand the State vs. Starnes and State vs. Lowery, the trial court has to basically make an instruction if there's any evidence. We believe this case is more like State vs. Cook where a jury instruction was not mandated, but we leave it in the discretion of the Court, Your Honor.

THE COURT: All right. Well, I've reviewed a number of the cases, and, obviously, they're not identical, but the one that stands out as being to me seemingly similar is State vs. Lowery, which was a 1993 Supreme Court case, I think.

Court of Appeals affirmed the trial judge not charging voluntary manslaughter, and the Supreme Court reversed it.

I think the facts are similar to what we have here based upon the testimony and evidence presented.

So, Mr. Byrd, you've heard your lawyer ask me to charge the jury and give them certain options with respect to instructions. And one of those is -- of course you're charged in the indictment with the crime of murder.

There are occasions when the crime of voluntary manslaughter might be considered a lesser included offense. It all depends on the evidence presented. So it's fact specific. And so it could be argued either way in this case, and it has been.

But Mr. Hall is requesting on your behalf that I instruct the jury as to the lesser included offense of voluntary manslaughter.

Did he talk to you about the jury instruction requests?

THE DEFENDANT: Yes, Your Honor.

THE COURT: And are you in agreement?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Are you asking me to instruct the jury on the lesser included offense?

THE DEFENDANT: Yes, Your Honor.

THE COURT: And you understand the consequence of that request and that decision?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Do you need to talk to Mr. Hall about it any further?

THE DEFENDANT: No, Your Honor.

THE COURT: All right. I'll instruct the jury on murder, voluntary manslaughter, self-defense, possession of a weapon during the commission of a violent crime, voluntary intoxication and then the usual.

Any other specific requests?

MR. HUNTER: No, Your Honor. We had requested voluntary intoxication, which you stated you were going to.

MR. HALL: No additional from the defense, Your Honor.

THE COURT: All right. Are we ready for the jury? Bring them in.

(The following takes place in the presence of the jury.)

THE COURT: Good morning, ladies and gentlemen.

As you know, when we recessed yesterday all of the evidence had been presented; and therefore what remains to be done the lawyers' final summations, after which I'll instruct you on the law, and then you will begin jury deliberations.

The way that process is carried out, the state has the burden of proof. They go forward first in their final argument, followed by the defense, and then the state is permitted to make a brief reply to the defendant's

argument.

So please give the lawyers your attention now as they give you their final summations.

MR. HUNTER: May it please the Court.

Thank you for your time and patience. You were actually paying attention. Sometimes juries, you know, we're sitting up here talking for days at end and it's hard. It's like going back to school and teachers just talk and talk and talk. It turns out that y'all have been paying attention. So thank you.

But as I stated in my opening statement, I'm asking that you find him guilty of murder, because on June 6th of 2021 at [redacted] Swain Avenue this defendant grabbed a gun, ten times into his best friend.

He drank alcohol and smoked weed, took L.S.D., took Xanax. He got out of his mind. But you're going to hear a voluntary intoxication instruction from the judge.

If you decide to do all of those things, it's not a defense. If you decide to change your perception of reality, it is not a defense.

THE COURT: Excuse me, Mr. Hunter.

Ma'am, we're going to have to keep that door shut during this final argument and charge.

THE BAILIFF: Yes, Your Honor.

THE COURT: People can't come and go any more.

Excuse me, Mr. Henderson -- Mr. Hunter.

MR. HUNTER: And on that day he took this gun. Ten times. I'm not going to put my finger on the trigger because when you handle a gun, there are certain rules of safety. Never -- see, I pointed that way. I didn't point at a single person. You don't point a gun even if you know it's unload at a person. Why? Because you can shoot and kill them.

You always know where the muzzle is facing. Why? Because that's where the bullet's going to go. Turn your head. Just tired ten shots.

Now, after I get done with my closing argument Mr. Hall is going to get up there and give his closing argument.

After that I have a short time to rebut what he says.

Then you're going to hear from the judge, and the judge is going to talk for a while, because he has to give you what is called the jury instructions.

He's going to charge you on what the law is; he's going to charge you on what the law is for murder; he's going to charge you on what the law is for voluntary manslaughter; he's going to charge you what the law is for possession of a weapon during the commission of a violent crime, which both murder and voluntary manslaughter are; he's going to charge you on the law of voluntary

intoxication; he's going to charge you on the law of self-defense.

So he's going to tell you what the elements, specifically with the crimes, what the elements of those crimes are.

And for murder it's the killing of another with malice aforethought. That's a big word. I went to law school. We didn't really talk about malice aforethought in law school. You don't really talk about it until you get into this job.

But malice is a wickedness, an evil -- obviously, you've heard the term malicious. But a malicious intent to kill someone. Malice -- and that malice is aforethought, so before it happens.

And that malice doesn't have to exist for weeks or months or days or hours or even minutes before the incident, before the killing. It can happen in a split second. It can happen when you pull the trigger of a deadly weapon, because when you point a gun at someone and you pull the trigger, you know what's going to happen.

And you heard from Dr. Ward. He found ten shell casings, and he was hit ten times. Now, some of those are re-entries and re-exits. So he didn't hit him with every single bullet, but he hit him with a lot of them. And he knew what he was doing when he pointed that gun at him and

pulled the trigger. That's malicious; that's the malice.

And even worse is that in his statement to Investigator Guest, which is a lot different from the statement he gave yesterday, he told Investigator Guest that before he went out to get the Xanax from Randy Martin, he grabbed the gun. He's already contemplating shooting his best friend before he even takes the Xanax. That's malice -- that's malice.

Now, of course he gets up here yesterday and says that there's a fight over the gun, he doesn't grab it until he's about to leave the room and Mr. Patel grabs his arm, grabs his other arm. He's able to trip him, get outta the room and go around the couch.

But you watched Deputy Chrobak turned his body camera on. Didn't ask him any questions, so he didn't have to give him Miranda. And he just spoke. And officers probably do that. If a suspect's speaking, turn your body camera on, and he did.

Did we hear him say I did it in self-defense or did you hear him say it's my fault? Did you hear him say that Mr. Patel tried to grab the gun in any of the interviews with Mr. Guest, Investigation Hayes or that B.W.C. with Deputy Chrobak? Did we hear that story? Not once. Not until he's up here being tried for murder do we hear that story.

Now there's a difference between murder and voluntary manslaughter. Murder, obviously, is the malice aforethought, killing another. Whereas, voluntary manslaughter is the killing of another with a sudden heat of passion upon sufficient legal provocation.

Again, terms that you don't normally use in real life, and not until law school and this job do you talk about it. A sufficient legal provocation and heat of passion.

I'm sure Mr. Hall's going to get up here and argue that the fight in the room was the sufficient legal provocation with him chasing him around.

Again, that's only if you believe that that happened, because when given the chance that night, when asked what happened, he didn't say that. August 27th of 2024, he said that. May 6th or June 6th of 2021 when it happened did not say that.

He's going to argue there was a sudden heat of passion, that he was basically so afraid that he was compelled to do violence. But yet you heard from him yesterday it's his best friend. True.

He'd never really gotten into a fight with him. He never felt threatened by him before, but yet on this time he's so afraid that he has to kill him? It's not voluntary manslaughter. It's malice.

And I will admit watching that video after this has

happened when he's at the police station, he feels bad about it. He understands he's killed his best friend and he's upset and he regrets that situation. But it's not malice post. It's only malice before and at the time of the killing.

You can kill your best friend. You can murder your best friend and feel really awful about it, but just as he feels bad about it, you, as a jury, can't take that into account and feel bad for him because he feels bad and find a compromise, well, we'll just do voluntary manslaughter.

It's just because he feels bad afterwards, that's not something that you can take with you back in the deliberation room, because he does feel bad.

But what matters is what happened at that house that night, and that night he decides to take drugs that changed his perception of reality, that caused him to hallucinate and to kill his best friend.

Now, you're also going to hear about self-defense. You hear about self-defense, you'll also hear about reasonable doubt, because it is my job, the state's job -- Investigator Guest, all the police officers, all of the witnesses -- my job to prove beyond a reasonable doubt that he murdered him.

If the defendant brings up a claim of self-defense, it's also my job to prove beyond a reasonable doubt that

self-defense does not apply. And there are four elements of self-defense. And if I prove beyond a reasonable doubt that at least one of those elements does not exist, self-defense does not work in this case.

And those four elements are that the defendant was without fault in bringing on the difficulty. That's the first one. In order for self-defense to work he has to be without fault in bringing on the difficulty.

I'll go through them all before I hit each one separately.

The second one is that he has to believe that he is in imminent danger of losing his life or of serious bodily injury.

The third is that that belief has to be reasonable, what a reasonable person of ordinary courage and firmness would believe, not what a person who is high as a kite would believe but what a ordinary person would believe in that situation.

And the fourth is that he must -- fourth is sometimes talk about a duty to retreat, but he's in his own house. He does not have a duty to retreat in is own house but that he has to avoid that situation if he can.

And I'm going to talk to you about both one, two and three, because I believe the evidence shows beyond a reasonable doubt that he was at fault in bringing on the

difficulty, because if you listen to his interview with Jon Guest, he is the one that went and got the gun.

He never stated that Kush tried to grab the gun. Never in his interview. Never, never until yesterday. He's the one that got high as a kite; he's the one that went and grabbed the gun. And that's what he told officers. So he's at fault in bringing about the difficulty, the situation that occurred.

Second, that he had a fear for his life and serious -- or serious bodily injury. Now, he testified yesterday that he was afraid, and he was afraid, again, because of the story about him grabbing the gun.

But he was so afraid that he left the room walking around the couch? Someone's trying to grab the gun at that moment don't you think that's when someone would be shot?

We also heard testimony from multiple people that it's his best friend. Never felt threatened by him before. There were no words; there were no actions. He did not kick him; he did not punch him; he did not throw anything at him.

When I got as close as I did to him, there's no way he could have attacked him. So he testified he was afraid, but there's no real evidence of it.

And then probably, most importantly, is that number three, is that fear if it existed had to be reasonable,

that a reasonable person of ordinary courage and firmness, ordinary firmness and courage, would entertain that same belief, that same fear.

And that's where he almost himself has gotten rid of that element, because he said he had not been afraid of Kush before. There'd never been an issue where they'd gotten in an argument, said fights. They'd wrestled, but the wrestling had stopped.

He wasn't scared of Kush. Mr. Martin testified that he didn't feel a danger at this time. It wasn't reasonable to feel that fear. And, again, it's what an ordinary person would feel.

And you get to use your common sense when you go back into that jury room and apply that standard. You don't get to leave your common sense here. You've all been through life. You all have experiences. You get to use those.

But that fear's not reasonable even if it existed in the first place, because voluntary intoxication is not a defense.

So I want to talk a little bit about the injuries.

(Pause for technology.)

MR. HUNTER: Actually, I'll do it this way.

Dr. Ward did a good job of placing an E in front of the entry wound and an X in front of an exit wound. And if you noticed -- and I'll hand this to you -- entry eight and

nine are here on the left arm and entry three is here on the left abdomen. But there were no other entry wounds on the front of his body. All of the other entry wounds are on the back of his arm and the right side of his back, and the ones on the right side of his back coming out of his chest at an upward angle.

As I stated earlier when I was standing here, if he's really attacking you and coming at you and you're firing ten shots and all of those bullets come back here, are in the back? And, again, this is an upward angle from here out here. Even if you're shooting straight here in the back that can't happen. It can only happen if you're facing away and bent over on the couch or falling onto the couch. That's not self-defense.

I'll talk briefly about some of the evidence so that y'all can pass that around. But this evidence, again, and this gun and the shell casings, the pictures, the videos, you'll be able to take all of that back to the deliberation room with you. It's not staying here. You will have it.

You will have the interview from Investigator Guest. You'll have the Chrobak B.W.C. where he's speaking to him. And if you want to watch those again, I ask that you do that. We'll have a clean computer back there with no internet access that allows you to watch those videos, because that's the evidence in this case.

Now, yesterday Mr. Byrd got up here. He got up here and weaved this story, a story that will allow you to consider self-defense and voluntary manslaughter.

But the judge, along with the instruction on the law, is going to give you an instruction of all of the basic things that come with every case. Reasonable doubt, presumption of innocence, direct evidence, circumstantial evidence.

He's also going to talk about the witness testimony, and what he's going to say with witness testimony -- and I think I may use the exact words -- is that you may believe all of what a witness says, some of what a witness says or none of what a witness says.

You can believe some of what they say, but not all. You can believe one witness over none, because you get to decide the credibility of the witness. You get to decide who has a bias, who has a reason to get up on the stand and change their story and who doesn't.

Whose story has stayed the same since the night of that incident? And the one story that has stayed the same has been that of Randy Martin who said they left around 9:30 or 10:00. He said around 11:00. That's not a huge significant in time, and that's really not that important. But they left and came right back, which is exactly what Mr. Byrd said. Had taken L.S.D. and went back to the room.

He then says that Mr. Byrd comes out and asks for the Xanax, to ask for Xanax for Kush, to ask him for a Xanax. And Kush wasn't asleep.

You ever heard the phrase let sleeping dogs lie? He was asleep. Again, you can't bring about the difficulty. You go get a gun and wake someone up, you're bringing about the difficulty.

And then 15 minutes later he hears that thud. They come out. And you heard from Mr. Martin. His story hasn't changed. They both walked around the edge of the couch. I'm doing this, if I'm coming out here. Walked around the edge of the couch, walked around this edge of the couch, come back towards this room.

And if you heard from Mr. Martin -- and this is where his story differs from Mr. Byrd's, which has changed -- is that the distance between Mr. Patel and Mr. Byrd never closed. He never got close enough to even attack him. He never said a word other than I'm surrounded by pussies. That's it. Never said a word except for that. Never raised his hand to attack anyone. Did not have a weapon.

And the reason I brought up a pocketknife being found in shorts on the scene, the bloody shorts, was to show that Patel could have had a weapon. It was in his pocket. But he didn't have it out.

There was no weapon; there was no attack; there was no

fight. But he's so high he doesn't know that. The one who's sobber in there sees it, and he just wants to get in between them to stop it. But before he can Mr. Byrd makes the fatal decision to just start firing a deadly weapon maliciously at Kush Patel almost hitting Mr. Martin, killing Mr. Martin's dog.

And what's interesting about that is that Mr. Martin tells you that he comes and asked for that Xanax and about 15 minutes later is when the incident ultimately happens. That story contrasts with what Mr. Byrd tells Investigator Guest that he comes and gets that Xanax.

But what's interesting is that Mr. Byrd adds in the time when he told Investigator Guest, at the time he comes to get the Xanax he already has the gun. That is what he told Investigator Guest. You can watch on the video around the 11:32 mark of the talk with Investigator Guest.

He got the gun when he started acting suspicious. He was getting close to me at that point. I had to get away from him. I grabbed it and I went to the living room with Randy and asked him for that Xanax.

So he admitted to officers. He stated he had the gun when he went and asked for the Xanax, not when they fought over the gun and came back. But he had the gun with him then and that's why this is murder and not self-defense and not voluntary manslaughter. He was already contemplating

using that gun.

We heard from Courtney Pearson that that night she couldn't hear any loud voices, no fighting, nothing coming from that room. All she heard was laughter.

Now, Mr. Hall was right. This was a tragedy, but it wasn't a tragic accident. He decided to get that gun. He decided to put his hand on the trigger. He decided to pull that trigger with malice. Mr. Byrd did.

Any fear that he may have had was absolutely unreasonable. And if you feel that I've proven beyond a reasonable doubt that he brought upon that difficulty, self-defense does not work in this case.

If you feel that there was no fear on the part of Mr. Byrd that he was in danger of losing his life or serious bodily injury -- not that he was just afraid that he was going to attack him but that he was afraid he was going to lose his life or serious bodily injury -- self-defense is not applicable in this case. Or if you feel that any fear he did have was unreasonable to a reasonable person, not Mr. Byrd but to a reasonable person, then self-defense doesn't work. Just any one of those in self-defense does not work in this case.

Now, I know I talked to my son recently this week because we went to a summer camp this weekend, and a father-son weekend, a bunch of boys together, boys home,

and a bunch of six, seven and eight year olds get together. Sometimes names are called, or, you know, sometimes they can just be mean.

And in our cabin there was a boy who had some -- may have been on the spectrum -- and some of the boys were being mean to him. And we stopped it right away. That's the first time I've ever told my son this. It's that sticks and stones may break my bones but words will never hurt. Not matter what someone says to you, it doesn't give you the right to go and -- in this case shoot them.

The only words we have ever heard come out of Kush's mouth in this case was basically calling him pussy. That's it. We didn't hear I'm going to kill you, I'm going to attack you, I'm going to fight you. That one word.

Sticks and stones may break my bones but words will never hurt me. You can't shoot somebody because they called you that.

So, again, malice aforethought. The second he picked up that gun and went in that room to ask for a Xanax, that malice started showing. And he held that gun until he perceived a threat that wasn't there.

And you know what happens when you pull the trigger of a gun. You know that you are trying to kill that person, especially when you pull it ten times. Those were the shell casings that were found. But it holds 17. We only

have six bullets here. Could be that the magazine was not full. Could be that they missed some casings, but we know at least ten gunshots and we know at least ten gunshot wounds and exits. So 20 wound -- wounds was the projectiles that were actually found in the arm. Most of them in the back.

That's not a person advancing on you. That's not a person rushing you That's not a person charging you. That's a person turning away because you have malice and you're trying to kill them.

He's guilty of murder. It's murder. It's not voluntary; it's not self-defense. It's murder. Thank you.

MR. HALL: May it please the Court.

THE COURT: Mr. Hall.

MR. HALL: Mr. Foreman, ladies and gentlemen of the jury, I too want to thank you for your attention. This is a tough case, a very tough case. Two people had been close. One's now dead and the other -- there's drugs involved -- alcohol. All kinds of things going on.

The solicitor has put some things before you and I'm going to put some things before you.

One of the big inconsistencies with Mr. Byrd's testimony is what he told the officers. If you'll remember, this was the first time he'd ever been involved in anything like this.

He's a 21-year-old -- 21 in a few weeks or a month. He'd been handcuffed, taken away. He knows his best friend's seriously injured. Taken in the back of a police car, driven to the sheriff's office, put in an interrogation room. He's experiencing things he's never, never experienced before.

He is in a different world than he's used to and most anybody would be used to. He's trying to cooperate and trying to give answers, sometimes almost agreeing with what they're saying, the officer's saying.

He says I went to get the Xanax on the body camera. But what he testified to expands on that. Said we were supposed to do some mushrooms. Kush was supposed to get them this time. I paid for them last time. He was going to pay for them this time. And he said, well, I didn't get them. Couldn't find them. But I can get some acid.

Not one of the smartest decisions ever made. Said, yeah, let's try that -- let's try that. Somewhere in there Kush had told him if you don't like it, you can take a Xanax and that'll kinda bring it back down. They both did the acid; they both wanted to do it; they both did it.

Everything's fine for a while, and then Kush starts acting different. He's not his usual friendly, talkative self.

He goes over to where James is and pins him against

the wall. Leave me alone. Does that several times. That's when he sits down and goes to sleep.

James goes to Randy, do you have any of that Xanax. He's getting -- he didn't ask for some for Kush, but he said I took half of it, I did wake him up trying to help him to give him half of the Xanax. He wouldn't. I believe he said he took it. Not a whole lot of good decisions made that night.

I agree that Randy Martin is one of the most important witnesses in this case. And you've got the swear panel. Different stories match up with what he says.

He says he knows they do marijuana, drinking and stuff in there. He'd even go get stuff for them. I assume he means fast food or something to drink, not other substances, just because he doesn't -- I don't think he would be doing that. He seems like a man that's concerned about his health. And-but he's trying to help young people. Didn't want them to drive. He'd do things for them.

And this night he was lying down on the sofa like he does a lot. The T.V.'s on. He's asleep. And James walks in. Kush is acting strange. He's acting aggressive, you know, kinda scared.

Do you have some Xanax? He gave him a Xanax. We did some acid. Do you have a Xanax? Maybe that'll help. He's

trying to diffuse what's going on. Obviously, it doesn't work.

Now, at this point, this is when James said after the offer of the Xanax to Kush, I'm going to put the keys up so neither one of us tries to go get in the car. He puts it in the dresser drawer where the gun is. Closes the drawer.

Kush gets up from the chair, walks over and opens the drawer. James closes it. What are you doing? He opens it again. He's reaching for the gun. James reaches for the gun and grabbed it before Kush can, because he's concerned about the way Kush is acting.

He says he's grabbed. His arm is grabbed while he's holding the gun. He reaches, pulled that hand off. Kush grabs him. They're like this.

James has the gun in his hand. He doesn't want to shoot him, but Mr. Hunter said, you know, that happened. He could have shot him there. But he's trying to get the -- able to trip him. You know, a simple move. Put your foot behind his foot and shift his weight and he falls. Didn't shoot him then.

What did he do? He left the room and went to the adult. Clint and Courtney are -- have started to adult. But Randy is the adult. He's the older person they look up to.

Goes to him, gets behind the sofa. Randy says I'm not

sure if I was lying down or sitting up. But at some point I did sit up during this. But as soon as James is behind him, Kush is coming through, steady pace. He's coming.

Doesn't look at Randy. He's looking at James. He's focused on James. He's coming at James. When he's coming around James starts retreating. He goes around the sofa.

Randy said I -- something's up. I want to stop this. Did he go to James to try to stop James? No. He's going to Kush. That must be the problem in his mind. I'm going to stop the problem -- Kush. His attention is on Kush. As Kush comes around the sofa, he's going to him. That's when he heard the shots. He said heard shots, I just saw flashes, I don't know if I turned him or if he was doing that, but I put it at the sofa.

I guess it was a move like this. Put him down there and walked over and took the gun. And I believe his words, I slapped him harder than I've ever slapped anything in my life.

Now, the solicitor made a point about there are no marks on my client's hand in those pictures a few hours later.

Do this. You'll have these pictures. If you'll look at that picture, that's somebody who'd been slapped within an hour or so, a couple of hours, harder than a man had ever slapped anybody before or anything before? Not a mark

on his face either.

Now, grabbing somebody, a quick struggle, I guess could -- somebody old like me and skin like me might leave a mark. Not on a young person. Certainly you don't see the evidence of it there. If there had been a mark, they'd taken a picture of it. They took a picture of a little thing on that that had nothing to do with it. It's not there.

The way the gunshots went off -- and I'm not going to slam the counter, but it's just one right after another, and then it stops.

Okay. Now, Randy, like I said, he -- when James went around said I thought he -- you know, going towards the door but I'm not sure where he was because he's turned to try to stop Kush.

And James told you I'm backing up and I hit something. I don't know the fireplace, the wall, where it was. And Kush is still coming and I just started shooting and turned my head and closed my eyes. Just pulled the trigger ten or so times.

Now, the solicitor makes -- pointed out that most of the shots are from the back. That's what the evidence shows.

But if you start with a person closing in on another person whose back's against the wall and you shoot here --

you shoot here -- they're going to start either retreating, turning or charging at you.

They start turning. It's another shot, and then there's an abdomen shot where it goes across like this where he's turning. And then as he turns he's still shooting. He's not looking. He's just shooting.

You get a lot of these other wounds including the fatal. He's like this to him, that what they have is entry one and exit two. That somebody turning around, that can account for it. And then the next shot he's turned all the way around, and then that's the end of it. The next shot goes through, bam. If you look at those that's -- is as plausible as anything else.

Now, James -- young men doing some stupid things. He was taking some drugs. He took a Xanax to take away some of the effects of the L.S.D., the acid. Don't know what effect that had. Nobody knows. When you call experts all day, I don't know if they can say what happened. But his attention was to lessen the effect of the L.S.D. because he was scared of his own friend.

It's been a while since this happened. He's been out on bond. Nothing. He's thought about this and thought about this. He's always tried to be honest on everything, sometimes almost too honest. I think he was trying to agree with the police.

But with the struggle for the gun to retreat, he didn't -- he did have the drugs together. The conflict arose from the effect that the L.S.D. had on Kush. He wasn't his jovial normal self, talking himself. He's quiet. He gets aggressive, talks about -- calls people names. But calling names that's -- that doesn't hurt you. Might hurt your feelings, but it doesn't hurt you. But when it's accompanied by actions going after him.

Leaning against the wall. Leave me alone. Kept doing it. Concerning. When he says that he's not standing back. He knows James has the gun because James got it before he did. He doesn't care. He's going after him. He is going at a steady pace.

Now, Randy said I don't think they got within 10 feet of each other, but we do have something called stippling here on his arm. That means they were within 3 feet. I think it's more than a foot but no more than 3 feet.

Remember, I asked about the clothing. They took the clothing into evidence but did no testing on it. Had they done it, they might have shown there's stippling here on the shirt.

Now, might say, well, wasn't any there. I don't know where the sleeve was, but we know he had on at least a t-shirt and a tank top. So there were clothing that could have been tested that would have answered that question,

was he that close to him. Well, we got a little right here. That shot. That shot was within 2 to 3 feet -- 1 to 3 feet. Excuse me.

Look at that, and then you get the shots where there's maybe a piece of clothing, but certainly here. And there was no testing for that.

State could have presented more evidence. I submit to you that with that stippling there, stippling would be there, but they didn't do that.

He did not become the aggressive one. Kush did. Kush created the fearful situation. He's messing with him. He's pinning him. Then he goes for a gun.

Now, I don't think the law requires you to take a beating before you defend yourself. The question for you with self-defense, was that reasonable. I agree with the solicitor on that.

I submit to you given all the information and he's closed in on a man whose back is against the wall, he knows that James has a gun, but he's still going after him. He's trying to defend himself. He didn't have to retreat but he did retreat and killed his friend.

Randy actually tried to stop him, but when he tried to stop him, he didn't try to stop James. He tries to stop Kush. Self-defense.

Now, there were drugs involved. They'd been smoking

marijuana, drinking beer. Probably there's some bourbon there. Probably doing shots, do acid, Valium.

If you don't think we've got self-defense, you look at that and say, okay, he's done these things. His friend's tried to get the gun. He's scared. He tries to get away. The friends's coming at him. Tries to get away, backs into a wall, we have the shooting.

He was scared, and I think the judge will tell you being afraid, sufficiently afraid, can be sufficient to find -- don't find self-defense, say this is a manslaughter case. There's no malice there. He's scared to death. He's scared his friend's going to not just beat him up. He's going to take the gun. And if somebody takes a gun from you, what do you think? They're going to use it. Somebody's trying to take your gun. Assume they're trying to use it, even a friend, especially when he's been acting differently.

At first I submit they have not disproved self-defense. But if you have problems with that because of all of the drug use -- and who knows what -- how close somebody who's been doing some drugs albeit trying to reduce the affects of the drugs, how reasonable their decisions are. But he was definitely afraid.

I ask you to consider finding Mr. Byrd, James Byrd, not guilty of murder because of self-defense. Y'all have

to make that decision. You have to decide that maybe it's not self-defense. Was his fear enough to give legal cause, sufficient cause, for him to do what he did that would lessen the charge from murder to manslaughter.

This was a tragedy. It's affected three families at least. One has lost a son, a brother. James has a mother. And the Martins have been through this and it's affected them.

I ask you to consider all of the evidence and then ask you to find him not guilty of murder. If you can't do that, we ask you to find him guilty of the lesser offense of manslaughter. Thank you.

MR. HUNTER: Since this is my rebuttal I'll be much shorter because I can only talk about what he talked about.

During his closing he stated why do you want to lessen the offense. Why did Mr. Byrd want to lessen the offense? His high. Not Kush's high. His high.

Because he wants you to believe that Kush was so high that he was acting aggressive. Why do you want to lessen your face? Because you're going through a bad trip. It's because your high is bad.

Mr. Hall talked about fear and how fear can be used for voluntary manslaughter. But it's not just that you're afraid but you're so afraid that you have an uncontrollable disposition of violence. You're that afraid that there's a

disposition of violence here. It's not the case.

And I'm going to leave you with the words of Mr. Byrd in his interview with Jon Guest. Around the 11-minute mark if you want to go watch it yourself, that's when he had trouble pronouncing the word escalate. "I probably shouldn't have escalated it that far, and I take full responsibility for that."

He knows that that fear was unreasonable, that belief was unreasonable and he shouldn't have escalated it that far. He told Investigator Guest that. You saw it on the video. He's telling you he knows he shouldn't have taken it that far. But he did. He knows. You know as well. Thank you.

THE COURT: I'm going to take a short break before I conclude with the instructions.

I'll ask you to please go to your jury room. Don't talk about the case. I'll bring you back in just a few minutes.

(The following takes place outside the presence of the jury.)

THE COURT: We'll be at ease for ten minutes.

(Whereupon, a recess was taken.)

THE COURT: All right. Bring the jury in.

(The following takes place in the presence of the jury.)

THE COURT: All right. Ladies and gentlemen, you of course have heard and seen all of the evidence to be presented. You've heard the final summations of the lawyers. And therefore it now becomes by duty and obligation to instruct you on the law that's applicable.

You'll then be asked to go back and to begin with your deliberations, and through that process and the exercise of good judgment and common sense conscientiously applied to the testimony and the evidence in the case, you'll be called upon to decide the facts, apply the law and arrive at a fair and impartial decision based upon that law and evidence as you determine it to be.

It is your exclusive duty to determine what the facts are, and you do that through your own common sense examination and evaluation of all of the testimony and other evidence received during the course of the trial.

You 12 jurors alone will decide what weight, value and effect to give to any particular testimony or other evidence in the case. Again, your sole objective is to simply render a fair and impartial decision based upon that evidence and the law that's applicable.

Now, because you have to determine what the facts are, you are therefore necessarily the sole judges of the credibility and the believability of each witness that has testified during the course of this trial.

You 12 jurors alone will decide what weight, value and effect to give to any particular witness' testimony or portions thereof. But there are a number of factors which you should take into consideration in determining your assessment of the credibility of a witness, and I'm going to list those factors for you.

You should consider the demeanor of the witness. That is how the witness appeared to you while the witness was testifying from that witness stand. Was the witness straightforward in responding to questions or was the witness hesitant or evasive in responding to questions posed of that witness.

Simply put, did the witness appear to you to be telling the truth and to have knowledge of the facts to which that witness has testified.

You should also consider whether or not the testimony of a witness is consistent, or is it inconsistent with that witness' own testimony provided here in court, or is it consistent or inconsistent with other statements made by that same witness, whether they be in court or outside of court.

And you should also consider whether or not the testimony of a witness is consistent or inconsistent with other witness' testimony or other evidence in the case.

You should also consider how the witness came to know

the facts to which that witness has testified. In other words, what was a particular witness' opportunity and ability to perceive the existence of those facts to which that witness has testified by having previously used his or her senses, and then what is that particular witness' ability to be able to come into court and to accurately recollect to you as to what they have previously perceived.

You should also consider any bias or prejudice that a witness might have with respect to the case. In other words, do you find that a particular witness would come into court and would testify one way or another to help or hurt one side or the other.

And you may consider any interest that a witness might have in the outcome of the case if you determine that that witness does have such an interest and you find that that interest would bear upon that particular witness' credibility.

You should also consider whether or not the testimony of a witness is strengthened, or is it weakened by other testimony or other evidence received during the course of the trial.

Now, you as the finders of the facts and you as the judges of the credibility of each witness that has testified during the course of this trial are permitted to believe as much or as little of what a witness has

testified to as you deem is appropriate; and therefore you may believe everything that a witnessed to, you may choose to believe none of it.

You may believe one portion of a witness' testimony and reject some other portion of that same witness' testimony.

In a given case you can believe one witness as opposed to several, or several as opposed to one. But whatever your good judgment and common sense tells you is the most believable and credible testimony is the testimony you should accept, and you should reject any testimony or other evidence that you find not to be credible or believable. Again, your sole objective is to simply render a fair and impartial decision based upon the evidence received and the law that's applicable.

Now, the same law that provides that you are the judge of the facts also provides that I am the judge of the law. That simply means that nobody's going to tell you how to arrive at your determination of fact in this case.

You do that, as I have already stated, through the exercise of good judgment and common sense conscientiously applied to the testimony and evidence received.

You must however under your oath as a juror accept the law as I provide it to you as being the law that you are to apply in the case.

In other words, you're not to concern yourself with what you thought the law was before you came to serve as a juror this week or what you think the law ought to be.

Under your oath as a juror you must accept the law as I provide it to you as being the law that you are to apply to the facts as you determine those facts to be based upon your consideration of the evidence.

The state, as you know, has charged the defendant, Mr. Byrd, by way of an indictment. As I told you, the indictment is not evidence of anything, doesn't prove anything.

It will be in the jury room because it's on the back of that indictment, Mr. Foreman, that you'll see a place where you'll be inserting the jury's unanimous decisions as to each of the counts set forth in the indictment.

But the indictment charges two counts. One is -- count one is murder, the state alleging on June 6th of 2021 James Bridges Byrd did with malice aforethought kill Kush Patel by shooting him with a firearm and he died as a proximate result of that gunshot wound.

Count two alleges that on the same date and time he possessed or visibly displayed a firearm during the commission of that violent crime, the violent crime being murder in count one.

As I've already told you, as to each of the charges

and the allegations contained in the indictment the defendant has entered a plea of not guilty, and that plea of not guilty has placed upon the state the burden of proving the allegations made by way of the indictment, the burden of proving each of the essential elements of the two crimes charged in the indictment; and therefore the burden is upon the state to establish the defendant's guilt to the satisfaction of you 12 jurors beyond a reasonable doubt before any verdict of guilty could be returned.

The burden is never upon a defendant or a person accused of a crime to prove that they are not guilty or to prove that they are innocent because in some cases that might not be possible.

The burden is always upon the state because they made the charge, they brought the accusation, to establish it to the satisfaction of you jurors beyond a reasonable doubt.

It is a vital and important and cardinal rule of law that every defendant in a criminal trial -- no matter how great or serious the offense might be for which that person stands charged -- that person shall always be presumed innocent of that charge.

That presumption of innocence remains with any defendant, as it does with this defendant, from the time that he is placed under arrest, throughout the course of the criminal process and even throughout the course of the

trial.

As I told you, that presumption of innocence will be with Mr. Byrd even as you go back into the jury room to begin with your deliberations in this case, and that presumption of innocence will be with him in that jury room, and it'll be with him forever unless you 12 jurors determine that he is no longer entitled to that presumption of innocence.

In other words, after you've carefully considered all of the evidence, from that evidence you've been able to determine the material facts relating to the allegations, upon deciding those facts you apply the law that I will provided you, if you 12 jurors unanimously determine that his guilt has been proven beyond a reasonable doubt, then he's no longer entitled to the presumption of innocence. But it is only if, unless and until you are satisfied of his guilt beyond a reasonable doubt that the presumption of innocence is no longer applicable.

Now, as you know, the state has the burden of proving the defendant's guilt to your satisfaction beyond a reasonable doubt.

That does not mean that the state has to prove his guilt beyond all doubt or beyond any possible doubt, but it does require the state to prove his guilt to your satisfaction beyond a reasonable doubt.

The term reasonable doubt should be given its plain and ordinary meaning. A reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act upon the information provided, and a defendant in a criminal trial is entitled to any reasonable doubt that arises from the evidence, or lack of evidence.

And if, upon any factual issue essential to a finding of a verdict of guilty you have some reasonable doubt as to how that issue should be resolved, it would be your duty to resolve that reasonable doubt in favor of the defendant.

Now, while there are various forms of evidence such as testimony, photographs, documents, charts and other types of physical exhibits, there are really only two types of evidence, either or both of which may be used to prove any fact in issue. But the two types of evidence are direct evidence and circumstantial evidence.

Direct evidence is the testimony of a person who testifies from actual knowledge of that fact. It is testimony by a person who has perceived the existence of some fact by means of their senses, and then they come into court and they testify as to what have previously perceived.

Direct evidence proves the existence of that fact directly and it does not require any deduction or inference in order to establish the fact.

Circumstantial evidence, on the other hand, is the proof of some other fact or set of facts which taken either singly or collectively may prove the existence of a fact in question as a necessary consequence. That is through a deduction or through an inference.

An inference is simply a deduction of fact that may logically and reasonably be drawn from the proof of some other fact or a set of facts. It is a fact not proven by the direct testimony of a witness based upon personal perception, but it is a conclusion which might reasonably be drawn from the proof of other facts.

In other words, you may infer that a particular event occurred or that a particular fact exists based upon the proof of sufficient factual circumstances which would reasonably warrant your arriving at a particular conclusion.

And the commission of a crime, as well as any particular element necessary to prove that crime, may be proven by direct evidence or circumstantial evidence or by a combination of the two.

The law makes no distinction between the weight or value to be given to direct evidence or circumstantial evidence. However, to the extent that the state relies upon circumstantial evidence in order to establish the commission of a crime or an element of one, all of the

circumstances proven must be consistent with each other and when taken together point conclusively to the guilt of the accused beyond a reasonable doubt.

If these circumstances merely portray the defendant's behavior as suspicious the proof is insufficient and it fails.

The burden rests with the state regardless of whether they rely upon direct evidence or circumstantial evidence or a combination of the two to prove the defendant guilty beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. There are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt.

And if, based upon your consideration of the evidence in this case, you are firmly convinced that the defendant has been proven guilty of a crime for which he is charged, then you must find him guilty of that crime.

And if, on the other hand, you think there's a real possibility that the defendant is not guilty of a crime for which he stands charged, then you must give him the benefit of that doubt and return a verdict of not guilty.

Now, in this case, by way of the indictment, the state charges murder and possession of a firearm during the

commission of that violent crime.

Sometimes jurors are permitted to consider lesser included offenses where the evidence in the case is subject to interpretation which might include guilt as to a lesser included offense. The jury makes that determination.

So in this particular case I'm going to charge you on the law as it relates to the crime of murder. I will also instruct you on the law as it relates to the lesser included offense of voluntary manslaughter. And I'll instruct you on the law as it relates to possession of a weapon during the commission of a violent crime. So first is the crime of murder.

Murder is defined in a statutory provision. That's 16-3-10 -- 16-3-10 of the South Carolina Code of Laws, and it defines murder as the killing of any person with malice aforethought, either expressed or implied -- the killing of any person accompanied by malice aforethought, either expressed or implied.

In order for you to find the defendant guilty of the crime of murder it would be necessary that the evidence in this case has established to your satisfaction beyond a reasonable doubt that the defendant did commit some act or acts which proximately caused the death of Kush Patel and that that killing was done with malice aforethought. Malice aforethought is an essential element of the crime of

murder.

So what is it? Well, malice as an essential element of the crime of murder is a state of mind connoting an ill will and having the intent to do harm.

Intent refers to the state of a person's mind which directs his actions towards a specific object or goal. An intent would include those consequences which represent the very purpose for which an act is done, as well as those consequences which are known to be substantially certain to result, whether actually intended or not.

The term malice is a technical term importing wickedness and excluding just cause or legal excuse. It is something which springs from depravity, from a heart devoid of social duty and fatally bent on mischief. It is a state of mind indicating an extreme disregard for or an extreme indifference to human life.

Malice may be likewise defined as a state of mind which indicates a formed purpose and design to do a wrongful act under circumstances that exclude any legal right to do it.

And the words expressed or implied malice do not mean different kinds of malice but merely the manner in which malice may be shown to have existed. That is to say proven by direct evidence or by circumstantial evidence from which malice might be inferred or deducted.

Expressed malice may be shown where there is an expressed threat to kill or where there's a lying in wait or where the circumstances show directly that the intent to kill was entertained by the killer.

Malice may be inferred, though no expressed intent to kill is proven by direct evidence, where the facts and the circumstances which have been proven by the evidence in the case satisfy you beyond a reasonable doubt that malice was present in the mind of the killer at the time any homicide took place.

The existence of malice may be inferred from acts, declarations and/or conduct of the killer, as well as from any other circumstances shown to have existed at the time of the event from which you might reasonably infer the existence of malice, as often the state of a person's mind can only be proven by circumstantial evidence.

Malice as an essential element of the crime of murder does not necessarily require proof of an ill will or a hatred toward the particular individual who was killed, nor does it necessarily require proof of an actual or a specific intent to take human life, but rather it means a state of mind accompanying conduct signifying a general malignant recklessness and an extreme disregard for or an extreme indifference to human life.

The state is required to prove malice just as it must

prove any other essential of the crime of murder, and it is for you 12 jurors to determine whether or not malice exists based upon your consideration of the evidence in the case.

It's also essential that malice exist aforethought. Now, the law does not require that malice must exist for any appreciable length of time before the commission of an act proximately causing a fatal result.

Indeed, it may be conceived at the very moment that the fatal act is committed. It is sufficient in the law so long as the state does prove beyond a reasonable doubt both the existence of malice and the commission of an act or acts by the defendant proximately causing the fatal result.

Now, as I indicated earlier, an indictment for murder may also include the lesser offense of voluntary manslaughter even though that lesser offense is not actually alleged or set forth in the indictment itself.

A jury may find the defendant guilty of a lesser included offense where the evidence in the case warrants such a finding by the jury.

In other words, a defendant who has been charged with the crime of murder may under appropriate circumstances be found guilty of only the lesser included offense of voluntary manslaughter if the jury determines that the evidence in the case warrants such a finding even though that lesser offense is not actually set forth in the

indictment itself.

So, I'm going to instruct you on the law and define for you what constitutes voluntary manslaughter.

Voluntary manslaughter is defined as the unlawful killing of another human being committed in sudden heat of passion provoked by a sufficient legal provocation.

The law recognizes that sudden heat of passion arising out of the highest degree of exasperation, rage, anger, sudden resentment, fear or terror may for the time being affect the self control of an individual temporarily disturbing the ability of that person to properly reason and creating an uncontrollable impulse to do violence.

Where such is proven, the law reduces the unlawful homicide from that of murder to that of voluntary manslaughter provided that the sudden heat of passion arose from and was provoked by a sufficient legal provocation.

The law does not reduce from murder to voluntary manslaughter every unlawful homicide that is committed in the heat of passion.

It must be the heat of passion justly excited by a sufficient legal provocation. If a sufficient legal provocation does not exist, then the killing, even committed in the heat of passion, is murder and not voluntary manslaughter.

The sudden heat of passion aroused by a sufficient

legal provocation which may reduce a homicide from that of murder to that of manslaughter need not dethrone reason entirely or shut out knowledge and volition, but it must be such heat of passion provoked by such acts or circumstances as would naturally disturb the ability of an ordinary reasonable person to be able to properly reason rendering in or -- in his or her mind incapable of cool reflection and producing what, according to human experience, may be described as an uncontrollable impulse to do violence.

In determining whether an act resulting in the death of another was impelled by heat of passion aroused by a sufficient legal provocation or by malice aforethought, you should take into consideration all of the surrounding circumstances and conditions accompanying the event.

Therefore, as stated, voluntary manslaughter is an unlawful homicide committed in the absence of malice but in a sudden heat of passion aroused by a sufficient legal provocation, and a sufficient legal provocation being the existence of facts or circumstances as would naturally affect the ability of an ordinary reasonable person to be able to properly reason rendering in his or her mind the inability of cool reflection and producing what according to human experience may be described as an uncontrollable impulse to do violence.

You are further instructed that motive is not an

essential element of the crime of murder and/or manslaughter, which has to be proven, although there may or may not be such evidence relating to that fact introduced during the trial of the case.

Now, in this case there's also been presented evidence relating to what is known in the law as the defense of self-defense.

A defense to a criminal charge is a reason based upon the law or based upon the facts or based upon both as to why a person charged with that crime should not be found guilty.

As it relates to the defense of self-defense, the law recognizes the right of every person to defend themselves from death or from sustaining serious bodily harm. And to do this a person may use such force as is reasonably necessary even to the point of taking human life under the appropriate circumstances.

The right of self-defense is founded upon necessity, either actual or reasonably apparent necessity. And it is a complete defense to a charge of an unlawful homicide. The existence of self-defense entitles a person charged with the commission of an unlawful homicide to a verdict of not guilty.

Now, although the defendant has raised the defense of self-defense, the burden is not on a defendant to prove the

existence of self-defense, because, as I have previously told you, the burden is always upon the state to prove the defendant's commission of a crime beyond a reasonable doubt, and the burden of proving a defendant guilty beyond a reasonable doubt would therefore necessarily require that the state disprove any defense beyond a reasonable doubt.

In consideration of the existence or absence of self-defense you are instructed that there are four essential elements that constitute the defense of self-defense.

The first element is that it must be shown that the defendant was without fault in bringing on the immediate difficulty which necessitated the use of deadly force against another that resulted in that person's death.

The defendant cannot provoke, initiate or otherwise through his own fault bring about a difficulty and then claim the right of self-defense in the use of deadly force in repelling an attack caused by his own provocation.

As to the second element, you are instructed that every person is entitled to defend himself or herself against death or the infliction of reasonably anticipated, unlawful serious bodily harm and in doing so may use such force as is reasonably necessary even to the point of using deadly force. However, every assault or attack will not justify the use of deadly force or extreme force in order

to defend against him.

Where deadly force is employed in response to an assault or attack it must be shown that at the time the deadly force was employed the defendant was actually in imminent danger of losing his life or sustaining serious bodily harm, or the defendant actually believed that he was in imminent danger of losing his own life or sustaining serious bodily harm.

Now, as to this particular element you are instructed that if the defendant -- excuse me -- if the defense is based upon a belief of imminent danger of death or serious bodily harm, then it must be shown not only that the defendant had such a belief but that the defendant's belief was reasonable.

In other words, that a reasonably prudent person of ordinary firmness and courage would have entertained that same belief if that person had been acting under the same or similar circumstances as established by the evidence in this case.

If the defendant was in actual imminent danger, then it must be shown that the circumstances were such as would warrant a person of ordinary reason, prudence and courage to act as the defendant acted in order to save himself from death or suffering serious bodily injury.

Deadly force in repelling any assault is only

appropriate when necessary and may only be exercised when the defendant is in actual imminent danger or when the defendant entertains a reasonable belief that he is about to suffer death or serious bodily injury.

The law of self-defense also encompasses preventive action taken to protect one's self from sustaining bodily injury or death provided that action is taken in anticipation of imminent danger, and an imminent danger means a present danger and not some past or future danger.

The defendant has a right to act upon appearances. He may be mistaken, but the law does not hold someone to a refined assessment of the actual danger as might be accomplished having adequate time to properly reflect, provided however that the defendant acts as a person of ordinary reasonable prudence and courage would have acted under the same or similar circumstances in meeting the appearance of danger.

In other words, one does not have to wait until his or her aggressor gets an advantage, for one always has the right to act under the law of self-preservation and to prevent his assailant from getting the advantage over him.

There is however the requirement of objectivity. The belief of the necessity to act must be reasonable. The circumstances must be such that a reasonably prudent person of ordinary firmness and courage would have acted the same

under the same or similar circumstances.

And, lastly, it must be shown that the defendant had no other means of avoiding the danger of losing his life or sustaining the infliction of serious bodily injury other than to act as he did under the particular circumstances, because, as I have stated, the use of deadly force in defending one's self against an assault is founded upon necessity.

It is therefore a person's duty to avoid the use of deadly force and the taking of human life where it is possible to avoid such action if such can be taken without increasing the danger to one's self.

And while a person ordinarily does have a duty to retreat before employing the use of deadly force, when a person is attacked or assaulted in his own home he has no duty to retreat and has the right to stand his ground and meet force with force, including deadly force, if he reasonably believes and it is reasonably necessary to prevent death or great bodily injury to himself.

The defense of self-defense does not exist if any one of the required elements is absent or has been disproven. As I've stated, where there's been presented evidence relating to self-defense the state has the burden of disproving that defense in order to prove the defendant guilty of an unlawful homicide.

That does not however require the state to disprove each of the elements of self-defense in order to disprove the existence. The state will have met its burden of disproving the existence of self-defense if the state disproves any one or more of the required elements necessary for the existence of that defense.

If you have a reasonable doubt as to the defendant's guilt after considering all of the evidence received during the trial, including any evidence relating to the issue of self-defense, then it would be your duty to resolve that reasonable doubt in favor of the defendant and to find him not guilty.

If, on the other hand, after you have considered all of the evidence relating to the defense of self-defense and you have no reasonable doubt as to his guilt, then it would be your corresponding duty to find the defendant guilty of any unlawful homicide that has been proven to your satisfaction beyond a reasonable doubt as it relates to the elements that relate to each of those two separate unlawful homicides. In this case murder and voluntary manslaughter.

Count two of the indictment has possession of a weapon during the commission of a violent crime. That is also a statutory offense, and that's set forth in Section 16-23-490.

That statute provides a person shall be guilty of an

additional criminal offense if a person is in possession of a firearm or visibly displays what appears to be a firearm during the commission of a violent crime and that person is convicted of the commission of that violent crime, violent crimes being defined in Section 16-1-60. And violent crimes include the crimes of murder and voluntary manslaughter.

So before the defendant could be found guilty of a violation of this particular section stated in count two of the indictment, it would be necessary that you have found the defendant to be guilty of the crime of murder or the crime of voluntary manslaughter, and then you find the defendant also possessed or visibly displayed a firearm during the commission of that violent crime.

You are further instructed that the voluntary consumption by a person of any type of intoxicating or mind-altering substance affecting his mental faculties or cognitive function is not a defense to the commission of a crime for which a person would otherwise be responsible if committed while that person was not under the influence of any intoxicating or mind-altering substance.

In other words, any person who voluntarily consumes intoxicating or mind-altering substances is just as responsible for any act committed while under the influence of that substance as he would be if the act was committed

while his mental faculties or cognitive function was not impaired by the use of any mind-altering substance.

Ladies and gentlemen, I am not in any way concerned with what your decisions are, but, as I've stated, the verdicts have to be unanimous. All of you must be in agreement before any decision may be rendered and returned to the Court.

In this case you're going to have three potential verdicts as it relates to count one, which charges murder. You'll have two potential verdicts as it relates to count two charging possession of a firearm during the commission of a violent crime.

The three potential verdict forms as to count one are guilty, which means guilty of murder; second verdict form is guilty of voluntary manslaughter. That has to be written because that's not in the indictment. And, thirdly, not guilty.

So, in considering those verdict forms I suggest that you consider the crime of murder first. It just makes sense to me, but you do it however you want to.

If you determine that the defendant has been proven guilty of the crime of murder, then you would insert the verdict form guilty, count one. That means guilty of murder.

If the state has not established the defendant's guilt

as to the crime of murder beyond a reasonable doubt, you consider the charge, the lesser included offense, of voluntary manslaughter.

If the defendant has been proven guilty of only the lesser offense of voluntary manslaughter, then the verdict form to be inserted would be guilty of voluntary manslaughter. That would be written out on the verdict form.

And if, considering all the evidence in the case, the state has failed to prove the defendant to be guilty of murder or manslaughter, then the verdict form would be not guilty. You would insert that verdict form in the space provided for count one.

Count two, verdict forms are guilty or not guilty. In order to be found guilty the defendant has to be found guilty in count one of the crime of murder or the crime of voluntary manslaughter. Then you consider the element, did he possess a firearm during the commission of that violent crime.

If you determine the state has proven that fact, the verdict form would be guilty. If the state has failed to prove that fact or you have found the defendant not guilty in count one, then the verdict form in count two would have to be not guilty. Can only be guilty if the defendant is found guilty of murder and/or voluntary manslaughter --

excuse me -- murder or voluntary manslaughter in count one.

Now, during deliberations -- well, let me say this.

Mr. Foreman, as I -- you can't see it from there, I'm sure, but on the back of the verdict form is the word verdict. It's -- I'm going to put count one and count two. So you'll insert the decisions in those two spaces -- count one and count two. You'll sign your name as the foreperson. You're the only juror that signs the verdict form.

Once you sign the verdict form, you'll notify the bailiff you've reached a decision. We'll bring you back to receive the verdicts.

Do not give the bailiff the verdict form. You'll hold on to that. I'll receive it from you when you come back.

Now, during deliberations there may come a time where you have a question about testimony or you have a question about the facts of the matter and evidence, or you might even say, well, look, there's something else we'd like to have, can we get it.

Please understand that the case is now closed. No additional evidence can be received even if it does exist. So if it has not been introduced during the trial, don't ask me if you can have it, because you can't. I'm not permitted to provide it.

Before y'all go back the lawyers and myself and the

court reporter will confirm the existence of all of the exhibits which have been introduced. And so everything that has been introduced during the trial should be accounted for, and when it is we'll send it back to you. So if it's not, wasn't introduced, you can't have it, anything additional.

Now, if for some reason we slip up and something's not in there but you thought it was introduced or you saw it, you let me know. We'll locate it. But we're going to confirm the existence of the exhibits.

So you can't have anything additional other than what's been introduced during the trial.

If however you have a question about testimony, in other words, there's some fact that you're debating and you're not remembering exactly -- you've got 12 people, so that's going to be better than one. But still you might disagree on what a witness said or what the testimony was. And if you need to have testimony replayed, we can bring you back into the courtroom to have it reheard.

I don't have transcripts of the testimony, but the court reporter can locate the testimony. She has it recorded. And so if you need to have the testimonies -- have a witness' testimony replayed in whole or in part, let the bailiff know and we'll bring you back to have it reheard.

If you ever have a question about the law that's applicable, if you need a complete re-instruction, I can do that. I'm happy to. If you simply need a clarification or an additional explanation about some point of law, you let me know about that fact, let me know of that fact, and I'll provide you with that additional instruction, explanation or clarification. I'm always allowed to do that.

I don't know if we have any smokers on the jury. You know, people have about quit smoking, but sometimes they start back up. Anyway, if anybody smokes, you can smoke during deliberations, but you can't do it in the jury room. Can't do it in the courthouse.

We kinda encouraged it in the old courthouse because we hoped it'd burn it down so we could build a new one, but that never happened. But you can't smoke in this one. So if you want to smoke, you have to go outside. And the bailiff will take you outside if you need to do that. But you are instructed that deliberations can only take place when all 12 jurors are present so that all can participate.

So if at any time a juror is absent for any authorized purpose the deliberations have to stop. They can only resume when all 12 are present so that all have an opportunity to participate.

Mr. Foreman, if at any time you need to address any question or issue with me, to me, write it on a piece of

paper, fold it up, give it to the bailiff. He or she will give it to me and then I'll respond accordingly.

Lunch has been ordered, and it might be here. I'm not sure. It should be shortly if it's not. I'll leave it up to you what you want to do about that. That's in your discretion.

If you want to wait to deliberate, eat your lunch first, do that. If you want to deliberate while you eat, do that. Do it however you want to. I don't have any suggestions about that. That's up to you.

That's a lot of information. I think that covers all of it, but if it doesn't I'm sure one of these lawyers will remind me that I perhaps failed to provide you with something that I should have. And if I agree with that, I'll bring you back.

If I think I've given you everything and they agree, I won't bring you back. I'll simply send word by way of the bailiff that you may begin deliberations.

In the event you are to begin deliberations the bailiff will come in with the exhibits, with the indictment which serves as a verdict form, and he or she will instruct you to begin deliberations.

So don't begin deliberations until the bailiff does instruct you to do so, because I've got some matters to address first before we can start that.

So right now I'm going to ask all of you to go back, and that includes the alternate. But I will be bringing the alternate back probably shortly. So right now go to the jury room, but do not begin deliberations.

(Whereupon, the jury retired to deliberate at 12:07 p.m.)

THE COURT: Are there any exceptions taken to the instruction or requests for additions to the instruction by the state?

MR. HUNTER: No, Your Honor.

THE COURT: By the defendant?

MR. HALL: None, Your Honor.

THE COURT: All right. Let me ask y'all to please verify all of the exhibits.

(Pause.)

MR. HUNTER: All of the exhibits from the state, Your Honor, yes.

THE COURT: Okay. All of the exhibits are accounted for?

MR. HALL: They are.

THE COURT: All right. Take them back with the verdict form and tell the jury to begin deliberations and notify us when they've concluded.

And bring Ms. Gosnell back out. Excuse me. Ms. Powell. Excuse me. Ms. Casey is the alternate.

(Pause.)

(Whereupon, the alternate juror was returned and excused.)

THE COURT: We will be at ease while the jury is deliberating.

The defendant is now remanded to custody pending the reception of the verdict.

(Whereupon, a recess was taken.)

THE COURT: I am informed the jury has reached a verdict. Are we ready to receive it?

MR. HUNTER: Yes from the state.

MR. HALL: We are, Your Honor.

THE COURT: All right. Bring them in, please.

(Whereupon, the jury returned to the courtroom at 1:53 p.m. to report its verdict.)

THE COURT: Mr. Foreman, have you and your fellow jurors reached unanimous decisions?

THE FOREMAN: Yes, we have.

THE COURT: Have you reflected those on the verdict form as requested?

THE FOREMAN: Yes, sir.

THE COURT: Have you signed your name as the foreperson?

THE FOREMAN: Yes, sir.

THE COURT: If you will, please hand that up by way of

the bailiff.

You may publish the verdicts.

THE CLERK: Indictment No. 2021-GS-42-5334, the State of South Carolina vs. James Byrd Bridges [sic], indictment for count two, murder, 2021-A-42-1202917, guilty. Signed by the foreperson this 28th day of August 2024.

As to count two, possession of a weapon during a violent crime, guilty. Signed by the foreperson this 28th day of August 2024.

Ladies and gentlemen of the jury, is this your verdicts and still your verdict? If so, please raise your right hand.

(Whereupon, all responded in the affirmative.)

THE CLERK: So say you all.

THE COURT: All of the jurors have responded in the affirmative.

Does the defendant wish to have the jury polled?

MR. HALL: Yes, sir.

THE COURT: All right. Poll the jury, please, ma'am.

THE CLERK: At this time I'll pose a question, my question being is this your verdict and still your verdict. When your juror number and name is called, please stand and respond to the question.

Juror No. 9, Jimmy Baldwin, is this your verdict and still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Juror No. 42, Tonya DeYoung, is this your verdict and still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Thank you. Be seated.

Juror No. 6, Jeffrey Atkins, is this your verdict and still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Thank you. Be seated.

Juror No. 20 -- 128, Robert Poteat, is this your verdict and still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: No. 174, Tammy West, is this your verdict and still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: No. 94, Christopher Mason, is this your verdict and still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: No. 1, Kimber Allison, is this your verdict and still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: No. 64, Brandon Hill, is this your verdict and still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: No. 46, Samantha Durkin, is this your

verdict and still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: No. 81, Nicholas Kandaras, is this your verdict and still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: No. 166, Somer Turner, is this your verdict and still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: So say you all.

THE COURT: 129.

THE CLERK: 129, Elizabeth Powell, is this your verdict and still your verdict?

THE JUROR: Yes, ma'am.

THE CLERK: Thank you.

THE COURT: Are there any other matters to be addressed with the jury present?

MR. HUNTER: Not from the state, Your Honor.

MR. HALL: None for the defense, Your Honor.

(Whereupon, the trial jury was excused.)

THE COURT: Are there any matters to be addressed prior to the imposition of sentence?

MR. HALL: None from the defense, Your Honor.

THE COURT: All right.

MR. HUNTER: Your Honor, I've showed Mr. Hall a copy of the form five. I have passed that up, as well as we do

have a family member of Mr. Patel that would like to make a statement.

THE COURT: Okay.

MR. HUNTER: His sister, Richy Patel.

RICHY PATEL: My name is Richy Patel. My brother was not perfect. He was human. He made mistakes as we all do. But he never harmed anyone. He was kindhearted, generous, thoughtful and a light that brightened any room.

The last two times I saw my brother are etched deeply in my memory, and the contrast between them haunts me.

The first time was the afternoon before he was taken from us. I was living in Germany then and my best friend and I face timed him to show him some of the city, which he looked forward to visiting one day.

He had just gotten a fresh face, his beard perfectly trimmed. He looked so handsome. He was full of excitement working on expanding our family's business, wanting to go to business school.

As he outlined his project, I could see his eyes light up full of hope and dreams for the future. We told each other we loved each other and that I would see him soon during the next holiday.

The second time I saw him was at the funeral home. My brother, father and I could barely stand as we entered the room. His lifeless body was under a white sheet, and that

was the first time I ever saw my dad weep. Not just cry but weep with a pain so deep it shattered something inside all of us.

I never imagined my last memory of him would be watching him being pushed into the cremation furnace. I thought that would be the hardest day we'd ever have to face without him, but then came my first birthday without him calling me at midnight, the New Year's. When his birthday arrived, the day he shares with our younger brother, we thought this must be the hardest day without him. But we didn't realize how many hard days were yet to come.

We feel this loss every day, every family celebration, every sibling day out, when we eat his favorite meals. This jersey you see me wearing, and you see all of us wearing, were once Kush's. His memories and his jerseys are all we have left of him.

We'll never get another game with him. We all miss him. My heart aches every day but I know he wants me to smile. I'm trying, and we all are.

My brother was stolen from us. And with him hours, days, weeks, months and years have been stolen from our family.

The brother I grew up with, the mother I once knew, they're all gone now. My mother has been replaced by

shadows of someone she used to be. I'm not the same person I was either. None of us are. We're all broken in ways that can never been fully mended.

Kush Patel was more than just a son, a brother, a godparent, a best friend. He was a soul full of life, potential and love. He'll never get to be a brother-in-law, an uncle, a husband or a father.

The hole he left in our hearts will never be filled. When a person decides to drink and drive they're responsible for the ramifications of their actions.

When someone buys a gun and uses it violently to take a life, they must be held accountable for their actions and intentions and, most importantly, unbearable pain that they have inflicted.

Every person who loved Kush will have to accept living with knowing this beautiful young life was cut short. And I hope that you, James, carry that burden too for the rest of your life. Thank you.

THE COURT: Thank you, ma'am.

MR. HUNTER: That's it from the state, Your Honor.

THE COURT: Mr. Hall.

MR. HALL: May it please the Court, Your Honor.

I can say Mr. Byrd has had remorse about this from the very beginning. I think it's evident from what we've seen from that evening with his cooperation with the police.

What is unusual about him, since this happened he spent 534 days in jail before he made bond. A lot of times when somebody gets out on bond with home detention we're trying to get them back out on bond because they've had some violation.

They actually came to his house last week and did a drug test, an inspection. No problem. He went just under 600 days without a violation on home detention.

Before this he was a drug user. He worked enough to survive but played video games and drank, smoked weed, took drugs.

Since then when he's been out the only medication he has taken is what he's prescribed for the depression and anxiety and other issues that have arisen in him since then.

There's not a whole lot of wiggle room in sentencing on these, Your Honor, but we are asking that you consider 30 years and five years. That's a long period of time. It will ensure that he's probably never going to have a relationship with a spouse or a partner, have children. Takes those things away from him but gives him some hope of a life when he finishes the sentence that he might get out.

He did a remarkable thing and turned around. Today, I don't know that I could tell you too many people that have been on home detention for six months without some

violation or at least some warning. There were none in this case. Nothing.

So I'm asking that you sentence him to the minimum you can and consider he was in jail 534 days by my count, calculations.

I know you don't have to give them credit for home detention time, but he is going to be on a day-for-day sentence. And he would still have a long time, over 30 years he would have to do, to max out before he would get out. And that's about all I can ask for, Your Honor.

He did not turn into a worst person or the same person after this happened, but he changed himself to a better person. Worked, had a job within, I think, two weeks of getting out, paid for his home detention, paid his bills, helped his mother.

And the jury has spoken, and we ask that you show him all of the mercy you can in the sentencing. Thank you, Your Honor.

THE COURT: Mr. Byrd, do you have anything you'd like to add?

THE DEFENDANT: I would like to ask for mercy on the sentencing as well.

I'd like to apologize to the family. This is something that I will have to live with for the rest of my life, as well as we were best friends. I didn't want it to

have to come down to that. I tried to get away, but it happened. I'm asking for you to show as much mercy as you can, Your Honor.

THE COURT: All right. On Indictment 2021-42-05334, an indictment for murder, count one, possession of a weapon during the commission of a crime, a violent crime, count two, wherein you have been found guilty by the jury for each of those offenses, as to count one, murder, Sentence of the Court is you be confined to the South Carolina Department of Corrections for the balance of your natural life.

As to count two -- am I correct in stating that no sentence is to be imposed because of the life sentence being imposed?

MR. HUNTER: Yes, Your Honor.

MR. HALL: Right, Your Honor.

THE COURT: As count two, five years will not be imposed due to the dictates of 16-23-490.

Mr. Byrd, you have a right to appeal the verdicts of the jury and the Sentences of the Court or the Sentence of the Court. You must file your notice of intent to appeal those decisions within ten days of today's date. Your lawyers can assist you with that.

END OF REQUESTED TRANSCRIPT OF RECORD

CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 26th, 27th and 28th days of August 2024.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

December 14, 2024

s/Linda D. Moffitt

Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

INDICTMENT

SEP 17 2021

At a Court of General Sessions, convened on _____, the Grand Jurors of Spartanburg County present upon their oath:

COUNT ONE-MURDER

The Defendant, James Bridges Byrd did in Spartanburg County on or about June 6, 2021, feloniously, willfully, and with malice aforethought, kill one Kush Patel, by shooting the victim and the victim died as a proximate result thereof, all in violation of Section 16-3-0010, 0020, Code of Laws of South Carolina, (1976, as amended).

COUNT TWO- POSSESSION OF WEAPON DURING VIOLENT CRIME

That the defendant, James Bridges Byrd did in Spartanburg County on or about June 6, 2021, possess or visibly display a firearm or knife during the commission or attempted commission of a violent crime, to-wit: Murder, in violation of Code §16-23-490, *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Assistant Solicitor

WITNESSES

SCSO

Jimmy W. Bowers

ARREST WARRANT NUMBER

2021A4210202917 (Count One)

2021A4210202918 (Count Two)

ACTION OF GRAND JURY

True Bill

SEP 17 2021

Matthew Foster

Foreperson of Grand Jury

Date:

VERDICT

Count 1: Guilty - Murder

Count 2: Guilty

Matthew Lee Moore

Foreperson of Petit Jury

Date: 8-28-2024

DOCKET NO: 21-GS-42-5334

The State of South Carolina

County of Spartanburg

Barry Barnette, *Solicitor*

COURT OF GENERAL SESSIONS

SEP 20 2021 **TERM**

THE STATE
vs.

James Bridges Byrd

indictment for

COUNT ONE-MURDER, COUNT TWO-POSSESSION OF WEAPON DURING VIOLENT CRIME

SC Code 16-03-0010, 0020, 16-23-490

CDR Code 116, 549

Class FEL-EXM

FILED

2021 SEP 22 PM 2:48

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED
Jun 26 2025
SC Court of Appeals

Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 26th day of June, 2025.

RECEIVED
Jun 26 2025
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Derham Cole, Sr, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES BRIDGES BYRD,

APPELLANT

APPELLATE CASE NO. 2024-001482

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on James Bridges Byrd, #395043, at McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899, this 26th day of June, 2025.

Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT