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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Deadra L. Jefferson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ALGERNARD DEVINCENT YOUNG,

APPELLANT

APPELLATE CASE NO. 2023-000994

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STATE’S EXHIBIT #63 (DEFENDANT’S PHONE RECORDS), STATE’S EXHIBIT #66
(CELL PHONE MAPPING DATA), STATE’S EXHIBIT #67 (JOHNSON CLIP 1), AND
STATE’S EXHIBIT #68 (JOHNSON CLIP 2).**

State of South Carolina	)	Court of General Sessions
County of Charleston	)	Ninth Judicial Circuit
	)	
STATE OF SOUTH CAROLINA,	)	Case Numbers:
	)	2023-GS-10-01947
Plaintiff,	)	2023-GS-10-01948
	)	
vs.	)	
	)	
ALGERNARD D. YOUNG,	)	JURY TRIAL DAYS 1 AND 2
	)	
Defendant.	)	TRANSCRIPT OF RECORD
_____	)	

June 5-6, 2023
Charleston, South Carolina

B E F O R E:

The Honorable Deadra L. Jefferson

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

MS. JESSICA A. BALDWIN
and MR. TIMOTHY F. FINCH,
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MR. SHAUN C. KENT
and MR. NATHAN S. WILLIAMS,
Attorneys at Law,
for the Defendant.

Jamie Bickett
Official Court Reporter

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1 (Court called to order at 12:21 p.m., Monday, June 5,
2 2023.)

3 THE COURT: All right. Does the defendant wish to have
4 a formal arraignment?

5 MR. KENT: Waive arraignment, your Honor.

6 THE COURT: Good morning, ladies and gentlemen. I am
7 Deadra Jefferson. I am one of your resident judges for the
8 Ninth Circuit, which is made up of Charleston and Berkeley
9 counties. We're going to select a jury this morning -- well,
10 I guess we're in the afternoon now.

11 Bear with me just one moment.

12 Ladies and gentlemen of the jury, we're selecting a jury
13 for the State of South Carolina versus Algernard Devincent
14 Young, Indictment 2023-GS-10-1947, which is an indictment for
15 murder. That indictment alleges as follows: that in
16 Charleston County, South Carolina, on or about November 16 of
17 2019, the defendant Algernard Devincent Young with malice
18 aforethought did kill and murder David Fidel Alston by means
19 of shooting him and David Fidel Alston did die in Charleston
20 County as a proximate result thereof on or about November 16,
21 2019, alleging a violation of Code Section 16-3-10 of the
22 Code of Laws as amended.

23 And Indictment 2023-GS-10-1948, which is the State of
24 South Carolina versus Algernard Devincent Young for
25 possession of a weapon during the commission of a violent

1 crime, and that indictment alleges as follows: that in
2 Charleston County, South Carolina, on or about November 16,
3 2019, the defendant Algernard Devinent Young did possess a
4 firearm or did visibly display what appeared to be a firearm
5 or did visibly display a knife during the commission of or
6 attempted commission of a violent crime, to wit murder,
7 alleging a violation of Code Section 16-3-490 of the Code of
8 Laws as amended.

9 We're going to go through a process that is called voir
10 dire, which simply means I'm going to ask you some questions
11 so that the attorneys can more effectively exercise their
12 peremptory challenges in jury selection. If a question
13 applies to you, please stand and in a loud and clear voice
14 tell me your name, your juror number, an answer to the
15 question if applicable, and remain standing until I have
16 completed questioning you.

17 Before we begin that process, I'm going to ask counsel
18 for the State to introduce themselves, who will be assisting
19 them in the trial of the case, as well as telling us the
20 names of all the lawyers in their office. And also, if
21 counsel for the defense could do the same and have his client
22 stand and face the panel, that would be appreciated.

23 MS. BALDWIN: Thank you, your Honor.

24 THE COURT: You're welcome.

25 MS. BALDWIN: Good afternoon. My name is Jessica

1 Baldwin. I'm an assistant solicitor with the Ninth Circuit
2 Solicitor's Office. I work for Scarlett Wilson. Assisting
3 me is Timmy Finch, who's also an assistant solicitor in our
4 office, as well as one of our paralegals Maria Smith and my
5 investigator Amanda Hiouel.

6 The attorneys -- there are quite a few of them, so it
7 may take me a moment. We have Stephanie Linder, Nina Savas,
8 Hunt Russell, Chad Simpson, Marian Askins, Charlie Patrick,
9 Amy Harrell. Then we also have Debbie Herring-Lash, Lauren
10 Frierson, Daniel Martin, Jennifer Shealy, Daniel Cooper,
11 Joseph Guerriero, Mallory Haliena, as well as Tiffany Izer
12 and Catherine Fries. We also have Jordan Norvell -- as I
13 said, there are quite a few. Jordan Norvell -- who am I
14 forgetting? Nick Harris, Sharita Cannon, John Mullen,
15 Cassity Brewer, Elliott Barrow, and Ashleigh Brown.

16 I believe that covers all of them.

17 THE COURT: All right. Mr. Kent?

18 MS. KENT: Thank you, your Honor.

19 THE COURT: You're welcome.

20 MR. KENT: Hey, everybody. How are y'all? My name is
21 Shaun Kent. I practice in Manning, South Carolina, but
22 actually live right around the corner on Cumberland Street.
23 I know that's a long drive, but I've been doing this for
24 quite some time.

25 Helping me today is Nathan Williams, who formerly worked

1 in this office. He's worked in the United States Attorney's
2 Office.

3 That is Rita McKinley. She is clerking for us for the
4 summer. She goes to USC School of Law. She's in her second
5 year. She's worked at the sheriff's office here in
6 Charleston for 18 years.

7 And this is our client -- stand up -- Algernard Young.
8 Thank y'all so much.

9 Oh, I'm sorry. Who works for me? I've got a lawyer in
10 my office named Jack Furse, but he's all the way up in
11 Manning, so y'all probably don't know him.

12 THE COURT: Again, ladies and gentlemen, if you would
13 please listen carefully to the questions that I'm going to
14 ask. If a question applies to you, please stand and in a
15 loud and clear voice tell me your name, your juror number, an
16 answer to the question if applicable, and remain standing
17 until I've completed questioning you.

18 Is there any member of the panel related by blood or
19 marriage to Algernard Devincent Young or David Fidel Alston
20 or anyone who is in his -- er, who is related to him? If so,
21 please stand at this time.

22 Does any member of the panel have a close personal or
23 social relationship with Algernard Devincent Young or anyone
24 who is related to David Fidel Alston or who may, at the time
25 that he was living, have been a friend of David Fidel Alston?

1 (The jury was released for lunch and exited the
2 courtroom at 1:12 p.m.)

3 (The following proceedings were had outside the presence
4 of the jury.)

5 THE COURT: You may be seated.

6 All right. Is there anything we need to take up before
7 we break for lunch as well from the State?

8 MS. BALDWIN: Your Honor, just some scheduling matters.
9 I know there were some pretrial motions. I don't know if you
10 wanted to address those.

11 THE COURT: Nothing that would affect testimony or
12 opening statement argument. I don't make evidentiary
13 decisions until I start hearing a case. I don't have a point
14 of reference. So I don't know -- I've seen Mr. -- the
15 defense's motion to sever and preclude evidence under 404(b),
16 but the stalking charge and the DV HAN are not going -- are
17 not together, so I assume that's a moot issue. Correct?

18 MR. WILLIAMS: I think it is, your Honor. I think we
19 would alternatively argue that he can't admit it under
20 404(b) --

21 MS. BALDWIN: Well --

22 THE COURT: But as I said, it's evidentiary. And I have
23 no idea. I know nothing about this case. So what we would
24 do is before -- I would caution the State, and I think
25 everybody's aware of how I handle things in my procedures.

1 What we would do is before you utter anything that you know
2 is objectionable by the other side -- and that includes in
3 your opening argument -- that -- well, that you would stay
4 away from it in your opening argument. And then at the time
5 you seek to introduce that evidence -- because they may
6 decide at some point they don't want to -- may decide
7 strategically not to. But if you decide that you're going
8 to, you need to make the Court aware of it. We'll hear it in
9 a proffer, I'll hear your argument, and then I'll make a
10 decision.

11 MS. BALDWIN: Thank you, your Honor.

12 THE COURT: You're welcome.

13 MS. BALDWIN: As far as the *Denno* issue, when would you
14 like to decide that, just so I can have the witnesses here?
15 I don't have them here now.

16 THE COURT: I wasn't aware -- are y'all challenging the
17 statement?

18 MS. BALDWIN: I don't know if they're challenging it or
19 not.

20 MR. KENT: No.

21 THE COURT: Yeah, I didn't think -- the only motion that
22 they filed was the 404(b).

23 MS. BALDWIN: I understand. I just want to make sure
24 that as far as the record is clear, that we --

25 THE COURT: Have y'all talked about the statement and

1 decided what parts of it y'all are agreeable with? Or
2 Mr. Kent, are you all telling us you have no objection to any
3 of it?

4 MR. WILLIAMS: Your Honor, I think we have some
5 objections to it.

6 THE COURT: Can y'all work it out?

7 MR. WILLIAMS: I think we can. It ties right into --

8 THE COURT: Have y'all made any attempts to work it out?

9 MR. WILLIAMS: Yes, your Honor. I think it ties right
10 into the 404(b) issue, so I think it runs contemporaneous of
11 that.

12 MS. BALDWIN: And I do believe -- actually, we have
13 talked briefly about it. We don't plan on playing his
14 statement. We're going to just elicit some testimony --

15 THE COURT: Yeah. The purpose --

16 MS. BALDWIN: -- from the officer who took the
17 statement.

18 THE COURT: The purpose of a *Jackson versus Denno* is
19 whether the Miranda requirements have been complied with.
20 And I don't hear them saying they weren't, so there's no
21 purpose of a *Jackson versus Denno*.

22 MS. BALDWIN: Yes, your Honor.

23 THE COURT: What I'm hearing is objections to the
24 evidentiary content of the statement, which ties in to the
25 404(b).

1 MS. BALDWIN: Yes, your Honor.

2 THE COURT: Yeah.

3 MS. BALDWIN: And I understand your Honor ruling on the
4 evidence as it comes up. For planning purposes, however --
5 and maybe we can sort this out with Mr. Kent and
6 Mr. Williams --

7 THE COURT: Well --

8 MS. BALDWIN: -- there are two items in the 911 call
9 that will be coming in with our first witness. And
10 they're --

11 THE COURT: Like what?

12 MS. BALDWIN: -- two statements that are made on the 911
13 call. One I know would need to be edited out, but I don't
14 know if they're going to have an objection to the other one.

15 THE COURT: So have y'all talked to see?

16 MS. BALDWIN: We've talked about it briefly, but --

17 THE COURT: So why don't y'all have a prayer meeting for
18 a few minutes and let me know what y'all can agree on and
19 what you can't so we can maximize our moment and our time we
20 have allocated to us.

21 MS. BALDWIN: Your Honor?

22 THE COURT: Yes, ma'am.

23 MS. BALDWIN: Would it be all right if we came back at
24 2:20 and just finished discussions? I think they want to
25 think about some things.

1 THE COURT: That's fine.

2 MS. BALDWIN: I think we can come to an agreement, at
3 least as far as --

4 THE COURT: So just tell me, in a nutshell, what do
5 y'all object to, Mr. Kent? What parts of the statement do
6 you object to? Or are we talking about two separate things?
7 Are we talking about the 911 call?

8 MR. KENT: It's the 911 call, ma'am.

9 THE COURT: And who made the 911 call?

10 MR. KENT: The deceased's girlfriend made the 911 call.

11 THE COURT: And she's a witness? What's her name?

12 MR. KENT: Gladys Singleton.

13 THE COURT: And that's the deceased's girlfriend?

14 MR. KENT: Yes.

15 THE COURT: And she made a 911 call?

16 MR. KENT: That's correct.

17 THE COURT: And was that -- when did she make that 911
18 call?

19 MR. KENT: Immediately after the event.

20 THE COURT: And what part of that do you object to?

21 MR. KENT: There's some stuff in the 911 phone call --
22 and that's what we're trying to figure out. There's some
23 stuff -- things that are said during the course of the 911
24 call about the background and --

25 THE COURT: Do I have a copy of the 911 call?

1 MS. BALDWIN: I don't believe you do, your Honor.

2 THE COURT: I think I need it so I can listen to it at
3 lunch.

4 MR. KENT: That's fine. If you're --

5 THE COURT: Or we can play it when we come back.

6 MS. BALDWIN: Yeah, it's not very long.

7 THE COURT: We can play it when we -- why don't we just
8 play -- instead of taking you to the trouble of making
9 another copy, why don't we just play it when y'all --

10 I'm not coming back until 2:30, y'all. I'm just going
11 to be direct with you. I'm just being honest. I got some
12 other things that I need -- I've been on vacation for a week.
13 I got some things I need to attend to that have nothing to do
14 with y'all's case but that I do need to deal with before I
15 eat.

16 MR. KENT: It won't be long. There is --

17 THE COURT: For me to tell you I'll be back here at 2:20
18 would be disingenuous, because I know I'm not --

19 MS. BALDWIN: I appreciate that, your Honor.

20 THE COURT: -- going to be back till 2:30. But y'all
21 can come back at 2:20 and work on it.

22 MR. KENT: And that's what we're going to try to do.

23 THE COURT: And then I'll listen to it if I need to and
24 we'll go from there.

25 MR. KENT: And to that end, for planning purposes, your

1 Honor, are you thinking that we would do openings and -- our
2 first witness would be rather long actually.

3 THE COURT: When you say "rather long," quantify that
4 for me.

5 MR. KENT: It would probably -- I would think direct
6 would probably be at least half-hour, 45 minutes. I'm sure
7 cross will be pretty extensive. It is the ex-wife/girlfriend
8 of the victim -- ex-wife of the defendant, girlfriend of the
9 victim.

10 THE COURT: Okay. Ex-wife of defendant.

11 And while we're on that topic -- which is sort of really
12 not this topic. It's sort of another non-topic. Did the
13 State extend any offers to Mr. Young?

14 MR. KENT: We haven't extended any official offers, your
15 Honor, and that's because in our discussions, we're so far
16 apart that there really isn't --

17 THE COURT: You've got to start somewhere. So were
18 y'all? Or were y'all just not?

19 MR. WILLIAMS: Your Honor, Mr. Young has been fairly
20 consistent that he would not be -- I put some numbers out
21 just to get feelers.

22 THE COURT: Okay.

23 MR. WILLIAMS: There was never any interest from
24 Mr. Young. And I told him --

25 THE COURT: I'm just -- and just so the record can be

1 evidence.)

2 MR. WILLIAMS: And I think 50 is the last, which is the
3 911 calls.

4 THE COURT: Yeah, I haven't -- I don't have that yet. I
5 don't think they marked that one. I have everything they
6 marked.

7 MS. BALDWIN: We haven't marked -- your Honor, there are
8 two 911 calls in here. I believe before we broke for lunch
9 you indicated that you would --

10 THE COURT: Yeah. If y'all --

11 MS. BALDWIN: -- like to hear the calls.

12 THE COURT: Yeah, let me do things in the order that I
13 planned to.

14 MS. BALDWIN: Yes, ma'am.

15 THE COURT: Okay. So now the next issues is did y'all
16 talk about his statement?

17 MS. BALDWIN: I don't think it's going to be an issue,
18 your Honor, regarding the statement. We're not playing it,
19 so there's no redaction issue needed. We're going to elicit
20 certain parts of the statement from the detective who took
21 it, and it's not going to be going into an order or
22 protection that was in place at the time of the incident.

23 THE COURT: So my question is there was some issue about
24 the statement. There was no issue on a *Jackson versus Denno*,
25 but there was an issue regarding the evidentiary content of

1 the statement. I need to know have y'all agreed to what's
2 coming in and what's not coming in? Because if you haven't,
3 then I have to make a decision, so that's what I need to
4 know. I don't want to get into the middle of testimony and
5 have somebody objecting about it.

6 MR. KENT: Judge, respectfully, I think we're mixing --
7 that's probably our fault. I think there was some stuff in a
8 911 call --

9 THE COURT: Okay. So you don't have any exception to
10 the statement, is what you're telling me then?

11 MR. KENT: Yeah. Based upon what the State has
12 indicated to us that they intend on using his statement for,
13 we have no objections based on what they've told us when we
14 worked through things.

15 MS. BALDWIN: Correct.

16 MR. KENT: There are potential issues with a 911 call.

17 THE COURT: Okay. Now, so as I understand it, so that
18 we're clear for the record, there's no need for a *Jackson*
19 *versus Denno* hearing because you all concede that the
20 statement was provided pursuant to his Miranda warnings.

21 MR. KENT: That is correct, your Honor.

22 THE COURT: And you all concede that you don't have any
23 evidentiary issues with the statement based on what the State
24 has indicated they plan to elicit from the statement.

25 MR. KENT: Based upon the conversation with the State of

1 South Carolina, that is correct.

2 THE COURT: And they do not plan to play the statement,
3 correct, Ms. Baldwin?

4 MR. KENT: That is what we were told as well.

5 MS. BALDWIN: That is correct.

6 THE COURT: But you plan to elicit it from the
7 investigating officer.

8 MS. BALDWIN: That's correct, your Honor.

9 THE COURT: So we're all on the same page with that. As
10 long as you all are clear, however, that if they veer from
11 what you understand the agreement to be, you need to make a
12 contemporaneous objection so that I can take it up.

13 So then that takes us to the 911 tape. And have you all
14 come to any agreement about that?

15 MS. BALDWIN: I believe we're in agreement regarding the
16 first 911 call.

17 Correct -- Mr. Kent can correct me if I'm wrong.

18 THE COURT: Well, let's start then again.

19 How many 911 calls are there?

20 MS. BALDWIN: There are two. There's one from earlier
21 in the evening at --

22 THE COURT: I need to know what time the first 911 tape
23 was.

24 MS. BALDWIN: 10:45 p.m.

25 THE COURT: And when was the second one?

1 MS. BALDWIN: 1:31 a.m.

2 THE COURT: And what is the length of the first one?

3 MS. BALDWIN: The first one, I believe, is 4 minutes
4 long, and the second one is about 8 minutes long.

5 THE COURT: And they are both given by?

6 MS. BALDWIN: Ms. Singleton.

7 THE COURT: Ms. Singleton.

8 MS. BALDWIN: Correct.

9 THE COURT: Okay. Is there an issue with the first 911
10 call?

11 MR. WILLIAMS: Your Honor, we discussed this on the
12 break. I believe there are statements in that call that
13 refer to him, I'm going to say stalking or harassing her.

14 THE COURT: Mm-mm.

15 MR. WILLIAMS: And we will maintain that same objection
16 throughout --

17 THE COURT: What is the basis of the objection?

18 MR. WILLIAMS: Well, your Honor, it's what I would call
19 404(b) evidence, and it does not go to -- it's evidence of
20 prior bad acts and it's what we briefed in our pretrial
21 motion. They essentially are not going forward on the
22 stalking charges. They are not going forward --

23 THE COURT: Not now.

24 MR. WILLIAMS: Correct, your Honor.

25 THE COURT: But that doesn't mean it's not a part of the

1 res justae of this crime, the continuum or absence of
2 mistake, intent, motive, or her present sense impression, or
3 whether it fits under an excited utterance. Right?

4 MR. WILLIAMS: That's correct, your Honor.

5 THE COURT: So maybe I need to listen to it before we
6 have any further discussion about it. Do y'all have the tape
7 available for me to listen to?

8 MS. BALDWIN: We do. We have those, your Honor.

9 THE COURT: Okay. I need you to play the first 911
10 tape, please.

11 (Audio played in open court.)

12 THE COURT: That's the end of the tape?

13 MS. BALDWIN: That's the end of that one, your Honor.

14 THE COURT: For what purpose would you be seeking to use
15 that?

16 MS. BALDWIN: Your Honor, I think that establishes --
17 basically what happens is the victim says that she sees her
18 ex-husband when she paused at her bus stop earlier in the
19 evening, that he's following her back to her house.

20 THE COURT: Mm-hmm.

21 MS. BALDWIN: And then her boyfriend comes over to the
22 house. The boyfriend --

23 THE COURT: But that's not in this tape.

24 MS. BALDWIN: I understand, your Honor. I think it
25 establishes that the defendant has continued to follow her.

1 He, in his statement, denies even being down by her and
2 seeing her. And I think it shows that she actually -- it
3 helps establish her credibility, basically.

4 THE COURT: Why do you need to play the tape to
5 establish her credibility? Why can't you simply elicit from
6 her that she called the police because she thought he was
7 following her?

8 MS. BALDWIN: Well, I think the jury would be curious,
9 your Honor, as to why -- would like to know that if she did,
10 in fact, call this phone number.

11 THE COURT: I think you give a whole lot more weight to
12 what they'd be curious about. If your sole purpose is to
13 prove or corroborate that, in fact, he was following her and
14 she felt it was necessary to call the police, I think you can
15 elicit that without playing this tape. I'm at a little loss
16 as to this point how it would be relevant or probative.

17 MS. BALDWIN: I think it would actually help establish
18 her state of mind at the time and show this fear that was
19 building throughout the entire evening. She will testify
20 that at the time, even though she sounds calm on there, she
21 was actually fearful and concerned.

22 THE COURT: She told them not to send the police. She
23 wasn't -- she was only concerned about getting in her house
24 safely. I think it's a strain at this point for that tape to
25 come in.

1 MS. BALDWIN: Yes, ma'am.

2 THE COURT: Mm-hmm. But of course, I'll reserve any
3 further ruling on it as the testimony develops in this.

4 (State's Exhibit No. 50 marked for identification.)

5 MS. BALDWIN: Okay.

6 THE COURT: And you can barely even hear her say that
7 she has an order of protection.

8 MS. BALDWIN: She doesn't say it on that one, your
9 Honor.

10 THE COURT: She does say it.

11 MS. BALDWIN: It's on the next --

12 THE COURT: No, she says it.

13 MS. BALDWIN: Oh, that's right. She said it.

14 THE COURT: Mm-hmm.

15 MS. BALDWIN: I'm sorry.

16 THE COURT: She does say it. Mm-hmm.

17 MS. BALDWIN: She says it on both of them.

18 THE COURT: And you said the second one was at
19 1:36 a.m.?

20 MS. BALDWIN: 1:31 a.m.

21 THE COURT: 1:31 a.m.

22 MS. BALDWIN: On November 16.

23 THE COURT: Which is on the night this incident
24 occurred, correct?

25 MS. BALDWIN: Correct. It's all part of the continuum.

1 THE COURT: And it's alleged to have happened at 1:36,
2 correct?

3 MS. BALDWIN: I'm sorry, your Honor?

4 THE COURT: I said the indictment alleges that it took
5 place at 1:36. Well, no. Someplace else it's alleged that
6 it took place at 1:36 a.m.

7 MS. BALDWIN: The shooting occurred at 1:31 a.m. I
8 believe the police responded --

9 THE COURT: Well, this says the 911 tape was at 1:31.
10 Somewhere we got information that it was 1:36 a.m. that the
11 shooting took place. Are you saying she called simultaneous
12 while he was being shot?

13 MS. BALDWIN: She hears the shots and immediately calls
14 911. Perhaps the police responded -- the police responded
15 within a few minutes.

16 THE COURT: Mm-hmm.

17 MS. BALDWIN: I'm not sure where 1:36 came from.

18 THE COURT: You ready to play it?

19 MS. BALDWIN: Yeah.

20 THE COURT: Okay. According to your brief, it says he
21 was shot at 1:36 a.m.

22 MS. BALDWIN: That was a typo, your Honor.

23 THE COURT: Okay.

24 MS. BALDWIN: It was 1:31.

25 THE COURT: Are y'all having an issue with playing the

1 second tape?

2 MS. BALDWIN: Yeah. We tested it out and it was
3 working. We even tested it before your Honor came on the
4 bench.

5 MR. KENT: They did.

6 (Audio played in open court.)

7 MS. BALDWIN: That's the end of that one, your Honor.

8 THE COURT: Is there any exception to the 911 tape?

9 MR. WILLIAMS: To the portions of it, yes, your Honor.

10 THE COURT: What is the basis of the -- what parts do
11 you object to? And what is the basis of the objection?

12 MR. WILLIAMS: The first objection, your Honor, is to
13 him being a convicted felon. I would say that --

14 THE COURT: Yeah, that concerned me. Can't you just
15 bleep that out?

16 MS. BALDWIN: And that's -- your Honor, we wanted to be
17 able to get a ruling on exactly what was going to be redacted
18 so we could do it all at once. But that's --

19 THE COURT: But you agree that needs to come out?

20 MS. BALDWIN: Absolutely, your Honor.

21 THE COURT: Yeah.

22 All right. What's the other objection?

23 MR. WILLIAMS: Where there's a statement that, I
24 believe, "I have an order of protection from a DV," I think
25 she says. It's where she talks about an order of protection

1 and a corresponding criminal --

2 THE COURT: She just says, "I have an order of
3 protection due to domestic violence," and that's why she's
4 concerned about him being there. And then she says they got
5 a divorce on the 4th and he's taking it hard.

6 MR. WILLIAMS: Right, your Honor. My --

7 THE COURT: Which I don't have a problem with that.

8 MR. WILLIAMS: Yeah, my argument would be simply, your
9 Honor, the victim in this case is David Alston, not
10 Ms. Singleton. So they're essentially trying to make him
11 look like he is a bad actor towards Ms. Singleton and somehow
12 that equates to a motive to kill Mr. Alston. So the prior
13 bad acts in this case, your Honor, are not consistent with
14 the victim, but consistent with a third party. And so my
15 suggestion and argument is that putting up prior bad acts
16 against a third party who is not a victim in the case --

17 THE COURT: Why is an order of protection a prior bad
18 act?

19 MR. WILLIAMS: Well, your Honor, it implies that she
20 needed to be protected against something. Right? That he
21 was doing -- and she also says in an earlier statement, "He's
22 bothering me." It's in her earlier statement. So I think
23 the --

24 THE COURT: Why would that be considered a prior bad
25 act?

1 MR. WILLIAMS: I'm not saying the bothering, but I'm
2 saying the order of protection clearly implies that she was
3 being protected from him from some danger, meaning that he
4 was a dangerous person that she needs protection from.

5 THE COURT: Just --

6 MR. WILLIAMS: And --

7 THE COURT: I'm sorry.

8 MR. WILLIAMS: That's all, your Honor.

9 THE COURT: Ms. Baldwin?

10 MS. BALDWIN: Your Honor, I think that this is all part
11 and parcel of the defendant's motive for shooting Mr. Alston.
12 She says in this particular 911 call "My ex-husband has been
13 threatening me. He's threatening me. He's outside of my
14 door." I think it goes to his motive. He's shooting
15 Mr. Alston because Mr. Alston is seeing his ex-wife.

16 It's also part of the common -- er, the res of the case,
17 basically. The jury needs to hear what was going on with the
18 rest of their world and to understand why the defendant would
19 shoot somebody who he presumably doesn't know.

20 THE COURT: Anything further from the defense?

21 MR. WILLIAMS: Only as I was saying, that those prior
22 bad acts in no way link Mr. Young, the defendant, to
23 David Alston, the victim.

24 THE COURT: Why wouldn't it relate to motive, identity,
25 existence of a common scheme or plan, the absence of a

1 mistake, or his intent?

2 MR. WILLIAMS: Because it doesn't go to Mr. Alston. If
3 you --

4 THE COURT: Does it have to?

5 MR. WILLIAMS: Well, your Honor, I think it does for
6 relevance purposes.

7 THE COURT: Why?

8 MR. WILLIAMS: Because, your Honor, it does not
9 necessarily make sense that he would want to hurt
10 Ms. Singleton and then all of a sudden kill Mr. Alston --

11 THE COURT: It makes complete sense --

12 MR. WILLIAMS: -- without any link between --

13 THE COURT: -- in our business.

14 MR. WILLIAMS: Your Honor?

15 THE COURT: People shoot other people all the time --

16 MR. WILLIAMS: They do.

17 THE COURT: -- based on a third party who has no
18 motivation.

19 MS. BALDWIN: And I respect the Court's ruling.

20 THE COURT: I just think it doesn't make any -- it
21 doesn't make any sense. Why would he be there to shoot a
22 complete stranger unless he was involved with his ex-wife and
23 unless it tied into the statement she made, which is, "We
24 were divorced on October 4 and he's taking it bad" or "taking
25 it hard" or -- I forget her exact words, but she said he's

1 taking it hard.

2 And, you know, why else would a complete stranger be in
3 a parking lot and shoot a complete stranger? There has to be
4 some evidentiary link, some factual link between these
5 continuum of events. Somebody doesn't purportedly show up in
6 a place they're not familiar with and engage in mortal combat
7 or mortal behavior resulting in death with a complete
8 stranger unless there's some allegation that that person was
9 doing something to them and they were defending themselves.
10 And I haven't heard anything that relates to that.

11 There are many ways that her statement would come in.
12 One, it's clearly an excited utterance, which ties into South
13 Carolina's concept of *res gestae*, which is when a statement
14 is describing a continuum of events when they are under the
15 excitement of that event. And clearly, that is what she was
16 doing.

17 She -- now, the first one I'm less convinced by. The
18 second one I think clearly is relevant, it is probative, and
19 its probative value is outweighed by any prejudice to the
20 defendant because you have the opportunity to cross-examine
21 the witness and to evaluate the weight that the jury should
22 give her statement in terms of her credibility and her
23 believability.

24 But clearly, she made a statement that was relating to a
25 startling event or condition because she was describing shots

1 being fired outside of her apartment and loud voices. She
2 made the statement while the event was happening; in other
3 words, while she was under the stress of that excitement.
4 And that excitement was clearly caused by the startling event
5 or condition, which clearly she was not an eyewitness to the
6 event, but she was technically an ear witness to the event
7 because it was taking place outside of her apartment. She
8 heard the shots. She heard some damage being done to her car
9 or some pounding or some other activity being taken place in
10 relation to her property.

11 She is the one that has a relationship with the
12 defendant, which is -- I think her statement was that she was
13 terrified of him. She had her own weapon. "He's my
14 ex-husband. He's in the parking lot." And what is most
15 imperative is that "he's threatening my life, and he
16 threatened my boyfriend's life."

17 So she's describing all of that. And then in addition
18 to that, it also would fall as a present sense impression
19 where she -- the statement is describing or explaining an
20 event or condition. The statement must be contemporaneous
21 with the event, which clearly it is. She's describing it as
22 it's taking place. And the declarant must have personally
23 perceived the event, which clearly she did.

24 And I assume they're going to, you know, tie all this
25 back in once police get there and they start interacting with

1 her. Then we'll know what happened next, which I assume they
2 found the deceased in the parking lot. And based on those
3 pictures, it appears to me it was a point blank or very close
4 shot to his head.

5 Am I accurate?

6 MR. WILLIAMS: Yes, ma'am, your Honor. That would be
7 accurate.

8 THE COURT: I haven't heard any testimony from the
9 medical examiner yet, but that's what it looked like to me.

10 MR. WILLIAMS: Yes.

11 THE COURT: If it wasn't right close, it was close
12 enough. Unless he's a marksman, but with a Glock, that would
13 be hard without a scope or something. Wouldn't it? Yeah.

14 MR. WILLIAMS: Your Honor, so if I understand the
15 Court's ruling, we're going to keep out the prior felony?

16 THE COURT: I think it clearly -- where she says he's a
17 convicted felon, y'all need to figure out how -- I would
18 assume you could just turn the volume down or either you can
19 somehow redact that from the statement.

20 MS. BALDWIN: Your Honor, if we could take a brief break
21 for myself and so I can have my investigator cut out those
22 five seconds where she says that.

23 THE COURT: And can your -- but you're not going to ask
24 her about that right away, are you?

25 MS. BALDWIN: I am not.

1 THE COURT: Okay.

2 MS. BALDWIN: There probably will be some matters of law
3 that we have to address --

4 THE COURT: Like what else?

5 MS. BALDWIN: -- at the very beginning of her testimony
6 when she's describing the relationship between herself and
7 the defendant.

8 THE COURT: Well, I think you all can caution her not to
9 mention the order -- I'm just not sure --

10 MS. BALDWIN: I can instruct her not to mention the
11 order of protection.

12 THE COURT: Yeah, I'm going to have to -- I'm going to
13 have to hear it -- I'd have to hear it in the context. I
14 don't know what you're going to elicit from her and how it's
15 going to be said. I just -- it's kind of hard for me to
16 anticipate. You know?

17 MS. BALDWIN: And when I say a matter of law very soon
18 at the beginning of her testimony, your Honor, it's that when
19 I've asked her about the relationship with the defendant --

20 THE COURT: Mm-hmm.

21 MS. BALDWIN: -- her response has been, "We had issues.
22 He was abusive. He was controlling."

23 THE COURT: Mm-hmm.

24 MS. BALDWIN: So that is the matter of law that I think
25 we'll have to address right away.

1 THE COURT: And we can take that up in-camera and create
2 a proffer --

3 MS. BALDWIN: Right.

4 THE COURT: -- and then I --

5 MS. BALDWIN: Right.

6 THE COURT: -- can make a ruling on it. I think that's
7 the --

8 MS. BALDWIN: We can do that.

9 THE COURT: Yeah, I think that's the best way to deal
10 with it. And once I hear some of that testimony, then I
11 think I'd be in a better position to talk about the order of
12 protection.

13 Well, you know, the fact that she mentions "I have an
14 order of protection. I'm afraid," all of that is
15 corroborative of and flies in the face of her making this up.
16 So it corroborates what she's saying and why she called the
17 police and why she's afraid. That one doesn't cause me as
18 much consternation as the first phone call.

19 However, I will be very clear with defense counsel that
20 if you all seek to impeach her in any way in terms of, you
21 know, that she made this up, she fabricated it, you know, she
22 somehow was collusive in some way in trying to make up a
23 story to get the police there or something, I might -- you
24 know, if you all open that door to that first 911 tape, I'm
25 just giving you fair warning that while I don't think it's

1 appropriate at this point doesn't mean it's not appropriate
2 forever. So if I feel the door has been opened in some way,
3 I may let that tape in.

4 MR. WILLIAMS: We understand, your Honor.

5 THE COURT: So do we need to take a quick break while
6 y'all do what you need to do? And then we'll --

7 MS. BALDWIN: Yeah. Thank you.

8 THE COURT: -- resume with opening instruction and then
9 opening argument, and we'll go from there.

10 And I have appointed Ms. Horlback as the foreperson,
11 No. 115.

12 (Court recessed.)

13 (Court resumed outside the presence of the jury.)

14 THE COURT: All right. So we good to go with opening
15 instruction and opening arguments?

16 MR. KENT: Yes, your Honor.

17 THE COURT: Is the State ready to proceed?

18 MS. BALDWIN: Yes, ma'am.

19 THE COURT: Defense ready to proceed?

20 All right. Y'all ready to proceed?

21 MS. BALDWIN: Yes, your Honor.

22 MR. KENT: Ready on behalf of Mr. Young. Yes, your
23 Honor.

24 THE COURT: Please bring in the jury. And remember,
25 No. 115 is the foreperson.

1 I would remind you, ladies and gentlemen, that your
2 notes are for your individual and your specific purposes.
3 They're only to be used and not -- used by you, not shared
4 with anyone else, and only used to refresh your memory. And
5 please be reminded that your notes should not be considered
6 any more reliable than the memory of a fellow juror. A
7 fellow juror's memory should be considered just as reliable
8 as notes that have been taken by a fellow juror.

9 In order to preserve everyone's rights, I'm going to
10 give counsel the opportunity to take exception to anything
11 that the Court has said by way of opening instructions.

12 Any objections from the State?

13 MS. BALDWIN: None for the State.

14 THE COURT: From the defense?

15 MR. KENT: Nothing on behalf of Mr. Young.

16 THE COURT: Ladies and gentlemen, if you would please
17 give counsel your undivided attention in opening instruction.
18 You may proceed.

19 MS. BALDWIN: Thank you, your Honor.

20 THE COURT: You're welcome.

21 MS. BALDWIN: Good afternoon, everyone. As I introduced
22 myself earlier, my name is Jessica Baldwin. I'm an assistant
23 solicitor here in Charleston. And I do want to say on behalf
24 of the State of South Carolina, thank you to you all for your
25 service here this week. We couldn't do this job without you,

1 neither the State or the defense could. Our system wouldn't
2 exist without you taking time away from your day and work and
3 your family. But we do need you all here. Both the State
4 and the defense needs you as fact finders in this case.

5 Now, this case is going to have a lot of witnesses, but
6 the facts behind it are actually pretty straightforward.

7 In the early morning hours of November 16, 2019, the
8 defendant Algernard Devinent Young murdered the boyfriend of
9 his ex-wife Gladys Singleton. He did it because he was angry
10 that she was seeing somebody else. And this is a case about
11 anger and about control.

12 An anger that had been building. That anger was then
13 directed at her boyfriend David Alston at about 1:30 in the
14 morning on the 16th. The defendant executed Mr. Alston by
15 shooting him five times, including twice in the back of the
16 head. And he did it because he couldn't control Gladys
17 anymore.

18 Now, although Gladys and the defendant had known each
19 other for a long time -- decades -- they weren't married for
20 very long. In fact, they separated after about only three
21 months together. They eventually got divorced in October of
22 2019. So they had a past.

23 But earlier in the evening on November 15, 2019, Gladys
24 was getting close to the end of her shift working as a CARTA
25 bus driver. She'll tell you about how sometimes the bus

1 would have to "kneel," to pause in order to maintain the
2 schedule that it had. One of the places that she paused at
3 was near the aquarium downtown, around Concord Street, and
4 she saw the defendant there that night.

5 She went home and got -- when she got off her shift she
6 went home. Then later on in the evening, David Alston
7 dropped some items off at her house -- at her apartment. She
8 lived in West Ashley. When he drove off, Gladys actually saw
9 the -- when David drove off, Gladys actually saw the
10 defendant's car then drive out of her apartment parking lot.
11 She then contacted David and told him what she had seen.

12 In the meantime, the defendant was calling her
13 constantly, still trying to maintain that call. Now, during
14 the call with the defendant, Gladys knew something was off
15 because she could hear the defendant's voice -- and she'll
16 tell you this -- the defendant's voice outside of her
17 apartment door, even as she was talking to him through the
18 phone. She'll tell you she continued to listen to him yell
19 at her, be in a rage, and she wouldn't go outside of her
20 apartment despite his requests.

21 Then at one point, she heard gunshots. She immediately
22 called police. When the City of Charleston Police Department
23 responded to the call of shots fired, they located Mr. Alston
24 in the parking lot of Gladys's apartment complex. She didn't
25 know -- Gladys didn't know that he was there. He was face

1 down, clutching a can of Pepsi in one hand and he had a bag
2 of shredded cheese underneath his body. And he was dead.

3 Now, this case doesn't just depend on the word of Gladys
4 Singleton alone. There's other evidence in this case, and
5 you'll hear of it as well. The roommate who was there with
6 Gladys that night will testify. There's forensic evidence
7 that the police recovered from the defendant and from his
8 car. There are phone records and some cell tower records
9 that track the defendant's movements the night of November 15
10 into the early morning hours of November 16.

11 Now, I'll also warn you there will be some witnesses
12 that are not particularly interesting, but we, as the State,
13 have a burden. We have to prove our case beyond a reasonable
14 doubt. Those witnesses are part of having that burden.

15 The defendant is charged with murder and possession of a
16 weapon during the commission of a violent crime. For murder,
17 the State has to prove that the defendant killed David Alston
18 with malice aforethought. Oftentimes people think that means
19 that there has to be some grand scheme. However, the judge
20 will instruct you at the end of this trial that malice can be
21 formed in an instant. Now, for the other charge, we have to
22 prove that the defendant possessed a weapon -- in this case,
23 a gun -- while committing a violent crime -- in this case,
24 murder.

25 And I know that once you hear that evidence, including

1 the testimony from Gladys and the testimony from the other
2 people who were there that evening, you will find the
3 defendant guilty.

4 MR. KENT: May it please the Court?

5 THE COURT: Yes, sir. You may proceed.

6 MR. KENT: I love movies. I just do. And I'm about to
7 save you guys some time and some money by telling you a movie
8 not to go watch. As a matter of fact, my wife and I were
9 watching a movie the other day on television. It comes on on
10 AppleTV. And we were going to go watch it in the theater
11 with someone but we waited to watch it on AppleTV. It's
12 called "Cocaine Bear." So I'm going to tell you what
13 happened in it, and I'm going to save you so none of you go
14 watch this horrendous movie, because it's awful. If you've
15 already seen it, you know where I'm going.

16 So the reason we got ready to watch this movie is
17 because what we do as lawyers, people in this courtroom, we
18 need what's called "a suspension of disbelief" because of the
19 things that we do all day. So we like to go into a movie to
20 be transposed. But sometime I like movies when at the very
21 beginning it says "Based on a true story," because those get
22 me excited. I go, "Hey, these are based on a true story."
23 So I'm like, "'Cocaine Bear' is based on a true story? This
24 has got to be kind of exciting." So we sat down and watched
25 it. Based on a true story, "Cocaine bear."

1 Let me tell you what happened. It's 1985-ish. There is
2 a couple of drug smugglers who are going over the mountains
3 of Georgia and Tennessee. So their theory was they were
4 going to take a bunch of kilos of cocaine and they were going
5 to throw them out of the plane, and then later, their grand
6 plan was to go back and pick up all of this cocaine.

7 So the movie takes over where they've thrown all of this
8 cocaine out of the plane. And when they throw all the
9 cocaine out of the plane and go back and get it, the plane
10 wrecks and then they're trying to figure out how to get the
11 cocaine back.

12 So what ends up happening is a great grizzly bear
13 actually finds the cocaine. Can't make this up. And this
14 great grizzly bear goes and eats all the cocaine. So the
15 movie takes over from the point where this bear had eaten all
16 this cocaine. And guess what happened. The bear goes damn
17 crazy. And so the rest of the movie, for two hours, is this
18 bear showing his cocaine rage and he's going all over and
19 he's killing people and he's eating people and he's doing all
20 of this incredibly gory stuff to the fact that we get done
21 and was like, "Wow, that's crazy."

22 So what do I do? I'm like, "Man." I talked to my wife.
23 I was like, "That's insane. I can't believe I never heard
24 about that." So I do what everybody does: go to the
25 computer, boom, "Based on a true story." Let me see what

1 really happened. And guess what happened. The cocaine came
2 out of the plane, the bear ate it, and the bear died.

3 Well, wait a minute. Where's all the exciting part?
4 Where's all the stuff from the movie? Where's the hundreds
5 of people who were killed by this bear? Because it says
6 "Based on a true story." I guess that wouldn't be that
7 exciting. And so we have to be careful when we talk about
8 "based on a true story" what the full story is.

9 As you mentioned -- or as I mentioned, my name is Shaun
10 Kent, and I've been doing this a long time. This is actually
11 my 24th year of practicing law. And I actually started
12 practicing in this courtroom. I've been here a long time.
13 I've prosecuted a lot of cases. I've defended a lot of
14 cases.

15 And the one thing that becomes very interesting is when
16 you are at the prosecution table and you want to tell the
17 "based on a true story," you have to tell a story that's
18 interesting to the jury because you've got to see them come
19 and buy the box office tickets. Because what you're going to
20 be watching in the next couple of days is a story. And
21 that's just it. So we're going to have to ask ourselves if
22 the story that the great State of South Carolina tells us is
23 the actual full story of what actually happened back in 2019.

24 One of the first things her Honor did was read you
25 witness lists. The State of South Carolina provided us a

1 witness list of the people who they're going to call to tell
2 their true story. We heard names: Gladys Singleton, Brandon
3 Maybank, Arthur Stephen Hurd, Mariel Robinson, Robert
4 McWhite. I want you to remember the names.

5 I want you to remember them because when the State of
6 South Carolina is telling us the story, when they're
7 presenting us the movie, we have to get all of the
8 information, not just the information that wants us to buy
9 tickets. We want to hear the full story. We just don't want
10 to hear the bits and pieces and parts that make it very
11 interesting. Because if we tell you the full story of what
12 really happened, you just got a dead bear that ate some
13 cocaine. And that's not very interesting. That can't fill
14 two and a half hours.

15 What you're going to hear is a rush to judgment. What
16 you're going to hear is a story that's not very exciting.
17 What you're going to hear when we pick and choose the parts
18 that we tell you, the story just doesn't give you the whole
19 story. You're going to hear 911 calls. You're going to hear
20 testimony. You're going to hear statements. And what you're
21 going to hear is somebody that just made an assumption.

22 What you're not going to hear is what's called
23 eyewitness testimony. Think about that. When they're
24 telling you the great movie and the great story, what are
25 they going to tell you? Nobody saw this happen. You're

1 going to hear an assumption.

2 You're going to hear a 911 call, and I want you to
3 listen to it. I want you to listen very carefully to it
4 because what happens is a woman makes a phone call to 911.
5 And the first words out of her mouth are guess what:
6 "Somebody's out there shooting." She doesn't know who. She
7 doesn't know who it is.

8 But later during the conversation, because she's making
9 an assumption, it starts to change. That "somebody" turned
10 into guess who: It must be Algernard Young, my friend and
11 the person here who I've been dealing with for the last three
12 and a half years, because that's how old this case is. It's
13 old for a reason. But we've got to add a little something to
14 it so it becomes exciting so we can sell this crazy exciting
15 movie.

16 Are you going to hear about the murder weapon? No,
17 you're not. Don't have one. Are you going to hear about
18 blood splatter found everywhere? No. Don't have it. You're
19 going to hear about an assumption. You're going to hear
20 about a person who's going to tell you, "This is what I
21 believe happened." Because I believe that when the State of
22 South Carolina needs you to believe it, we're going to put it
23 together and we're going to give you a movie, and it's your
24 turn.

25 And so what happens in movies? Everybody's got a role.

1 You've got your director. You got your writers who sit there
2 and write something very compelling. You've got your actors.
3 But more important, you've got the people watching the movie,
4 and that's who you are. And so what we're asking you to do
5 is to listen. Listen for details. Listen for things that
6 are missing. Listen for assumptions. Work with your own
7 memories. Work with the things that you come into the jury
8 room with.

9 When we talk about memories, you're going to hear about
10 the way that people's memories become fallible. And when we
11 talk about it, "Well, what do you mean 'Memories become
12 fallible'?" Do you ever go home and you put your keys on the
13 counter and you go into the bathroom, you do a couple of
14 things, you go through some errands, and you come back and
15 say something to somebody, "Hey, man, I gotta go. Let me
16 grab my keys," and you come back and your keys are missing?
17 You're like, "Everything in my brain told me my keys were
18 right there." And when we sit back and think, our memories
19 create a situation that's not really happened because we want
20 it to be that that's what we've done so many times that it
21 has to be.

22 So what am I asking you to do? I'm asking you to look
23 at every bit of evidence. I want you to listen to it very
24 critically and ask yourself, Has the State proved anything?
25 Have they told me this great story? Is it based on a true

1 story, or did they just add something to it to make it a
2 little more exciting?

3 Thank y'all so much.

4 THE COURT: You may proceed.

5 MS. BALDWIN: Thank you, your Honor.

6 The State calls Gladys Singleton.

7 THE COURT: If Ms. Singleton would come to the stand and
8 be sworn.

9 CLERK OF THE COURT: Please raise your right hand and
10 place your left hand on the Bible.

11 (Witness sworn.)

12 CLERK OF THE COURT: Please be seated.

13 Please state your full name, spelling your last name
14 directly in the microphone.

15 THE WITNESS: Gladys Rhodessia Singleton,
16 S-I-N-G-L-E-T-O-N.

17 THE COURT: Could you spell your first and middle name,
18 ma'am.

19 THE WITNESS: G-L-A-D-Y-S, R-H-O-D-E-S-S-I-A.

20 THE COURT: You may proceed.

21 MS. BALDWIN: Thank you, your Honor.

22 THE COURT: You're welcome.

23

24

25

1 GLADYS SINGLETON,
2 called as a witness on behalf of the State, being first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MS. BALDWIN:

6 Q. Ms. Singleton, where are you from?

7 A. Charleston, South Carolina.

8 Q. Born and raised?

9 A. Born and raised.

10 Q. Okay. And what do you currently do for a living?

11 A. I work in transportation.

12 Q. Okay. Does your family live here?

13 A. Yes.

14 Q. Where in the Charleston area do they live?

15 A. They live all over: downtown, West Ashley, James
16 Island.

17 Q. Okay. Do you have any children?

18 A. No.

19 Q. Where were you working in 2019?

20 A. At CARTA, driving a city bus.

21 Q. Okay. And you're kind of soft-spoken, so make sure to
22 just speak loudly.

23 A. Driving a city bus at CARTA.

24 Q. Thank you. Just so the court reporter and the jury can
25 hear you.

1 Where was your route, mainly?

2 A. My route changed, but during that time I believe I was
3 doing free bus downtown, the Calhoun and Marion bus.

4 Q. Okay. Would you ever take breaks during your shift?

5 A. Yes.

6 Q. Okay. Would you ever have to pause the bus during your
7 shift?

8 A. I would have to kneel the bus and stop it if I got there
9 too early because we weren't allowed to leave early.

10 Q. Was that common?

11 A. Yes.

12 Q. What was one of the places that you stopped at?

13 A. Meeting and Calhoun, Concord by the aquarium -- several
14 stops. Wentworth Street is one of the stops. That's a
15 couple area stops.

16 Q. Okay. Do you know the defendant Algernard Young?

17 A. I do.

18 Q. Okay. How long have you known him?

19 A. Oh, about 26-plus years.

20 Q. And is he in the courtroom today?

21 A. He is.

22 Q. Okay. Could you tell me what he's wearing?

23 A. He's wearing a blue shirt, tan pants.

24 Q. Okay.

25 A. I think that's blue. Blue or purple.

1 MS. BALDWIN: Let the record reflect that she's
2 identified the defendant.

3 THE COURT: You may proceed.

4 BY MS. BALDWIN:

5 Q. Were you and Mr. Young married at some point?

6 A. We were.

7 Q. Do you recall what year you got married?

8 A. I believe it was 2017.

9 Q. Okay. And were you separated at any point?

10 A. We were. A couple of months after we got married we
11 separated.

12 Q. And were you divorced at any point?

13 A. We were. In 2019 it was finalized.

14 Q. Okay. When in 2019?

15 A. In October.

16 Q. Okay. So that relationship ended at some point?

17 A. Yeah.

18 Q. And before we get into the nature of your
19 relationship --

20 MS. BALDWIN: We may have a matter of law that we need
21 to address, your Honor.

22 THE COURT: Mr. Foreman -- Madam Forelady, ladies and
23 gentlemen, we have a brief matter of law to take up. During
24 the break, please do not discuss the case. Please leave your
25 notepads in your seats. We appreciate your patience.

1 (The jury exited the courtroom at 4:10 p.m.)

2 (The following proceedings were had outside the presence
3 of the jury.)

4 THE COURT: You may be seated.

5 Proceed.

6 MS. BALDWIN: Thank you, your Honor.

7 GLADYS SINGLETON

8 PROFFER EXAMINATION

9 BY MS. BALDWIN:

10 Q. Just tell us about your relationship with the defendant.
11 What was it like?

12 A. It was good up until we got married.

13 Q. And then what happened once you got married?

14 A. Once we got married, it was more bad than good.

15 Q. Okay. When you say "more bad than good," what do you
16 mean?

17 A. He was very abusive and controlling.

18 THE COURT: I'm sorry, ma'am. I can't hear you.

19 THE WITNESS: He was very -- he started being very
20 abusive, controlling. He started following me around.

21 BY MS. BALDWIN:

22 Q. When you say "abusive," what do you mean?

23 A. He would beat on me, verbally abusive.

24 Q. Okay. And did that continue after you were separated?

25 A. It did.

1 Q. The physical abuse as well as the controlling behavior?

2 A. It did, yes.

3 Q. Okay. Was he -- would you communicate with him even
4 though there was this behavior even after you all were
5 separated?

6 A. Yes.

7 Q. And why would you communicate with him?

8 A. I still communicated with him because if I didn't, he
9 would pop up and he would come.

10 Q. And when you say "he would pop up and he would come,"
11 what do you mean by that?

12 A. He would pop up at my residence, at my job. He would be
13 behind vans when I get out of the car. Behind trees. Things
14 like that.

15 Q. How often did this happen?

16 A. A lot. Quite a lot.

17 Q. Were you always nice to him when you communicated with
18 him?

19 A. Oh, yes, ma'am.

20 Q. Okay. Ever -- so you didn't tell him to go away ever?

21 A. Yeah, I tried running him, but it wasn't working. It
22 wasn't doing anything, so I would just try to be nice so he
23 can go.

24 Q. And so the night of November 15, did you see him?

25 A. I saw him from a distance, yes.

1 THE COURT: I'm sorry. I couldn't hear your answer.

2 THE WITNESS: I saw him from a distance, yes.

3 BY MS. BALDWIN:

4 Q. And where was that?

5 A. That was in my apartment complex, across from my
6 apartment, and on Concord Street by the aquarium.

7 THE COURT: Which street is that again?

8 THE WITNESS: Concord.

9 THE COURT: Mm-hmm. You may continue.

10 MS. BALDWIN: And that's about all I would try to elicit
11 from her, your Honor. Mainly the abusive and controlling
12 behavior and the fact that he continued to show up.

13 THE COURT: Any exception to this line of questioning
14 from the defense?

15 MR. WILLIAMS: Your Honor, only to the section that
16 deals with physical abuse.

17 THE COURT: And what's the basis of the objection?

18 MR. KENT: Your Honor, similar to our earlier motions on
19 the 911 calls, again, it brings in conduct that is
20 prejudicial to the defendant that does not relate to the
21 victim in the case or make more probable the shooting of
22 David Alston.

23 I get "controlling." I understand that. I think that
24 brings in prior bad acts. I get "verbally abusive." But
25 when you get into physical abuse and the high level of

1 prejudice tied to that -- meaning prior crimes, unconvicted
2 crimes -- I think that outweighs any prejudicial effect, and
3 the likelihood that he would shoot David Alston would
4 increase as a result of that testimony. So I think it --
5 your Honor, under a 404(b) analysis, the prejudicial effect
6 is much greater than any kind of probative value.

7 THE COURT: Any response from the State?

8 MS. BALDWIN: Just briefly, your Honor. I think it goes
9 to explain her behavior in terms of the reason why she would
10 continue to communicate with him was because of the physical
11 abuse, as well as the controlling behavior and the showing up
12 constantly at her house and at her work. It shows a common
13 scheme and explains -- it's all kind of within that world of
14 domestic violence that she was experiencing.

15 THE COURT: Anything further from the defense?

16 MR. WILLIAMS: No, your Honor.

17 THE COURT: I think any argument -- in other words,
18 emphasizing -- that she was not the victim of this act is
19 misplaced. Without her being involved in this continuum, the
20 crime would not make any sense. Clearly, under our Code of
21 Law -- well, under our case law, prior bad acts, whether they
22 be the subject of a conviction or not the subject of a
23 conviction, are subject to additional scrutiny pursuant to
24 404(b), which we commonly refer to as prior bad act evidence.

25 Case law is very clear. First starting out with the

1 precedent of *State versus Lyle*, our Supreme Court has
2 articulated the exceptions to that general rule regarding bad
3 character evidence. However, in this instance it would be
4 prior bad acts not the subject of a crime, which would be
5 when -- once she was asked to define what is abusive, that
6 being that he was -- the verbal abuse, I don't know that -- I
7 guess you could characterize that as an assault. But
8 certainly where she indicates that he physically harmed her.
9 Being controlling is not a crime. Certainly it's not the
10 best moral behavior, but certainly I'm not aware of any
11 crimes you can charge someone for being controlling.

12 But under the set of circumstances and under the case
13 law, when evaluating whether this evidence would be
14 admissible, the Court looks to whether it tends to establish
15 motive, intent, absence of mistake, a common scheme or plan
16 embracing the commission of two or more crimes so related to
17 each other that proof of one tends to establish the other and
18 the identity of the person charged with the commission of the
19 present crime, which we refer to as -- of course, under the
20 characterization or the element of identity.

21 And I think under these circumstances, at least based on
22 limited testimony and subject to connection -- which I assume
23 the State will bring this full circle -- it is clearly
24 admissible to show motive and intent, as well as absence of
25 mistake or accident. There would be no other reason in terms

1 of intent other than his connection to Ms. Singleton to have
2 acted as the State has alleged toward the victim in this
3 case, who was Mr. Alston.

4 Without his interaction with her, that being her
5 allegation or her testimony that he was abusive and
6 controlling -- and I assume later they're going to elicit the
7 same testimony from the 911 tape that they'd gotten divorced
8 and he just couldn't handle it and that his behavior had
9 become incredibly controlling. Under those circumstances and
10 in terms of the continuum of these events, it is probative.
11 Any probative value outweighs -- any prejudice is outweighed
12 by its probative value.

13 And it does goes to the elements of motive and intent,
14 as well as absence of mistake. I don't know that common
15 scheme or plan, under the interpretation or iteration of the
16 law, if that is applicable. Common scheme or plan is when
17 they're two separate events but they're closely tied by nexus
18 of certain elements, and I don't think that's applicable in
19 these circumstances. And it may well go to the identity of
20 the person charged with commission of the present crime as
21 well.

22 So the objection is noted and overruled.

23 You ready to go forward?

24 MS. BALDWIN: Yes, ma'am.

25 THE COURT: Thank you.

1 MR. WILLIAMS: Your Honor, may I have one quick
2 question? I don't think we had any testimony as to the
3 temporal nature of when these events occurred. It wasn't
4 testified to, but I think that may be helpful. I think she
5 just said "prior."

6 THE COURT: I would assume that she would be more
7 specific as to date and time.

8 MS. BALDWIN: I can ask her that for the record, your
9 Honor.

10 THE COURT: Sure. Go ahead.

11 BY MS. BALDWIN:

12 Q. So when you said he was abusive and controlling, when
13 did this occur?

14 A. Multiple times. It's not just one time. I mean, it
15 happened --

16 THE COURT: I don't think that's what Mr. Williams is
17 referring to. He's talking about time. Like, when did it
18 happen? A week before? Two weeks before? Did it happen
19 right after they got married?

20 THE WITNESS: Oh.

21 THE COURT: She did testify that they were fine for a
22 period of years and then when they got married, but almost
23 immediately after the marriage -- at least that's what I
24 interpreted from her testimony -- that this behavior started.

25 MS. BALDWIN: That's what I understood it to be as well.

1 THE COURT: But I think you're going to have to be more
2 specific than that. She's going to have to be able to
3 articulate. You know?

4 MS. BALDWIN: And I think -- to clarify, your Honor, are
5 we talking about -- because my understanding from what she
6 was saying is that the controlling behavior and the popping
7 up was continuous from when they got married to when they got
8 separated to when this incident occurs. So to be able to
9 nail down these multiple specific instances I think would be
10 difficult for her today because it occurred so often.

11 THE COURT: But she didn't say -- she didn't say that,
12 though. You said it.

13 MS. BALDWIN: No, but I -- I don't know exactly what she
14 said, but that's what she testified to. I just clarified
15 that.

16 THE COURT: No, she was vague. Yeah. You know, I mean,
17 I could extrapolate that from it, but I think you have to
18 develop it more than that. I agree; she probably -- it's not
19 like she kept a diary and would --

20 MS. BALDWIN: Right.

21 THE COURT: -- know every exact date. But I think you
22 can say within a -- you know, "Within a month of us being
23 married, this started happening and it happened
24 continuously," or "Within a month of us being separated, and
25 this is how often he did it." I think you have to be -- you

1 have to elicit something a little more.

2 BY MS. BALDWIN:

3 Q. So when did this behavior start?

4 A. The behavior started probably a week after we got
5 married.

6 Q. Okay. And how often did it occur?

7 A. It happened the whole time after: when I left him,
8 while we were separated, up to that night.

9 Q. When you say "the whole time," would it be multiple
10 times a week? Once a month?

11 A. It's hard for me to say, but it happened a lot.

12 THE COURT: She's going to have to be able to be more
13 specific than that. I mean, you should know whether it
14 happened once a month, twice a week, three times a month.

15 BY MS. BALDWIN:

16 Q. When you say "it happened a lot," could you say if it --
17 was it more than once a month?

18 A. He would pop up at least -- at least four or five times
19 a week.

20 Q. From the time y'all got separated up until the time of
21 the incident?

22 A. From the time we got separated.

23 MS. BALDWIN: Is that sufficient for your Honor?

24 THE COURT: Mm-hmm.

25 Anything further from the defense?

1 MR. WILLIAMS: Well, your Honor, I guess I'm still
2 confused. I think we're mixing popping out on somebody and
3 physical abuse, and I don't think --

4 THE COURT: I'm not confused. She said that the -- and
5 I'm referring back to her original testimony. She said
6 almost immediately after the marriage his behavior became
7 abusive. It also became very controlling. And that he
8 followed her and that it continued once they separated and
9 after they were divorced; and that this behavior is what
10 precipitated the divorce. And then his behavior -- and then
11 she was more specific just now about when he was popping up.
12 So I don't see the two things as being confused. I think she
13 said "When did the behavior start?" She said a week after
14 they got married -- a week into the marriage.

15 Yes, sir?

16 MR. KENT: One moment, your Honor.

17 THE COURT: Mm-hmm.

18 MR. WILLIAMS: Your Honor, I guess I think we're all a
19 little concerned, at least from the defense side, that some
20 of the arguments we're going to make could in some ways
21 inform the witness of the arguments. So is there a way we
22 could make the arguments outside the presence of the witness?

23 THE COURT: No, because I don't think it's colored
24 anything she's really said. I think she's been consistent in
25 what she testified to, and I -- you know, it's a funny thing;

1 what you hear in-camera never develops the same way in front
2 of the jury. So I'm -- I don't think that is going to mean
3 that somehow she changed what she was saying because of that.

4 MR. KENT: Your Honor --

5 THE COURT: I don't think there's much more argument to
6 make. I think I've already made a decision about it. I've
7 been accommodating and asked them to make it more specific,
8 but I think it was clear to begin with. I think that it is
9 important for her to be able to say how many times it took
10 place, which, of course, you all could have gone into in
11 cross-examination in terms of impeaching her credibility and
12 her knowledge and her memory.

13 MR. KENT: May I --

14 THE COURT: Sure.

15 MR. KENT: I know Mr. Williams did, but is there a
16 problem if I make any statement for the record, your Honor?

17 THE COURT: No. Not at all.

18 MR. KENT: All right. If a Court of higher jurisdiction
19 is reading this at a later point in time --

20 THE COURT: Mm-hmm.

21 MR. KENT: -- one of the questions and concerns that we
22 had is the temporal aspect if they look back and say the
23 physical abuse was not close in proximity to the event in
24 which the solicitor is trying to utilize, which is why I
25 was --

1 THE COURT: I'm not aware -- well, go ahead. I'm
2 listening.

3 MR. KENT: Meaning if some court is saying, "Well, this
4 happened six years ago" -- I know it would have been within
5 two years; I'm just giving a generic number -- just the
6 temporal aspect of where we were trying to get for potential
7 appellate purposes of when the physical abuse would have
8 stopped based upon her --

9 THE COURT: I don't think she testified he physically
10 abused her after she left the marriage. She testified that
11 he kept popping up. She was trying to be accommodating
12 because when she was more clear, he just escalated it. But I
13 haven't heard any testimony from her that he physically
14 abused her --

15 MR. KENT: And your Honor, that's why --

16 MS. BALDWIN: And that's why the --

17 THE COURT: -- after she left the home.

18 MR. KENT: And that's why we want to make sure we --
19 that's what I was trying to clarify so that --

20 MS. BALDWIN: I've been kind of dancing around it too
21 because of the DV HAN that was after they were separated. It
22 had happened in January of 2019. So I thought it was more
23 prudent to leave it a little more general than to try to go
24 into that conduct that he was charged for.

25 MR. KENT: All I'm trying to make sure of is for a clear

1 record is that the physical abuse that she would be
2 testifying about would predate January 2019 or before that.

3 THE COURT: That's how I understood her testimony. She
4 said that almost a week into the marriage it became abusive.
5 But I don't -- I have not heard any testimony from her that
6 it went beyond that.

7 And I agree with Ms. Baldwin. The way she's handled it
8 is prudent because I'm not certain that DV HAN --

9 MR. KENT: I don't necessarily disagree. I'm just --

10 THE COURT: Yeah.

11 MR. KENT: -- making sure we have a clear record.

12 THE COURT: I just think it's -- you might want to stay
13 away from that and not --

14 MR. KENT: I'm literally just --

15 THE COURT: -- open any doors. Yeah.

16 MR. KENT: I'm literally just making sure I have a clear
17 record. That's it.

18 MS. BALDWIN: Your Honor, may I speak with Mr. Kent?

19 THE COURT: Sure.

20 All right. Are we ready to go forward with the witness?

21 MS. BALDWIN: Yes, your Honor.

22 So to be clear, your Honor, she can testify that there
23 was abuse -- physical abuse, controlling behavior, and he
24 would "pop up," as she put it?

25 THE COURT: The testimony that has been elicited

1 in-camera is admissible.

2 MS. BALDWIN: Thank you.

3 THE COURT: I think with the clarifications regarding
4 the temporal aspect of when he would pop up and being clear
5 and concise about when the -- when she characterizes abusive
6 behavior began within the confines of their relationship.

7 MS. BALDWIN: Okay.

8 So you understand?

9 THE WITNESS: I do.

10 THE COURT: All right. Are we ready to proceed from the
11 State?

12 MS. BALDWIN: Yes, your Honor.

13 THE COURT: From the defense?

14 MR. KENT: Yes, your Honor, on behalf of the defense.

15 THE COURT: Please bring in the jury.

16 THE BAILIFF: Yes, your Honor.

17 (The jury entered the courtroom at 4:28 p.m.)

18 THE BAILIFF: All jurors are present, your Honor.

19 THE COURT: You may be seated.

20 Ladies and gentlemen, we appreciate your patience.

21 We'll now resume testimony.

22 You may proceed.

23 MS. BALDWIN: Thank you, your Honor.

24 THE COURT: You're welcome.

25

1 GLADYS SINGLETON

2 RESUMED DIRECT EXAMINATION

3 BY MS. BALDWIN

4 Q. When we left off, you said that you were divorced from
5 Mr. Young when?

6 A. It was finalized in 2019 in October.

7 Q. And let's talk a little bit about your relationship with
8 him. What was it like?

9 MR. KENT: And your Honor, I'm just going to renew my
10 objection on the record.

11 THE COURT: I think we've argued it in-camera and
12 preserved it. I don't think you have to do a continuing
13 objection.

14 MR. KENT: Thank you so much.

15 THE COURT: It's noted and overruled.

16 You may proceed.

17 BY MS. BALDWIN:

18 Q. So what was your relationship with Mr. Young like?

19 A. It was bad.

20 Q. Okay. What do you mean by "bad"?

21 A. It was bad when we got married.

22 Q. After you got married?

23 A. Yeah.

24 Q. And how would you describe "bad"?

25 A. Him being controlling, abusive, following me around.

1 Q. And when did that behavior start?

2 A. That behavior started immediately -- probably a week
3 after we got married.

4 Q. And when you say "abusive," what do you mean?

5 A. Physically abusive.

6 Q. Okay. And did some of that behavior continue after you
7 were separated from him?

8 A. It did.

9 Q. Okay. And how often would he just pop up after you were
10 separated?

11 A. Several times a week. Maybe five times a week.

12 (Indiscernible). Whenever he felt like it.

13 COURT REPORTER: Ma'am, you have to speak up, please.

14 THE WITNESS: Whenever he felt like it.

15 BY MS. BALDWIN:

16 Q. Okay. How many times a week?

17 A. Three to five times a week.

18 Q. And how long did that behavior continue?

19 A. It continued up to that night.

20 Q. And when you say "that night," what night do you mean?

21 A. The night in November.

22 Q. Now, were you still communicating with Mr. Young during
23 this period of time?

24 A. Yes.

25 Q. And why was that?

1 A. I continued to communicate with him because if I didn't,
2 he would pop up. He would be angry, sometimes put his hands
3 on me.

4 Q. When you say -- when you say he would "pop up," where
5 would he pop up at?

6 A. He would pop up at some of my bus stops. He would pop
7 up in my -- where I'm living at, my apartment complex. At my
8 sister's house. He would just pop up.

9 Q. Okay. Let's switch over to Mr. Alston. How did you
10 know him?

11 A. I knew him from seeing him at the Bear-E-Patch.

12 Q. Okay. What's the Bear-E-Patch?

13 A. It's a restaurant in West Ashley that I like to eat.

14 Q. Okay. Did -- were you friendly with him?

15 A. We never spoke when I was going there. I would just see
16 him in there cooking. He was a cook. And we originally --
17 we introduced ourselves at the Lost Sock on Dorchester Road
18 in 2019. I can't remember exactly when, but he helped me
19 take my clothes to my car.

20 Q. Okay. And what's the Lost Sock?

21 A. It's the laundromat that I drop my clothes off to.

22 Q. And you said he helped you with your clothes. Did the
23 relationship progress to more than just helping with clothes?

24 A. It did.

25 Q. And what did it progress to?

1 A. Into us dating with each other.

2 Q. Okay. And how long were you two together?

3 A. Not very long. I can't remember exactly, but I'm going
4 to say probably five months or six months or something like
5 that.

6 Q. And what was that relationship like?

7 A. It was wonderful. It was wonderful. Wonderful.

8 Q. When you say "wonderful," how was it wonderful?

9 A. I was very happy.

10 Q. Okay.

11 A. He was very nice to me, very sweet to me. He treated me
12 really good.

13 Q. And what were your feelings toward him?

14 A. I loved him. Still love him.

15 Q. So let me bring you to October or November of 2019.
16 Where were you living at the time?

17 A. I was living at 78 Ashley Hall Plantation Road,
18 Apartment [REDACTED].

19 Q. Okay. And do you know the name of that apartment
20 complex?

21 A. Ashley Oaks Apartments.

22 Q. Okay. I'm showing you what I believe has been admitted
23 as State's Exhibit 1 without objection.

24 MS. BALDWIN: May I approach, your Honor?

25 THE COURT: You may.

1 BY MS. BALDWIN:

2 Q. Do you know what that is?

3 A. It's a picture of the apartment complex.

4 Q. Okay. I'm going to put it up on the screen over here.
5 It should pop up in front of you as well.

6 (Exhibit displayed on screen in open court.)

7 BY MS. BALDWIN:

8 Q. So Gladys, that's the apartment complex that you were
9 living at at the time?

10 A. Yes. Yes.

11 Q. Okay. And where was your apartment building?

12 A. My apartment building was right here.

13 Q. Okay.

14 A. Right there.

15 Q. Okay. And where is one of the entrances to the
16 apartment complex?

17 A. One of the entrance to the complex is right here.

18 Q. Okay. And where's the other entrance?

19 A. Another entrance is here.

20 Q. Okay. And in that apartment building, do you recall
21 where your apartment specifically was?

22 A. Yes.

23 Q. Okay. Can you do a little mark?

24 A. Yeah. The red line is in the way, so I was further more
25 to the -- right here.

1 Q. I'll try to clear it off for you.

2 A. Okay.

3 Q. Got it.

4 So was it on that -- there we go. You want to draw that
5 mark again?

6 A. My apartment would be right here on -- oh, sorry. I
7 would have been upstairs.

8 Q. Okay. Upstairs?

9 A. Yes.

10 Q. Right by the treeline there?

11 A. Yep.

12 Q. Okay. So on the night of November 15, 2019, what were
13 you doing?

14 A. On the night of November -- you say November what?

15 Q. November 15, 2019. The night before this all happened.

16 A. I got off of work, and I went home and set up my
17 cameras.

18 Q. Okay. What happened -- did anything happen while you
19 were at work?

20 A. Yes. When I was at work -- Algernard was calling my
21 phone a lot that day.

22 Q. Okay.

23 A. I was ignoring him. So it was getting close to me
24 getting off, and I had some downtime at the aquarium. So
25 when I got to the stop sign of Calhoun and Concord, looked at

1 the traffic before I pull off from the stop sign, and I
2 looked to the right and I saw his stepdad's Toyota parked.

3 Q. Okay. Do you know his stepdad's name?

4 A. Robert.

5 Q. Okay. And you said you saw his Toyota. Do you know the
6 model of it?

7 A. No. Not really.

8 Q. Do you know what color it was?

9 A. It was like a gold-ish, champagne-ish color.

10 Q. All right. Did you see Mr. Young?

11 A. I did see his body structure. It looked like him
12 dressed in all black.

13 Q. Okay. And you'd known him for years?

14 A. I had known him for a very long time.

15 Q. Okay. And what did you do when you saw him?

16 A. When I saw him, I got back on the bus.

17 Q. Okay. And where did you go?

18 A. I got back on the bus and I stayed on the bus.

19 Q. Okay.

20 A. When I got back on the bus, he called my phone, and I
21 didn't answer it.

22 Q. What did you do when your shift ended?

23 A. When my shift ended, I went back to the yard at CARTA
24 and I called 911 to stay on the phone until I got home.

25 Q. Was it 911 that you called?

1 A. No. I called the non-emergency because that's the
2 number I was told I need to call.

3 Q. Okay. And what did you tell them when you called the
4 non-emergency number?

5 A. I told them that my ex-husband was still bothering me.
6 I saw him down at the aquarium and I felt really weird that
7 night, so I just wanted them to stay on the phone with me so
8 I could get home.

9 Q. What was going through your head?

10 A. It just felt weird. I felt like he was going to be
11 around my building and then pop out.

12 Q. Okay. Were you calm about it?

13 A. As calm as I could be.

14 Q. Okay. What did you do when you got home?

15 A. When I got home -- when I got home, I got in and I
16 called David. And I was telling him that, like, he needed to
17 come by -- he was supposed to spend the night that night --
18 because he was down by the aquarium.

19 Q. Okay. And what was David's response?

20 A. He got very upset with me. He told me that he was tired
21 of me letting him control me, that we weren't married anymore
22 and he was sick of it.

23 Q. And so what happened next?

24 A. He told me -- that was only for a second. And then he
25 -- Algernard called the phone, and I didn't answer. And then

1 I told David that I was going to answer just to see what he
2 wants. He told me not to answer, and I answered it. So
3 after I spoke back to David, he told me he was sick of it and
4 he was bringing my things to the house.

5 Q. When you answered the phone when Algernard called, what
6 did he say?

7 A. He asked me if I had seen him calling my phone all day
8 and what I was doing.

9 Q. Okay. Where was David living at the time?

10 A. Off of Ranger Drive in Waylyn.

11 Q. And where's Ranger Drive?

12 A. It's in Waylyn.

13 Q. Waylyn? Is that in North Charleston?

14 A. Off of Dorchester Road.

15 Q. Okay. Did you see David that evening?

16 A. I did see him that night.

17 Q. Okay. And how did you see him?

18 A. He came by the house to bring my things there.

19 Q. What things?

20 A. He brought my heart medication, water, some food items.
21 I was supposed to cook some things. I was supposed to meet
22 his brother on Thanksgiving, so he went and bought some
23 things and brought -- and some of my work clothes, uniforms.

24 Q. Okay. Where did he put the stuff when he came over?

25 A. Right by the door on the floor.

1 Q. Okay. Did y'all talk when he was there?

2 A. We had an argument in the door.

3 Q. Okay. Where did he go after the argument?

4 A. He went downstairs. And I thought he was coming back,
5 but after a couple minutes he never came back up. So I went
6 and looked out the window, and that's when I saw Algernard
7 stepdad car across the street, and Algernard. And David was
8 gone.

9 Q. Okay. And what happened with Algernard?

10 A. Algernard called my phone and I answered. He said to me
11 that if I need to tell him that I have that nigger bringing
12 my stuff to my house.

13 Q. Okay. And was Algernard still in the parking lot when
14 he called your phone?

15 A. That's what made me actually look out the window.

16 Q. Okay. So was he in the parking lot?

17 A. Yeah.

18 Q. Okay. And what was your reaction when he said that?

19 A. I called David.

20 Q. Did you tell David what Algernard said?

21 A. Yes. I called David, and I told David that I think he
22 was outside the whole time we were arguing and I think he
23 heard the whole argument.

24 Q. Okay. And what was David's response?

25 A. David said he didn't -- he cursed. He said he didn't

1 care. He wasn't studying him. He's not scared of him.

2 Q. Okay. Was there any indication about where David was?

3 A. Yeah. I asked him where he was. He told me he was
4 going home.

5 Q. Okay.

6 A. I told him, "Be careful because I think he's following
7 you. Just be careful."

8 Q. What made you think that he was following David?

9 A. Because he peeled out of the parking lot.

10 Q. Okay. So what happens after that conversation with
11 David?

12 A. After that conversation with David, it was a lot of back
13 and forth with Algernard calling my phone.

14 Q. Okay. And what was Algernard saying when he was calling
15 your phone?

16 A. Arguing about me loving him. He say did I love him. He
17 was threatening to kill my boyfriend and kill himself.
18 Yelling in rage over the phone, screaming. He was loud. I
19 was trying to calm him down.

20 Q. About -- do you know about what time of night this was?

21 A. Not exactly, no, but it was late. It was late because I
22 got off late.

23 Q. Okay. About what time did you get off?

24 A. Maybe after 9:00, after 10:00. I'm not sure exactly.

25 Q. Okay. And did you have any roommates at your apartment

1 at the time?

2 A. Brandon.

3 Q. Okay.

4 A. Brandon was staying with me.

5 Q. Where was Brandon during all of this?

6 A. Brandon was in the bedroom.

7 Q. Okay. So did Algernard calm down at all?

8 A. No. Not at that point.

9 Q. Did he say where he was when he was calling you?

10 A. He told me he was at his mom house and he wanted me to
11 come over there so we could talk or he was going to kill his
12 self.

13 Q. Okay. Did you go over there at any point?

14 A. I told him, "No. I'm not coming out my house." I told
15 him that, you know, I don't come out the house at night and
16 "You must be crazy if you think I'm coming to see you." I
17 never went out the house.

18 Q. Why wouldn't you go out of the house?

19 A. Because I just felt like he was going to do something.

20 Q. Do something to who?

21 A. Me.

22 Q. Okay. Could you only hear him on the phone?

23 A. At first I only could hear him on the phone because I
24 was in the kitchen. But I moved from the kitchen to the
25 living room and sat on the couch and started messing with the

1 cameras, and I heard his voice outside.

2 Q. And when you say "cameras," what cameras are you talking
3 about?

4 A. Cameras that David got me to put in my house because I
5 would feel a lot safer in case he pops up again. I could
6 have him on camera, because when I asked the officers about
7 it, they told me that they could not go to his house and
8 arrest him just by me saying he was here. They'd have to
9 catch him on site. So David told me about the cameras at
10 Best Buy.

11 Q. So you said you heard Algernard's voice outside your
12 door?

13 A. Correct.

14 Q. While you were on the phone with him?

15 A. Yes.

16 Q. What was he saying when he was outside of your door?

17 A. He was talking to me, trying to get me to come to his
18 mom house and talk to him. He just wanted to talk to me.
19 That's when I told him I said, "Al" -- I went a little closer
20 to -- I had a lamp stand by the couch and -- the couch and
21 the door. So I went a little closer so I could put my ear a
22 little closer to the wall. And I was like, "Al, are you on
23 my porch?" I said, "Are you right on my porch talking to
24 me?" And he went, "Yeah. Just open the door and come
25 outside and talk to me." I said, "I'm not coming outside."

1 I said, "You need to get off my porch."

2 Q. So what was his response?

3 A. He just continued to try to get me to come outside.

4 Q. Okay. Did the conversation with you and Al continue?

5 A. It did --

6 Q. Okay.

7 A. -- for -- well, I don't know how long, but it did.

8 Q. Okay. What was he saying?

9 A. Just saying that he saw that I loved him, saying that he
10 was going to kill my boyfriend. That's what he was saying.
11 And after that, then he was going to kill his self or he was
12 going to make the police officers kill him.

13 Q. And when you said -- you said -- Algernard said he saw
14 that you loved him?

15 A. Yeah.

16 Q. Who did you take that to mean he was referring to?

17 A. David.

18 Q. Okay. And did the calls eventually stop?

19 A. The last call I got from him -- because it was back and
20 forth with him, and me trying to call David and check on
21 David. And the last call I got from him was, "You know what,
22 Dessy" -- which is my nickname. He said, "I'm going to go
23 ahead and let you be happy because I see you really love that
24 nigger. So if you happy" -- he said, "If you want to be with
25 him, go ahead and be with him. I'm going to go ahead and let

1 you be happy." Then he told me good night.

2 Q. Did you believe that he was -- that's what he was going
3 to do?

4 A. No. No. No, no. No.

5 Q. Okay. And after he said good night, was there anything
6 else that happened?

7 A. It got quiet.

8 Q. Okay. And what happened next?

9 A. I tried calling David, but he wouldn't answer.

10 Q. Okay. And what happened after that?

11 A. After that -- after a minute or two, a couple of minutes
12 maybe, David called my phone and told me to write a number
13 down. And he said it was his brother number. And he told me
14 if something happened to him, to call that number.

15 Q. And did you talk to Mr. Young at all after that?

16 A. Yeah. Once David hung up, Al called the phone. And
17 Algernard said, "You need to tell me" -- he said, "You need
18 to tell me about this nigger bringing your shit to the
19 house." Excuse my language. He said, "This nigger had the
20 audacity to come back to your house."

21 Q. And what happened next?

22 A. After that, David called my phone back and he cursed at
23 me and he hung up on me. I tried calling David back, but he
24 didn't answer. I heard three gunshots, and I heard Algernard
25 scream out of rage.

1 Q. Okay. Did Algernard say anything prior to the gunshots?

2 A. I didn't hear anything before the gunshots. Not
3 outside. Just on the phone.

4 Q. Do you recall giving a statement to the police?

5 A. Yeah. He told me he was going to kill his -- that
6 nigger and he was going to kill his self.

7 Q. Okay. Do you recall telling the police anything about
8 -- about what he was going to do, like, prior to the
9 shooting?

10 A. Yes. He told me that he was going to kill David and he
11 was going to shoot him in the face so he wouldn't have an
12 open casket.

13 Q. Okay. Could you hear him say that through the door?

14 A. No, I didn't. He said it on the phone.

15 Q. Okay. So right prior to the shooting, do you recall
16 Algernard yelling anything?

17 A. I heard three gunshots, and I heard a loud scream.

18 Q. Okay. Did you know who that was?

19 A. Algernard.

20 Q. And how did you know who that was?

21 A. I know his voice.

22 Q. Okay. Did you hear any more shots after the scream?

23 A. I heard more shots after the scream.

24 Q. Okay. And so what did you do?

25 A. After I heard the three shots and the scream -- the

1 scream was immediately after the three shots -- I called 911.

2 Q. Okay. What was going through your head when you heard
3 those shots?

4 A. I thought he was shooting in the air being that I heard
5 him scream after the three shots. So I thought he was just
6 shooting in the air. Because I knew he was outside and it
7 got quiet, but I didn't really think that he left.

8 Q. Okay. And so what did you do as a result?

9 A. I called 911.

10 Q. This is a redacted copy --

11 THE COURT: Don't make any reference to any pretrial
12 motions.

13 MS. BALDWIN: I wasn't, your Honor.

14 THE COURT: Mm-hmm.

15 BY MS. BALDWIN:

16 Q. Ms. Singleton, do you know what this is?

17 A. It's a DVD.

18 Q. Okay.

19 MS. BALDWIN: The Court's indulgence.

20 Your Honor, may we approach briefly?

21 THE COURT: Mm-hmm.

22 (A discussion was had off the record at the bench in the
23 presence of the jury but outside the hearing of the jury.)

24 COURT REPORTER: Your Honor?

25 THE COURT: I'm sorry. I should have made sure you

1 could hear. We'll put it on the record during the next
2 break, outside the jury's presence.

3 (The following proceedings were held in open court in
4 the presence and hearing of the jury.)

5 MS. BALDWIN: Your Honor, at this time we'd like to
6 introduce State's Exhibit 51 into evidence.

7 THE COURT: Marked and admitted subject to the objection
8 and the Court's earlier ruling.

9 (State's Exhibit No. 51 admitted into evidence.)

10 MS. BALDWIN: Your Honor, may we publish it to the jury?

11 THE COURT: You may. And that's No. 51?

12 MS. BALDWIN: Yes, your Honor.

13 (Audio played in open court.)

14 BY MS. BALDWIN:

15 Q. Now, Gladys, in there you mentioned the shots, and you
16 were -- it sounded like you were talking to somebody else,
17 saying, "How many shots was that?" Who were you talking to?

18 A. Brandon.

19 Q. And I know you told the 911 dispatcher that you had a
20 9-millimeter. Did Al know what kind of gun you had?

21 A. Yes, he did.

22 Q. Okay. So what happened when the police arrived?

23 A. When the police arrived, they were talking to me. I was
24 sitting in the living room and, I remember, in a chair.

25 Q. Did you know that David was out there at that time?

1 A. No. No.

2 Q. When did you find out?

3 A. Brandon came out of the room crying, and I asked him why
4 he was crying. And he said because --

5 MR. KENT: Objection to hearsay.

6 THE COURT: Ma'am, you cannot say what someone said to
7 you. You can say what you did as a result of the
8 conversation.

9 The objection is sustained.

10 Ladies and gentlemen, you're to disregard the last
11 response and give it absolutely no consideration in your
12 deliberations.

13 BY MS. BALDWIN:

14 Q. So what did you do as a result of what Brandon told you?

15 A. I looked out the window.

16 Q. And what did you see?

17 A. I saw David's car, and I saw David laying down on the
18 ground beside his car and blood was rolling behind the back
19 tire, because the light was shining on him and caution tape
20 was around him.

21 Q. And where was -- what kind of car did David drive?

22 A. A Chrysler. A Chrysler 3000? 300? A Chrysler, a white
23 one.

24 Q. A white one?

25 A. Yeah.

1 Q. Okay. So what did you do when you saw David out there?

2 A. I ran downstairs. I tripped out. I'm trying to get to
3 him. I was trying to get to him.

4 Q. Did you get to him?

5 A. No. Some people -- I can remember there was some people
6 trying to grab me, but I still been trying to get to him.
7 But I think I blacked out. And when I woke to, they were
8 trying to get me upstairs. They were a little concerned
9 about my heart.

10 Q. Okay. Why were they concerned about your heart?

11 A. Because I've got heart issues.

12 Q. Okay. Did you go back upstairs eventually?

13 A. Yeah. They took me back upstairs.

14 Q. Okay. And what happened when you went back upstairs?

15 A. I just did a lot of crying, talking to the officer that
16 was up there. And then Algernard started calling my phone.
17 He was blowing it up, but I wasn't answering. Then I turned
18 it on and I answered it. They told me not to answer it, and
19 I said, "F it. I'm answering," and put him on speaker phone.

20 Q. In front of who did you put it on speaker phone?

21 A. In front of the officers that was there.

22 Q. Okay. Did you give an interview to anybody? Any police
23 officer?

24 A. I did.

25 Q. Okay. At your apartment?

1 A. At my apartment and downtown.

2 Q. Okay. And did anything happen before you went downtown
3 with the police?

4 A. In the apartment?

5 Q. On the way from the apartment to downtown?

6 A. Yeah. I was took around the other side of the complex
7 to see if that was the car that I saw that he was driving.

8 Q. Okay. Did you see the car that he was driving?

9 A. I did.

10 Q. Okay. And once again, what color was it?

11 A. Like a gold-ish, champagne-ish color.

12 Q. Okay. Gladys, what was your phone number at the time?
13 Do you recall?

14 A. [REDACTED]-8699.

15 Q. Okay. And what was Al's phone number at the time? Do
16 you know?

17 A. I can't remember his phone number, but I know his main
18 number had a 472. 144172 or something.

19 Q. How did you -- did you have him programmed in your
20 phone?

21 A. As Algernard.

22 Q. Okay.

23 (State's Exhibit No. 52 marked for identification.)

24 BY MS. BALDWIN:

25 Q. Gladys, after you went downtown and gave an interview,

1 did you do anything else that night with the police?

2 A. I went to West Ashley. They took me down there to get
3 my -- to plug up my phone.

4 Q. To plug up your phone?

5 A. Yeah.

6 Q. Do you know -- what do you mean by that? Can you
7 explain that a little bit better?

8 A. They wanted to get messages and call logs off of it.

9 Q. Okay. And did they?

10 A. They did.

11 Q. Okay. And the police did that?

12 A. Yes.

13 Q. Okay. I'm going to show you State's Exhibit 52 that's
14 been marked for ID at this point. Can you tell me what this
15 is?

16 A. It's a call log with my number, Al's number, David's
17 number on there.

18 Q. Okay. Do you know whose phone the call log is from?

19 A. My phone.

20 Q. Okay.

21 MS. BALDWIN: Your Honor, at this time I'd like to
22 introduce State's 52 into evidence.

23 THE COURT: Any exception?

24 MR. KENT: Yes, your Honor.

25 THE COURT: You need to establish the appropriate

1 foundation --

2 MR. KENT: Thank you.

3 THE COURT: -- for giving Ms. Singletary that document.

4 MS. BALDWIN: Yes, your Honor.

5 THE COURT: She did not create it, nor does she have the
6 expertise to create it.

7 MS. BALDWIN: Thank you, your Honor.

8 THE COURT: Under advisement. ID only.

9 MS. BALDWIN: Thank you.

10 THE COURT: Is that No. 52?

11 MS. BALDWIN: Yes, ma'am.

12 THE COURT: Ladies and gentlemen, we're going to take
13 advantage of this break in testimony to take our evening
14 recess. I know it's been a particularly long day for you.
15 We generally break right at 5:00 because I know with traffic
16 and other obligations you must meet, I don't want you all to
17 run into any conflicts with trying to meet your obligations.

18 So we'll resume in the morning at 9:30. The bailiffs
19 have arranged, as well as the clerk of court -- well, the
20 Clerk of Court's Office has arranged and the bailiffs are
21 going to give you instructions. You're going to be parking
22 next door in the garage, so you will come directly into the
23 building instead of parking on Cumberland and coming down the
24 street. They're going to give you instructions regarding
25 that. In the morning, you'll come directly to your jury

1 room. As soon as all of you have arrived, we'll resume
2 testimony.

3 During the break, it is vital that you have no contact
4 with anyone in or about the courthouse, that you not discuss
5 this case among yourselves or with anyone else, and that you
6 certainly not read, watch, or listen to any media accounts
7 about this case, as well as making any comments regarding
8 your jury service on any social networking sites.

9 If you would leave your notepads in your seats, we'll
10 secure them during the break. We'll see you in the morning
11 at 9:30. Have a great evening. We appreciate your patience.

12 (The jury was released for the day and exited the
13 courtroom at 5:09 p.m.)

14 (The following proceedings were had outside the presence
15 of the jury.)

16 THE COURT: Ma'am, you may step down. During this
17 break, however, please don't have any discussion about your
18 testimony with anyone. We'll resume in the morning at 9:30.

19 (Witness excused for the day but remains under
20 subpoena.)

21 THE COURT: Okay. And as I indicated at the bench, the
22 defense did not object to the admission of the 911 tape,
23 which is State's No. 51. However, they did not waive any of
24 their previous objections that we argued in-camera, and those
25 are preserved for the record.

1 And also, what I indicated at the bench was I'm not
2 aware of any rules anymore that require continuing
3 objections. That's why I do motions in-camera, so that we
4 hear the testimony, it creates a proffer, arguments are
5 preserved. I don't think you have to make a continuing
6 objection. But just out of an abundance of caution, normally
7 what will happen is I will say it is admitted subject to the
8 objection which the Court's already ruled on.

9 MR. KENT: And I appreciate that, your Honor, and I
10 wasn't trying to belabor it.

11 THE COURT: No, I didn't think you were at all.

12 MR. KENT: Okay.

13 THE COURT: I mean, you need to preserve your record.
14 But I think there's a Supreme Court case that says you don't
15 have to make continuing objections anymore.

16 MR. KENT: That's fine. Thank you, Judge.

17 THE COURT: But, you know, better safe than sorry.

18 MR. KENT: Thank you so much, your Honor.

19 THE COURT: All right. Is there anything else we need
20 to take up before we break for the evening from the State?

21 MS. BALDWIN: Nothing from the State.

22 THE COURT: From the defense?

23 MS. BALDWIN: Oh, yes, actually, your Honor.

24 THE COURT: Uh-huh.

25 MS. BALDWIN: I believe they wanted me to sequester the

1 (Court resumed at 9:48 a.m., Tuesday, June 6, 2023,
2 outside the presence of the jury.)

3 THE COURT: Ms. Baldwin, did you get the rest of your
4 exhibits marked?

5 MS. BALDWIN: Yes, ma'am. And I've provided a list to
6 the court reporter.

7 THE COURT: Let me see that.

8 Thank you, ma'am.

9 MS. BALDWIN: There's one item that is not marked and up
10 at the table right now. It's a spreadsheet of cell phone
11 location data. And that's only because we had some
12 formatting problems. It's an Excel spreadsheet, so we're
13 going to work on that and get that with the evidence --

14 THE COURT: Where are the -- oh, they're down there on
15 the table.

16 Okay. Yesterday we dealt with 1 through 50, which came
17 in without objection, and 6 and 16 were marked as Court's
18 exhibits, with the substitution of those in black and white
19 that were admitted. And I went through each specific number.

20 So then we had on yesterday No. 51, which was the 911
21 tape. That came in subject to the objection, which was
22 overruled.

23 And then No. 52, which was the extradition from her cell
24 phone. That was marked for ID only, subject to the State
25 establishing foundation.

1 only. That's the first 911 call.

2 MS. BALDWIN: Yes, your Honor.

3 MR. KENT: Yes, Judge.

4 MS. BALDWIN: Thank you.

5 THE COURT: Thank the court reporter for reminding me.

6 I appreciate it.

7 (The jury entered the courtroom at 10:01 a.m.)

8 THE BAILIFF: All jurors are present, your Honor.

9 THE COURT: You may be seated.

10 Good morning. I hope everybody had a restful evening.

11 We're now going to resume the testimony of the witness.

12 The State may proceed when it's ready.

13 MS. BALDWIN: Thank you, your Honor.

14 THE COURT: You're welcome.

15 GLADYS SINGLETON,

16 called as a witness on behalf of the State, being previously

17 sworn, was further examined and testified as follows:

18 RESUMED DIRECT EXAMINATION

19 BY MS. BALDWIN:

20 Q. Good morning, Ms. Singleton.

21 A. Good morning.

22 Q. When we left off yesterday, we were talking about some
23 records on your phone and who you dialed and how the calls
24 were going.

25 A. Yes.

1 Q. Do you recall that?

2 Okay. Do you remember how you had David programmed into
3 your phone?

4 A. It was "D."

5 Q. Do you remember his phone number?

6 A. Not offhand, no.

7 Q. Okay. Do you remember texting him at all?

8 A. Yes.

9 Q. Okay. Do you remember what you texted him?

10 If you -- do you or do you not?

11 A. Not really.

12 Q. And would looking at those records help refresh your
13 recollection?

14 A. Yeah.

15 Q. Okay. I'm showing you what's been marked, again, as
16 State's Exhibit 52 for identification purposes only.

17 And what are those again?

18 THE COURT: She can't say what they are. She didn't
19 create them. She can use it to refresh her memory.

20 MS. BALDWIN: Yes, ma'am.

21 Q. [By Ms. Baldwin] Do you see any text messages in there
22 between you and David?

23 A. Yes.

24 Q. At 12:36, what did you text him?

25 MR. KENT: Objection to leading, your Honor.

1 THE COURT: Sustained. Leading. Rephrase.

2 BY MS. BALDWIN:

3 Q. What were the text messages between you and David?

4 A. I was texting him because Algernard was outside.

5 Q. Okay. Do you recall specifically what you texted him
6 regarding that?

7 A. I was telling him to be careful and that he saw him when
8 he came to the house.

9 Q. Were there any text messages to David after you called
10 911?

11 A. Yes.

12 Q. Do you recall what you said to him after you called 911?

13 A. That he was outside my house shooting.

14 Q. And who's "he"?

15 A. Algernard.

16 Q. Okay. Do you recall what time you called 911,
17 approximately?

18 A. 1:31 a.m.

19 Q. Okay. When did this incident occur? What year?

20 A. In 2019.

21 Q. Do you recall every single detail about that evening?

22 A. Not everything.

23 Q. And why is that?

24 A. It was a very, very long time ago.

25 Q. And how did that incident affect you?

1 A. It was very traumatic. Still can't sleep. I have
2 nightmares. Can't really see my family. Him dying. Always
3 nervous. Don't trust nobody. Lots and lots of people that
4 don't want to be around me no more because they think
5 something's going to happen to them.

6 MS. BALDWIN: The Court's indulgence.

7 THE COURT: Yes, ma'am.

8 MS. BALDWIN: I have no further questions at this time.
9 Please answer any of the defense's.

10 THE COURT: You may proceed.

11 MR. KENT: Thank you, your Honor.

12 THE COURT: You're welcome.

13 CROSS-EXAMINATION

14 BY MR. KENT:

15 Q. How are you doing?

16 A. Good.

17 Q. Ms. Singleton, my name is Shaun Kent. We have not had
18 an opportunity to meet. Would you agree with that?

19 A. Correct.

20 Q. Okay. I'm going to be asking you some questions, but
21 before we do, I'm going to go over a few rules. Is that
22 fair?

23 A. Yeah.

24 Q. First of all, Madam Court Reporter, right there with the
25 red hair, is taking down every word that you're saying.

1 A. Okay.

2 Q. So let's make sure when we're asking questions and
3 answering questions we don't give head nods and shakes, so
4 she can take down every possible word. Is that fair?

5 A. All right.

6 Q. No. 2, sometimes I speak really fast. And if I do,
7 sometimes it's hard to understand. So if you ask me to
8 repeat my question, I'll repeat it for you.

9 A. Okay.

10 Q. And finally, she can't take down if we're talking over
11 one another. So if you'll give me plenty of opportunity to
12 ask my question, I promise you I'll give you plenty of
13 opportunity to answer. Is that fair?

14 A. Yes.

15 Q. Okay. So I want to go through a little background. You
16 were on the stand yesterday afternoon I think for about
17 30-something minutes. Does that sound about right?

18 A. I'm not sure of the timeframe.

19 Q. And then you were on the stand earlier today, and that
20 was your testimony?

21 Right? What you testified the last two days is your
22 testimony as to what happened?

23 A. Could you repeat?

24 Q. What you testified to the last two days is your
25 testimony of what happened --

1 A. Oh, yes.

2 Q. -- in 2019?

3 A. Yes. Yes.

4 Q. And in preparation of your testimony --

5 A. Mm-hmm.

6 Q. -- because this is from back in 2019, you met with the
7 State of South Carolina. Agree?

8 A. Agree.

9 Q. Several times?

10 A. Yes.

11 Q. Multiple times?

12 A. I'm not sure exactly how many times but --

13 Q. But y'all met many times to go over your testimony?

14 A. Yes.

15 Q. To prepare for your testimony?

16 They met with you to prepare your testimony to testify
17 today for trial?

18 A. Once.

19 Q. Just one time?

20 A. Just one time, because I'm not here.

21 Q. And then as I'm watching, there's this little window
22 right here. They had you in this room. Would you agree with
23 me you've been in this room right here the whole time?

24 A. Yes.

25 Q. They've had you sequestered away?

1 A. Yes.

2 Q. And they referred to you as a "victim," and I think from
3 my notes you were called a victim yesterday about seven
4 times? You're the victim in this case?

5 A. I'm not sure.

6 Q. Okay. And in preparation of your testimony, they went
7 over the evidence in the case?

8 A. Yes.

9 Q. They went over your phone records?

10 A. Yes.

11 Q. They went over your statements to law enforcement?

12 A. Yes.

13 Q. And they went over your history with Algernard Young?

14 A. Yes.

15 Q. They went over your relationship and your history with
16 David Alston?

17 A. Yes.

18 Q. So they went through all of that information to get you
19 on the stand to testify about what happened?

20 A. Yes.

21 Q. They played for you a 911 call?

22 A. Yes.

23 Q. They played for you your 911 call?

24 A. Yes.

25 Q. They went over the information you gave in the 911 call?

1 A. Yes.

2 Q. They talked about you and your roommate, what y'all saw
3 and so forth, right?

4 A. Yes.

5 Q. So now, I've got a couple of questions going back. Is
6 that everything that they went over? All the evidence on the
7 table, everything that they talked about?

8 A. Yes.

9 Q. Okay. And they talked about their theory of the case is
10 Algernard Young is jealous?

11 A. Yes.

12 Q. And they said because he is a jealous human being and a
13 jealous man, a jealous person will do anything. That's the
14 theory: He's jealous and he would do something?

15 A. I don't --

16 Q. Isn't that what you testified for? He was jealous, he
17 was crazy, he was enraged, and this is why this happened. He
18 was jealous of you and your new relationship.

19 A. Yes.

20 Q. Okay. And that was their theory of the case: A jealous
21 person will do something?

22 A. Yes.

23 Q. Okay. So let's -- I want to go through that first, the
24 jealousy.

25 Well, let me back up before I go over that. They also

1 went over -- they gave us, I think it was -- they said for
2 identification only. They're still in front of you. To show
3 the jealousy and so forth, they pulled your phone records and
4 pulled two pages of text messages?

5 A. Yes.

6 Q. Okay. And that's what we just went over?

7 A. Yes.

8 Q. And they talked about the conversations and text
9 messages between you and Algernard?

10 A. Yes.

11 Q. And they talk about the conversations and text messages
12 between you and "D"?

13 A. Yes.

14 Q. They specifically ask you the name that you had
15 Algernard in your phone, and you had him in your phone as
16 "Algernard"?

17 A. Yes.

18 Q. And then all the names on this piece of paper had the
19 word Algernard?

20 A. Yes.

21 Q. And they talked about the phone number of Algernard
22 Young, and you said, "I don't remember the phone number, but
23 it ends in 4172," or something of that nature?

24 A. Yeah, something like that.

25 Q. And then during your direct testimony, they also

1 specifically asked you about the relationship with you and
2 Algernard. And I think you said, "I would text him, but I
3 would only text him back so that he wouldn't pop in"?

4 A. I'm not sure.

5 Q. When you were on the stand yesterday, she was talking to
6 you about the relationship between you and Algernard Young,
7 and you said he would call you and he would text you and he
8 would bother you, and the only reason you would text back or
9 call back is so he wouldn't pop in?

10 A. Yeah.

11 Q. Or bother you?

12 A. Yes, sir.

13 Q. That's the only reason -- that was your testimony. The
14 only reason he would come -- er, the only reason you would
15 text him back, to keep the peace?

16 A. No, that's not the only reason. But --

17 Q. That was your testimony yesterday, right?

18 A. Yeah. Yeah.

19 Q. So I want to make sure, because you were on the stand
20 and the first question I asked --

21 A. Mm-hmm.

22 Q. -- yesterday and today was your testimony.
23 We can't talk over one another.

24 A. Oh, I'm sorry.

25 Q. Yesterday was your testimony, and the testimony you gave

1 when the State of South Carolina was eliciting it from you,
2 their victim, was the only reason that Algernard Young -- you
3 would text him was to keep the peace?

4 A. There was other situations.

5 Q. And so he wouldn't pop in?

6 A. Yes.

7 Q. So first let's talk about the jealousy situation. The
8 State of South Carolina's offered the theory in this case
9 that the reason that this happened was Algernard Young is
10 jealous, right?

11 A. Yes.

12 Q. Can you think of anybody else in this case who would be
13 jealous in this situation?

14 A. No.

15 Q. Nobody?

16 A. No.

17 Q. You know that lady on the front row right there? This
18 one right here?

19 MS. BALDWIN: Objection, your Honor. May we approach?

20 THE COURT: Basis?

21 Yes, you may.

22 Actually, Madam Forelady, ladies and gentlemen, I have a
23 brief matter of law to take up. During the break, please
24 don't discuss the case. Leave your notepads in your seats.

25 You can have them just stand in the hallway, please.

1 THE BAILIFF: Yes, your Honor.

2 THE COURT: Thank you.

3 (The jury exited the courtroom at 10:12 a.m.)

4 (The following proceedings were had outside the presence
5 of the jury.)

6 THE COURT: What's the basis of the objection?

7 MS. BALDWIN: Your Honor, I contend that they're
8 starting to get into some third-party guilt issues.

9 THE COURT: Is it third-party guilt or is it more of
10 impeachment of the credibility of her testimony? Are they
11 pointing to somebody else doing it, or are they just
12 saying --

13 MS. BALDWIN: I believe they're trying to point to the
14 victim's wife.

15 THE COURT: Current wife?

16 MR. KENT: Current wife. That's correct.

17 MS. BALDWIN: Current. Yes, your Honor.

18 THE COURT: So ask the question that you were going to
19 ask, and let me see what the answer's going to be so I can
20 determine if it's relevant.

21 GLADYS SINGLETON

22 PROFFER EXAMINATION

23 BY MR. KENT:

24 Q. Do you know the woman in the back of the courtroom on
25 the first row?

1 Honor, and doesn't --

2 THE COURT: I assumed you didn't.

3 MS. BALDWIN: Yeah.

4 THE COURT: You would agree that that bears on her
5 credibility?

6 MS. BALDWIN: The only -- I was going to say the only
7 issue I do have is him characterizing it as she testified
8 that it was a healthy, good relationship. She said that she
9 loved him, that he treated her well.

10 THE COURT: She said it was one of the best
11 relationships she had. She was happy, it was loving, and he
12 was very good to her.

13 MS. BALDWIN: Okay.

14 THE COURT: I don't see it much different from what he
15 said.

16 MS. BALDWIN: I can address it on redirect then.

17 THE COURT: Yeah. Exactly.

18 I don't have a problem with those line of questions.

19 Now, under the victim statute, it says "'Victim' means
20 any individual who suffers direct or threatened physical,
21 psychological, or financial harm as a result of the
22 commission or attempted commission of a criminal offense as
23 defined in this section."

24 And then it goes on to say what other categories that
25 could encompass, which is deceased, minor, incompetent,

1 physically or psychologically incapacitated. And a victim,
2 of course, does not -- and who a victim does not include,
3 which is basically somebody who is culpable for a crime or
4 acting on behalf of someone who's culpable for a crime or
5 someone who is imprisoned for the illegal act at the time.

6 I think looking at the plain and ordinary meaning of
7 this statute, she could be a victim because it says, "A
8 'victim' means any individual who suffers direct or
9 threatened physical, psychological, or financial harm as a
10 result of the commission or attempted commission of a
11 criminal offense." He is charged with murder. She's
12 testified he also threatened her, threatened to kill her and
13 threatened to kill the deceased while in the commission of
14 this act, in the light most favorable to the State.

15 And so she is a victim.

16 MR. KENT: Yes, your Honor.

17 THE COURT: I think if you look at the plain, ordinary
18 meaning of that statute, she is a victim --

19 MR. KENT: Thank you, Judge.

20 THE COURT: -- in the meaning -- in the definitional
21 section of that statute.

22 MR. KENT: Thank you, Judge.

23 THE COURT: You're welcome.

24 So are we good? We can proceed?

25 MS. BALDWIN: Yes, ma'am. Thank you.

1 THE COURT: All right. Please bring in the jury.

2 (The jury entered the courtroom at 10:30 a.m.)

3 THE COURT: Please approach for one second.

4 (A discussion was had at the bench on the record in the
5 presence of the jury but outside the hearing of the jury.)

6 THE COURT: I meant to say this before and I forgot.

7 I don't want you to point the wife out.

8 MR. KENT: I didn't --

9 THE COURT: She's not a party. Yeah. And I don't want
10 them to feel like they can consider her as such.

11 We good?

12 MS. BALDWIN: Yes, your Honor.

13 MR. KENT: Mm-hmm.

14 (The following proceedings were had in open court in the
15 presence and hearing of the jury.)

16 THE BAILIFF: All jurors are present, your Honor.

17 THE COURT: You may be seated.

18 Ladies and gentlemen, we appreciate your patience.

19 You may resume testimony of the witness.

20 GLADYS SINGLETON

21 RESUMED CROSS-EXAMINATION

22 BY MR. KENT:

23 Q. Ms. Singleton, when we broke, I was asking you questions
24 about David Alston and your relationship with him?

25 A. Yes.

1 Q. I was talking to you about your testimony from
2 yesterday?

3 A. Yes.

4 Q. And during your testimony from yesterday, you couched it
5 to this jury that this was the best relationship you've ever
6 had?

7 A. Yes.

8 Q. It was a loving, great, wonderful relationship?

9 A. Yes.

10 Q. It was a one-on-one, good relationship, from your
11 testimony yesterday?

12 A. Yes.

13 Q. And now I'm asking the questions, as it turns out, that
14 you know that Mr. Alston was married?

15 A. I found out later on, yeah.

16 Q. But you found out you were in a relationship with a
17 married man?

18 A. That was separated. Correct.

19 Q. You were in a relationship with a married man, weren't
20 you?

21 A. Correct.

22 Q. His wife did not approve of this relationship?

23 A. I have no idea. I wouldn't know that.

24 Q. So you would agree with me that the testimony that we
25 offered to the jury about this monogamous, one-on-one, happy

1 relationship is not, in fact, the truth because he was
2 married?

3 A. No. I was happy with him.

4 Q. You were happy he was married?

5 A. He was separated.

6 Q. And then as a matter of fact, on the text messages that
7 we talked about, there was actually a fight or an altercation
8 between -- well, let me back up.

9 You mentioned to this jury yesterday during the
10 testimony that you and Mr. Alston never fought about
11 anything; the only thing y'all ever fought about was
12 Algernard?

13 A. Was Algernard.

14 Q. You saw the text messages. There were two pages of text
15 messages that you and David were in a separate altercation
16 not dealing with Algernard that day. Y'all were talking
17 about another woman?

18 A. Yes.

19 Q. You were talking about the fact he potentially was in a
20 relationship with another woman?

21 A. I was.

22 Q. And so -- and you were upset with him. Y'all were
23 fighting about that?

24 A. I was asking him a question about it.

25 Q. You were asking him a question? Or were y'all fighting?

1 A. I remember asking him about it because that's what
2 Algernard said to me, and I said it to him.

3 Q. I'm showing you what's been marked --

4 A. Yes.

5 Q. -- for identification purposes only, the first
6 highlighted portion of green. How did you ask him? What did
7 you say? "Man, I'm not" what? What did you say?

8 A. After the --

9 Q. Loud enough for them to hear it now.

10 A. Read the whole thing?

11 Q. Right there. The highlighted green portion.

12 A. Yeah.

13 MS. BALDWIN: Objection, your Honor.

14 THE COURT: Basis?

15 MS. BALDWIN: It's not in evidence, and she's
16 publishing.

17 THE COURT: But it's her statement. It's not hearsay.
18 Is it? Isn't it her statement?

19 MS. BALDWIN: It would be hearsay even though it's her
20 statement.

21 THE COURT: It's not hearsay when it's made by the
22 declarant.

23 MS. BALDWIN: Yes, ma'am.

24 THE COURT: She made the statement. You can
25 rehabilitate her if you desire to. Overruled.

1 BY MR. KENT:

2 A. "Man, F you. Don't call me no more, and I won't call
3 you either. You know, listen, I ain't chasing no married
4 f'ing man."

5 Q. So let's stop there. That was a conversation you
6 specifically had with David Alston?

7 A. Yes.

8 Q. The person you never fight with, never had an
9 altercation with or anything of that mature?

10 A. Yes.

11 Q. Okay. And then later you start arguing with him about
12 another woman. Can you read that, please?

13 A. "You're a liar. He said you gave Jontay money and she
14 introduced you to him. Really you're a f'ing liar. But I
15 like Jontay. She's cool."

16 Q. And you talked to law enforcement and you gave a
17 statement and you explained when you were talking to law
18 enforcement that you and David were fighting about him
19 cheating. Do you remember that?

20 A. I don't remember.

21 Q. And now I want to go through the conversation we talked
22 about you and Algernard Young in which you specifically were
23 talking about the only time you and Algernard would ever talk
24 in 2019 is when he would call you and you would call him back
25 once in a while. You would just call him back so he wouldn't

1 pop in. Do you remember that testimony?

2 A. I don't remember saying it like that.

3 Q. How did you say it?

4 A. I was talking about that night.

5 Q. So your testimony yesterday about Algernard -- you
6 calling Algernard Young was just about that night?

7 A. No. But when he did call me, I had no choice but to
8 answer.

9 Q. You "had no choice but to answer" was your testimony?

10 A. Yeah, I had no choice.

11 Q. And I think your testimony was this was immediately
12 after the divorce in January 2019 is the only time you would
13 talk to him and you had no choice so he wouldn't pop in and
14 bother you, right?

15 A. No. It was before that.

16 Q. Before that. And the State of South Carolina, I think
17 they offered two pages of text messages. I know I keep going
18 through them, but these are the two pages of text messages
19 they've offered, Identification No. 52?

20 A. Yeah.

21 Q. And you gave law enforcement permission to download your
22 phone?

23 A. Correct.

24 Q. You gave them permission to go through all the text
25 messages in your phone?

1 A. Everything.

2 Q. Everything. And so you agree there's probably a lot
3 more than two pages of text messages between you and
4 Algernard Young?

5 A. Yeah.

6 Q. As a matter of fact, I just did some and went through
7 most of the text messages, not the just two pages they
8 offered. But would you agree this is probably the majority
9 or a lot of them, just from a couple of years? Would you be
10 shocked that this is just a couple of years of text messages
11 between you two?

12 A. I wouldn't be shocked.

13 Q. Okay. So you and Algernard Young, you would agree with
14 me, had a texting, phone calling relationship, one where the
15 -- you weren't responding to him, but he was at least texting
16 you this much?

17 A. No.

18 Q. Y'all were texting back and forth?

19 A. Yeah.

20 Q. Y'all were talking back and forth?

21 A. Yes.

22 Q. You talked personal things?

23 A. Yeah.

24 Q. You'd have personal conversations?

25 A. Yeah. Sometimes.

1 Q. Would you agree with me sometimes you might even say
2 things -- you would say things to him such as "I miss you"?

3 A. I don't -- yeah, probably. Some.

4 Q. "Yeah, probably"?

5 A. Yeah.

6 Q. You would say things such as, back in maybe August
7 2004 (verbatim), "Hey, you asleep? I want you to buy me
8 something." You remember --

9 A. You said August what?

10 Q. August 4, 2019, do you remember a conversation where
11 you're talking about "I want you to buy me something"?

12 A. No.

13 Q. You were never --

14 A. I don't remember being -- I don't remember those.
15 That's a long time ago.

16 Q. Well, it's a long time, but yesterday you had no problem
17 saying the only time you would have conversation at all, from
18 that stand, is to have conversations back to him, because we
19 had to paint him as a villain. And so you specifically
20 stated from that stand to this jury, "The only time I'd have
21 conversation with Algernard at all was to keep him from
22 bothering me." Is that true?

23 A. Eventually, yeah.

24 Q. Is that true, yes or no?

25 A. Yeah. I'd say yes, it was.

1 MR. KENT: Can you find the August 4 notation?

2 Q. [By Mr. Kent] And as she's looking for that, the State
3 of South Carolina asked you the name that you had Algernard
4 in your phone as, and you said "Algernard," correct?

5 A. One of his phones, yeah.

6 Q. One of his phones. Well, let's get into that. He had
7 another phone, didn't he?

8 A. He did.

9 Q. He had another phone that ended in 7985?

10 A. I don't remember the exact number, but it was a little
11 Family Dollar phone.

12 Q. What name did you have Algernard under in your phone at
13 that time?

14 A. Algernard.

15 Q. Would you be shocked if you had him in under "The
16 Husband"?

17 A. One of the names was that.

18 Q. And they asked those questions yesterday, and you only
19 said "Algernard." But you also had him in your phone as "The
20 Husband"?

21 A. Yes.

22 Q. This person that you were so scared of, who was
23 bothering you?

24 I'm going to show you --

25 MR. KENT: Rita, I want all of August 4, 2019, please.

1 Every text message.

2 Beg the Court's indulgence for one moment, your Honor.

3 Q. [By Mr. Kent] So we talked about the fact that law
4 enforcement downloaded your cell phone and got these text
5 messages. Those are text messages when you were text
6 messaging back and forth to Algernard Young. Would you agree
7 with me there?

8 A. All of these are my phone?

9 Q. Yeah.

10 A. I don't see my number.

11 Q. Do you see the first text message incoming from "The
12 Husband," and he asked you, "Are you sleep?"

13 A. Oh, yeah.

14 Q. Yeah. And then you respond to him -- to "The Husband."
15 What do you respond to him?

16 A. Where?

17 Q. What do you respond to him?

18 A. "Can you get me this, please?"

19 Q. "Can you get me this, please?"

20 A. Yeah.

21 Q. Remember I asked you that question earlier, would you
22 have ever sent him a text message asking him to get you
23 stuff, and you said "Nope." Do you remember that
24 conversation now?

25 A. I'm looking at it.

1 Q. But do you remember it, that you were asking Algernard
2 Young to get you something?

3 A. I don't remember the conversation, but I mean --

4 Q. But it's in your phone.

5 A. It's on my phone.

6 Q. You texted him?

7 A. Yeah.

8 Q. And you said, "Can you get me something?"

9 A. Mm-hmm. Yeah.

10 Q. That's a weird statement to say to somebody who you're
11 just trying to get to leave you alone, isn't it? We don't
12 usually ask somebody to go buy us something if we want them
13 to leave us alone and stop popping in, do we?

14 A. No, we don't.

15 Q. Okay. And then you guys go back and forth. You have
16 the conversation in front of you. And he's specifically
17 asking "What type? What do you want? What is it?" And
18 y'all are talking back and forth about it. Right?

19 As a matter of fact, let's skip that and go down a
20 little bit further. When you sent him that text message
21 August 4, 2019 -- the person you're scared of, the person
22 who's popping in, the person you're trying to get to leave
23 you alone -- what did you say to him?

24 A. Huh?

25 Q. Do you want me to read it to you or do you see it?

1 A. I don't even remember. I really don't remember writing
2 this.

3 Q. Is that from your phone?

4 A. Um --

5 Q. That is outgoing from you to "The Husband." What did
6 you say?

7 A. "Sent you a song in Messenger. I have to trust God.
8 Even though it's hard, I so miss my half a heartbeat. Even
9 though you're an ass sometimes, you are my other half and you
10 don't even know it, Al."

11 Q. "Know it all." And then afterwards, he says, "Thanks.
12 That's good to know."

13 You sent a message: "Sent you a song in Messenger. I
14 have to trust God. Even though it's hard, I so miss my half
15 a heartbeat. Even though you're an ass sometimes, you are my
16 other half and don't even know it all." Correct?

17 A. That's what this paper say, but I don't -- that don't
18 even sound like me.

19 Q. The paper downloaded from your phone that the State of
20 South Carolina gave us?

21 A. I understand what you're saying.

22 Q. That you have listed as "The Husband"?

23 A. Yeah.

24 Q. And so, of course, when the State met with you, one of
25 the things, "We have to say these text messages back and

1 forth between me and Al were just me keeping him from
2 bothering me." Does that sound like somebody who sent a
3 message who's just trying to keep somebody from bothering
4 them?

5 A. No, it doesn't.

6 Q. Okay. And if we go down further, these messages are
7 replete with examples of "Yes, beautiful," "Sup, babe?" "Hi.
8 What you doing?" "Want to go home but I feel so weak." You
9 see those conversations?

10 A. Yeah. Yes.

11 Q. And I checked that. That's when you got sick and you
12 were working at CARTA and you wanted to go home. Do you
13 remember that time?

14 A. I got sick a lot.

15 Q. And you got sick and you wanted to go home?

16 A. Um --

17 Q. The messages are in front of you.

18 A. I see the messages, but I stayed and worked sick most of
19 the time.

20 Q. And so if we go down to the call from 9/26 -- now let me
21 find it for you.

22 Starting there, where you're texting Al while you're
23 sick at work, this person you're trying to avoid. He starts
24 with, "Do you want me to come home?" And what do you
25 respond?

1 A. It says, "I thought about it, but you're so cold to me.
2 (Indiscernible.)

3 COURT REPORTER: I can't hear you, ma'am.

4 BY MR. KENT:

5 A. I don't even know what this says.

6 Q. You don't know what your text message said? You had no
7 trouble reading them yesterday from the stand.

8 A. No. It's all mixed together. It's not even words. If
9 -- "not too windy. I" -- and then it says S-I-N-R "want to
10 bother you." I don't know what word that is.

11 Q. And then you respond again. Your outgoing text message
12 to "The Husband," what do you say?

13 A. "Yes, I do. That's the honest truth."

14 Q. And then he responds, "You're not bothering me. Do you
15 want me to come here?" And then what do you say?

16 A. What do I say? Outgoing?

17 Q. Mm-hmm.

18 A. It says, "I text you. Yes, I do. That's the honest
19 truth."

20 Q. And then you text again. What do you text? "I want you
21 to" do something. What do you text him, "The Husband," this
22 person you're avoiding, that you're just talking to so he
23 leaves you alone?

24 A. "I want you to hold me."

25 Q. "I want you to hold me, please."

1 A. That was in August?

2 Q. You tell me. They were your text messages. All of a
3 sudden, you have trouble remembering, but had no problem --

4 A. I cannot remember all the way back. I just lost my
5 grandmother, so I cannot remember.

6 Q. And then if we go to the next page, he responds, "Okay.
7 I'm coming." And you respond?

8 A. I don't have a next page.

9 Q. I'm sorry. It's right there at the top. He says,
10 "Okay. I'm coming." And you respond?

11 A. "Okay."

12 Q. And then later he says, "Open the door, baby"?

13 A. Outgoing? No.

14 Q. No. He responds to you, "Okay. I'm coming. Open the
15 door, baby." So clearly, he's at your residence. This
16 person you're trying to avoid, this person who's popping in
17 on you, you invite him over to your residence.

18 A. Incoming --

19 Q. Or are those text messages lies?

20 A. Incoming call?

21 THE COURT: I'm sorry, ma'am. Please repeat your
22 response.

23 THE WITNESS: What am I reading?

24 BY MR. KENT:

25 Q. I'm asking you a question.

1 A. Oh. Well, what is it?

2 Q. This person you were trying to avoid -- according to the
3 State of South Carolina, that they have to make the
4 villain -- this person who's just popping in on your
5 residence, and the only reason you say you're texting him
6 back and forth is simply because you're trying to avoid him,
7 you invite him over to your residence? Your text messages.

8 A. I did?

9 Q. You did?

10 A. I just lost my grandmother. That's probably why.

11 Q. That's probably why? How come we didn't "probably why"
12 testify to that yesterday when we were making him the villain
13 in front of this jury? Why didn't we "probably why" testify
14 to that?

15 A. We're talking about -- we were talking about the
16 incident about me and David --

17 Q. Well --

18 A. -- and Algernard.

19 Q. When asked from the State specifically, you were very
20 clear from those text messages yesterday, "The only reason I
21 talked to Algernard Young, the only reason I texted him, the
22 only reason I talked to him whatsoever, was so he wouldn't
23 bother me." Am I wrong? Wasn't that your testimony
24 yesterday?

25 A. Most of the time, yes.

1 Q. Most -- what is that? "Most of the time"? It was "that
2 was the only reason." That's not true, is it? We just went
3 through it. We spent 30 minutes going through this, so we
4 can both agree that testimony yesterday was not true.

5 A. Yeah, it was, actually.

6 Q. So it is true? So I just made up those text messages?

7 A. You're not making up these text messages.

8 Q. So the text messages exist?

9 A. They exist.

10 Q. And they exist from your phone?

11 A. Yeah. That's right.

12 Q. And they exist from your phone to Algernard Young's
13 phone, the phone that you conveniently didn't mention
14 yesterday that you have still in your phone as "The Husband"?
15 Those all came from your phone?

16 A. Yeah.

17 Q. And all of these messages came from your phone to the
18 State of South Carolina who gave them to us. So I didn't
19 create this document, right?

20 A. No.

21 Q. Okay.

22 A. I don't know.

23 Q. Would you agree with me that we could stand here and go
24 through all of these text messages, these 300 pages of -- we
25 could go through all of these text messages, but would you

1 agree with me that the majority of text messages are
2 conversations between you and Algernard Young similar to what
3 we just read? That's just a snippet.

4 A. Yeah.

5 Q. Unlike what you said yesterday.

6 A. I was answering the questions.

7 Q. And you two have a texting relationship, like most
8 people in America? Y'all texted?

9 A. Yeah.

10 Q. And you would text about life. You would text about
11 everything. You would text about love. "I love you." "I
12 miss you." "I miss my other half." Those were the text
13 messages through all these text messages, correct?

14 A. I'm not sure.

15 Q. We can go through every one if you want me to.

16 A. Hey, I can't remember all those text messages.

17 Q. Well, let me ask you this. How about this. Would you
18 be shocked if I told you I went through all of your text
19 messages and took every text message between you and
20 Algernard Young, and there's not a single mention about David
21 Alston from Algernard to you or back and forth from either
22 phone?

23 A. I would have never texted about David to Al.

24 Q. But this text relationship that's so close, so
25 emotional, so wonderful, not a single mention?

1 A. I mean, it wasn't Algernard's business. I wasn't with
2 Algernard in that way.

3 Q. Right. Not his business?

4 A. No.

5 Q. Not his situation?

6 A. No.

7 Q. He never texted, he never asked who you were dating,
8 what's going on, "Get this dude out my life," any of that
9 situation?

10 A. Did he ask about any of it?

11 Q. In any text message. Any one whatsoever. You can go
12 through all of them. It's never mentioned.

13 A. He verbally asked me if I was dating someone. He knew I
14 was talking -- well, his words, "black mother fucker that
15 drives a white Chrysler."

16 Q. Well, that's strange that he never mentioned it in a
17 single text message and neither did you. Not one time.

18 A. I would have been -- I denied it when he asked me about
19 it because I wanted to know how he knew.

20 Q. In a text message?

21 A. No. Verbally.

22 Q. And as a matter of fact, as we talk about text messages,
23 when you talked to law enforcement -- and I know no matter
24 what happens, you were under a tragic situation on that
25 night.

1 A. Yes.

2 Q. A person you cared about had been shot.

3 A. Correct.

4 Q. And we had just talked about you barely remember a thing
5 when your mother died; it messed with your memory?

6 A. My grandmother?

7 Q. When your grandmother died, because you don't remember a
8 lot of these text messages. You're like, "That's when my
9 grandmother died. I'm foggy on what happened."

10 A. No. I don't remember things because it's so long -- I
11 don't know. It's a long, long time ago.

12 Q. It was not that long ago. You said that that happened
13 during those text messages.

14 A. August of 2019?

15 Q. That's a long time ago?

16 A. For me to remember some text messages. I don't even
17 have that number anymore or that phone.

18 Q. And that's very important because when the State of
19 South Carolina was asking you what happened that night, you
20 specifically talked about the fact that "I told David 'Don't
21 come out here. He's threatening to kill himself and
22 threatening to kill you too.'"

23 A. Yeah. I was speaking to David on the phone.

24 Q. Would you be shocked if you texted David Alston that
25 night about that?

1 A. That I would be shocked?

2 Q. Do you remember you texted David Alston that that night?

3 A. I may have.

4 Q. Okay.

5 A. That was a crazy night that night.

6 Q. But would you agree with me that you only texted half of
7 that sentence? "You need to be careful. He's threatening to
8 kill himself."

9 A. Where's it at again?

10 Q. Your outgoing text message to David Alston says what?

11 A. "Man, be careful. I think he's outside and he's talking
12 about killing himself."

13 Q. But you added the extra part "and he's talking about
14 killing you." That's not in that text message anywhere, is
15 there?

16 A. He actually stopped threatening to kill me and started
17 threatening to kill David. He said that's what he was going
18 to do to me is to kill that mother fucker.

19 Q. But that's not in that text message?

20 A. He didn't text me. He said it.

21 Q. But you texted. You were texting David Alston, "Man, be
22 careful. He's threatening to kill himself." I guess my
23 brain is just thinking, what sense did it make not to say
24 "and you"?

25 A. I verbally told David that he was threatening to kill

1 him. I don't remember if I texted him or not, but I did --

2 Q. Well, you did text him.

3 A. -- tell him.

4 Q. You had --

5 A. Yeah, I did text David, but I know I spoke to him a lot
6 that night. I was trying to call back and forth.

7 Q. So you texted him, "Man, be careful. He's threatening
8 to kill himself," da, da, da, da, da, da, "and you"? That's
9 what you did?

10 A. I spoke to him, mm-hmm.

11 Q. So you stopped texting and picked up the phone? Because
12 the phone records don't support that, that we have in front
13 of us, all those pages.

14 A. I don't remember exactly how it happened.

15 Q. But you testified exactly how it happened?

16 A. I spoke to David. I spoke to Algernard. Back and forth
17 that night.

18 Q. Now, let's go to the incident. We know it happened.

19 A. It did.

20 Q. David was killed that night.

21 A. He was.

22 Q. You did not see the shooting. You're not an eyewitness
23 to it, and you're not trying to pretend you're an eyewitness
24 to what happened?

25 A. I did not see the actual shooting.

1 Q. So you're not an eyewitness to what happened. And we're
2 not trying to offer you as an eyewitness. "I didn't see what
3 happened." You can't testify that "I saw what happened."

4 A. I didn't see the actual shooting.

5 Q. And a lot of what you're testifying to is what you're
6 assuming had happened based upon surrounding circumstances;
7 is that fair?

8 A. Algernard was there.

9 Q. Well, that's another assumption.

10 A. No. He was there.

11 Q. You talked -- you saw him?

12 A. He was talking --

13 Q. Your testimony was you didn't --

14 A. He was talking to me on the phone and trying to get me
15 to come out the door.

16 Q. But that's another assumption.

17 A. It's not an assumption. He was there. He was talking
18 to me on the phone, standing outside my door on my porch.

19 Q. And you keep mentioning that. But let's go back with
20 the assumption. You don't know that, do you? This is what
21 you said, and even during 911, and even to the officers, "I'm
22 assuming he was outside my door." Do you remember that?

23 A. I know his voice. We was best friends for over 26 and a
24 half years.

25 Q. And in your testimony from law enforcement, you

1 testified the reason that you recognized his voice was not
2 that you recognized words but you recognized his scream --
3 you recognized Al's scream. Remember that? That was your
4 testimony yesterday.

5 A. Can you repeat the last part?

6 Q. You said yesterday on the testimony that you recognized
7 his scream.

8 A. Yeah, he did yell out.

9 Q. And that's what you recognized. Not the words, but you
10 recognized his scream?

11 A. After the first three shots.

12 Q. Do it for me. How did he scream?

13 A. Aah. In rage. Loud.

14 Q. No. I want to hear how loud he screamed.

15 A. I'm not really a loud person.

16 Q. But we need to know. I mean, I need to know how loud he
17 screamed and how his scream is so distinctive that you
18 recognized his scream.

19 A. Well, I don't sound like a man, so I can't.

20 Q. So the bulk of your testimony on recognizing who was out
21 there is identification of a scream; is that safe?

22 A. It was Algernard's scream.

23 Q. And as a matter of fact, you heard the 911 call from
24 yesterday, correct?

25 A. I did.

1 Q. And when listening to the 911 call, the first words out
2 of your mouth were what? "Someone." Do you remember that?

3 A. I said something?

4 Q. You said "someone." The first words out of your mouth
5 on the 911 --

6 A. I said, "Someone's outside shooting."

7 Q. "Someone"?

8 A. Yeah.

9 Q. Because we didn't know who it was. You would agree with
10 me you did not know who was shooting?

11 A. I didn't look out there.

12 Q. You didn't look out there. You didn't know who was out
13 there. You're like, "Someone's out there shooting." We did
14 not know who was shooting.

15 A. I didn't --

16 Q. No clue.

17 A. Hmm-mm.

18 Q. And then after that it sounded like the 911 operator and
19 you started getting into it, and then you started talking
20 about Algernard Young and he was asking you descriptions of
21 Algernard in all of these other situations?

22 A. Yeah.

23 Q. But you would agree with me you -- and I'm giving you
24 credit on that -- you're like "Someone's outside shooting. I
25 don't know who it is." But for some reason, y'all start

1 talking about Algernard?

2 A. I said, "Someone's outside shooting." I told them I
3 heard three gunshots and I heard my ex-husband scream. I
4 know his voice. That was Algernard Young's voice.

5 Q. And you also told them that your husband was not taking
6 the divorce well, correct?

7 A. Correct.

8 Q. And you also told them that he wouldn't leave you alone,
9 correct?

10 A. Correct.

11 Q. And now that we've gone through all of the text
12 messages, we know that's not true?

13 A. It was prior to that night. Yeah, it's not true.

14 Q. Do you remember getting trapped in, like, Georgia or
15 something like that and having Al and a friend of his come
16 pick you up because your car -- er, your bus broke down a
17 week, month, or something before this?

18 A. You said trapped in Atlanta?

19 Q. I think it was Atlanta, Georgia, area. Do you remember
20 -- and you called him?

21 A. Did I call him?

22 Q. I'm asking. Do you remember the situation I'm talking
23 about?

24 A. I know I called my mom. I don't know how -- I called my
25 mom and I was trying to get my mom to come to me. I don't

1 know how I got to Al, but -- or she called, I called, I don't
2 know. Somebody had needed to come to the hospital in
3 Atlanta.

4 Q. And it ended up being Al who came and got you?

5 A. Somebody brought him up there. I can't remember who. I
6 had to stay in the hospital for a couple of days.

7 Q. So to make sure to backtrack to go all over everything,
8 you were in a relationship with David Alston?

9 A. I was.

10 Q. David Alston is married?

11 A. Now he is.

12 Q. Ma'am?

13 A. Yeah.

14 Q. David Alston is married?

15 A. He's married.

16 Q. David Alston and you got into a fight over another woman
17 that evening?

18 A. Yeah.

19 Q. There was accusations of him cheating?

20 A. Yeah.

21 Q. You and Algernard Young had many conversations back and
22 forth?

23 A. We have.

24 Q. And they weren't like we presented them yesterday. You
25 two were talking back and forth to one another. You would

1 tell him you loved him; he would tell you he loved you?

2 A. Yeah.

3 Q. You would tell him, "I miss you"; he would tell you, "I
4 miss you"?

5 A. Yeah.

6 Q. You would tell him, "I miss you. I want to be with you.
7 Come stay the night with me"? We read the messages.

8 A. Yeah.

9 Q. You would invite him over?

10 A. That's what it says.

11 Q. You would agree with me that you and Algernard Young had
12 a text messaging relationship? That y'all would text?

13 A. Yeah, we would text.

14 Q. All the time about everything?

15 A. No, not about everything. But we would text.

16 Q. A lot.

17 A. And we would text about all kind of things.

18 Q. All the time. You would agree with me that through the
19 text messages there was never a mention whatsoever about
20 David Alston or anything of that nature between you and
21 Algernard Young? Not one?

22 A. No.

23 Q. You would agree me the 911 phone call, the first words
24 out of your mouth is "Someone is shooting" because you did
25 not see who did any shooting? You didn't see?

1 A. I didn't see the shots.

2 Q. You don't know who did the shooting? You can't sit here
3 on the stand right now and tell this jury who shot?

4 A. I did not see.

5 Q. But there is an assumption based upon the surrounding
6 facts of what you think happened?

7 A. I heard Algernard's voice.

8 Q. And the State of South Carolina and you met many times
9 on this case?

10 A. Yeah.

11 Q. You talked about this case?

12 A. I met once that I can remember, and we talked probably
13 once or twice.

14 Q. And the State of South Carolina offered this jury two
15 pages of your text messages?

16 A. Yeah.

17 Q. And we see there's a whole bunch more than just two
18 pages?

19 A. Yeah.

20 Q. And those two pages don't show the full conclamation of
21 everything that happened that night and your relationship
22 with Algernard Young? You would agree with me you can't put
23 a relationship in two pages?

24 A. Yeah, but we're talking about two different things.

25 Q. But we can't put a relationship in two pages?

1 A. No.

2 Q. And you'd agree with me when we were talking throughout
3 the testimony from the State of South Carolina, they
4 mentioned that there was just one phone and his name was
5 "Algernard," and you agree with me there's two phones?

6 A. Yeah, two phones.

7 Q. In the two phones, in one of them you still call him
8 "The Husband"?

9 A. Because that was -- that wasn't his name I used. I
10 didn't talk to him a lot on that line.

11 Q. Okay.

12 A. No.

13 Q. You would agree with me that text messages are the easy
14 way to determine what's going on in a relationship because we
15 can't hide those? What we say is what we say?

16 A. What we say is what we say.

17 Q. And it would be helpful if we had everybody's text
18 messages in this case so we could see what everybody was
19 thinking, where everybody was, and what everybody was doing?

20 A. Who's everybody?

21 MR. KENT: Beg the Court's indulgence for one moment.

22 Q. [By Mr. Kent] Ms. Singleton, I'm almost done.

23 A couple of days, maybe four days, five days prior to
24 this, were you attacked or somebody bothered you with a knife
25 there at the CARTA bus station? Do you remember that

1 situation?

2 A. I was.

3 Q. Yeah.

4 A. But I didn't -- I mean --

5 Q. You were attacked?

6 A. -- a guy threatened me.

7 Q. A person threatened you with a knife --

8 A. Yeah.

9 Q. -- at the bus station. And we've got those messages in
10 there too.

11 A. Yeah, he threatened me. He threatened to kill me,
12 actually.

13 Q. He threatened to kill somebody with a knife?

14 A. Yeah.

15 Q. Who did you call to come help?

16 A. I called Al because Al told me he knew the guy.

17 Q. Al said --

18 A. There was more than one occasion that the guy was
19 bothering me.

20 MR. KENT: Thank you so much. That's all the questions
21 I have.

22 THE COURT: Any redirect.

23 MS. BALDWIN: May it please the Court?

24 THE COURT: You may proceed.

25

1 REDIRECT EXAMINATION

2 BY MS. BALDWIN:

3 Q. So let's start where Mr. Kent left off, Ms. Singleton.
4 Somebody threatened you with a knife at your job?

5 A. Yes.

6 Q. And you said that you called Al?

7 A. Algernard.

8 Q. Why did you call him?

9 A. Because he knows the guy. And he's from East Side, so
10 he knows everybody on East Side.

11 Q. And how did you think that would solve the problem?

12 A. Because people who know Al --

13 MR. KENT: Objection, your Honor.

14 THE COURT: Basis?

15 MR. KENT: May we approach?

16 THE COURT: Madam Forelady, ladies and gentlemen, I have
17 a matter of law to take up outside of your presence. During
18 the break, please do not discuss the case. If you would just
19 stand in the hallway for me for a moment.

20 (The jury exited the courtroom at 11:03 a.m.)

21 (The following proceedings were had outside the presence
22 of the jury.)

23 THE COURT: You may be seated.

24 What's the basis of the objection?

25 MR. KENT: Judge, and I apologize for that. And I don't

1 MS. BALDWIN: Yes, ma'am.

2 THE COURT: From the defense?

3 Is the defense ready to proceed?

4 MR. KENT: Yes, your Honor, on behalf of Mr. Young. I
5 apologize.

6 THE COURT: Please bring in the jury.

7 (The jury entered the courtroom at 11:09 a.m.)

8 THE BAILIFF: All jurors are present, your Honor.

9 THE COURT: You may be seated.

10 Ladies and gentlemen, we appreciate your patience.
11 We'll now resume the testimony of the witness.

12 You may proceed.

13 MS. BALDWIN: Thank you, your Honor.

14 THE COURT: You're welcome.

15 BY MS. BALDWIN:

16 Q. To continue your answer to my previous question,
17 Ms. Singleton, why did you call Al when that customer was
18 threatening you?

19 A. I called Al because Al knows a lot of people in the East
20 Side because that's where he's from. And everybody knows if
21 Al loves someone, they'll back off.

22 Q. Okay. Mr. Kent also went into quite a bit about your
23 text messages and phone calls with Mr. Young; is that
24 correct?

25 A. Correct.

1 Q. And flashed all these records and said these are all the
2 text messages --

3 A. Correct.

4 Q. -- between you and Al? Could you just take a look real
5 quick?

6 Are those just between you and Al? Are they just text
7 messages?

8 And take your time. I know it's a lot.

9 A. No.

10 Q. Are they -- who are they between?

11 A. Um --

12 Q. You don't have to name every single person, but a
13 general -- give us a general idea, please.

14 A. There's some here with me and MUSC, me and Princess, me
15 and my sister Shante, Marian in HR -- oh, man -- Martha,
16 Monica.

17 Q. And what date do the records start from? Can you tell?

18 A. Top page starts from 8/9/1981? Is that the time -- I
19 mean, is that the date?

20 Q. Let's see here. You aren't terribly familiar with
21 these, are you?

22 A. Oh, I see something right here.

23 Q. Okay.

24 A. 6/22/20- -- oh, no, I don't.

25 Q. Okay. Are they just text messages between you and Al?

1 A. No.

2 Q. Okay. How was -- was your relationship with Al
3 complicated?

4 A. Can you repeat?

5 Q. Was your relationship with Al complicated?

6 A. Very complicated.

7 Q. Okay. You still talked to him?

8 A. Now?

9 Q. Then.

10 A. Yeah, I still talked to him. Yeah.

11 Q. Okay. All right. And let's switch over to your
12 relationship with David. As Mr. Kent pointed out, you knew
13 he was married?

14 A. I found out, yeah. I found out later.

15 Q. Were you happy about that?

16 A. I wasn't.

17 Q. Did y'all have a conversation about it?

18 A. We spoke on it the next day whenever he told me.

19 Q. Okay. And when did you find out?

20 A. I don't remember the exact date, but the night after my
21 divorce party. I slept at his house that night.

22 Q. So approximately when would that be?

23 A. It was in October.

24 Q. Okay. Were you and David still seeing each other after
25 that?

1 A. We was.

2 Q. Okay. I believe there was some other text messages to
3 David from that evening that were referenced, from the
4 evening this occurred. Who is Jontay?

5 A. Algernard's cousin.

6 Q. Okay. And how does Jontay figure into this?

7 A. Algernard called me and told me that I was stupid, that
8 it was a setup, that the only reason why David talked to me
9 is because he wanted Jontay -- well, he used to date Jontay,
10 and that's how the introduce came about when I was introduced
11 to David.

12 Q. Okay. I believe there was also a question -- I'm
13 looking for the State's 52. I believe Mr. Kent asked you
14 about a text message you gave to David -- sent to David that
15 evening. "Man, be careful." You're thinking he's talking
16 about killing himself, correct?

17 A. Yes.

18 Q. And what happened after that in terms of your
19 communications with David? Can you tell us that?

20 A. He told me that he was about to pull up. He didn't have
21 any time.

22 Q. Did you talk to David after you texted him?

23 A. He actually came by. After I texted, he was pulling up.

24 Q. Okay. Is that when he dropped off the items at your
25 house?

1 A. Yeah, that's when he dropped off the stuff.

2 Q. Okay. All right. And approximately what time was that?

3 A. That was 12:37.

4 Q. P.m. or a.m.

5 A. P -- a.m. A.m.

6 Q. Thank you.

7 On what date?

8 A. 11/16.

9 Q. Gotcha. Now, how did your relationship with Al compare

10 to your relationship with David?

11 A. Very different. Very different.

12 Q. And how were they different?

13 A. He didn't disrespect me. He didn't call me out my name.

14 He didn't beat me. He was easy to talk to. He listened. He

15 made me feel comfortable.

16 Q. Now, why did you say somebody was outside shooting and

17 then say "My ex-husband" and go into that when you were

18 talking to 911?

19 A. When I said someone was out shooting, I said -- I say

20 that because that's what's on the tape. But I heard

21 Algernard yell out after the third shot. I didn't know

22 before I heard him yell that he was still out there.

23 Q. So when did you call 911?

24 A. Right when I heard the first three gunshots.

25 Q. Okay. Was that before or after the yell?

1 A. That was actually after the yell.

2 Q. Okay. Is there any doubt in your mind that that's who
3 -- that you heard Al yell?

4 A. I heard Algernard Young voice. That was him yelling.

5 Q. And how do you know that?

6 A. I just know how he sound. He was always yelling at me.
7 He used to.

8 Q. Okay.

9 MS. BALDWIN: Beg the Court's indulgence.

10 No further questions.

11 THE COURT: The witness may step down.

12 MR. KENT: Your Honor -- okay.

13 THE COURT: Direct, cross, redirect.

14 MR. KENT: Yes, ma'am.

15 THE COURT: They have the burden of proof; they get the
16 last say.

17 MR. KENT: Yes, your Honor.

18 THE COURT: Ma'am, you may step down.

19 (Witness excused.)

20 THE COURT: And ma'am, you're not excused. If you would
21 remain with us or remain available to be recalled if
22 necessary.

23 Who's the State's next witness?

24 MR. FINCH: Brandon Maybank, your Honor.

25 THE COURT: Could y'all approach for me for one moment?

1 BRANDON MAYBANK,
2 called as a witness on behalf of the State, being first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. FINCH:

6 Q. Good morning, Mr. Maybank.

7 A. Good morning.

8 Q. If you would, tell the jury how old you are.

9 A. I'm 31 years old.

10 Q. And do you live in the Charleston area?

11 A. I live in Berkeley County.

12 Q. And in 2019, did you live in Charleston County?

13 A. Yes.

14 Q. And what was the address where you lived in November of
15 2019?

16 A. It was Ashley Hall. I can't exactly tell you the exact
17 address. I know it was -- I think it was Apartment [REDACTED], I
18 would say.

19 Q. Would 78 Ashley River Plantation Road ring a bell?

20 A. Yes.

21 Q. In Charleston --

22 A. Ashley Plantation Apartments.

23 Q. Okay. And that was in Charleston County?

24 A. Yes.

25 Q. Okay. Who did you live with at that time?

1 A. Gladys Young, which was a coworker and a friend.

2 Q. Okay. And where did you work?

3 A. I worked for CARTA.

4 Q. Do you work there now?

5 A. Yes.

6 Q. And what's your job at CARTA?

7 A. I'm an operations supervisor.

8 Q. Now, back in November of 2019, you said you were living
9 with Gladys?

10 A. Yes.

11 Q. And in the Charleston County address?

12 A. Yes.

13 Q. How long had you been living there?

14 A. Less than a month. I moved in right at the beginning of
15 November with her.

16 Q. Do you recall the events of the evening of November 15
17 into November 16, 2019?

18 A. Slightly. A little bit of it. I can try to explain as
19 much as I remember.

20 Q. Well, tell us what you remember.

21 A. That night I was actually home off from work. I was
22 actually sleeping. And that same night I got woke up by
23 Gladys, and she was upset. We went to the kitchen. And just
24 as we was in the kitchen, we heard gunshots and we heard a
25 yell.

1 Q. Okay. And did you hear anything after the yell?

2 A. There was immediately another gunshot, but I can't say
3 how many gunshots they were.

4 Q. Okay. And you said you were in the kitchen at the time?

5 A. Yes, we was in the kitchen.

6 Q. Did you recognize the yell?

7 A. No, I did not.

8 Q. Do you know the defendant Algernard Young?

9 A. I only know of him because that was her husband -- or
10 ex-husband at the time.

11 Q. So you would only know --

12 A. Just of her talking about him and, you know, briefly. I
13 didn't know him personally.

14 Q. And again, do you remember how many gunshots you heard
15 prior to the yell?

16 A. I want to say two. I'm not a hundred percent sure. I
17 can't really remember for sure. It went so fast.

18 Q. But then afterwards you heard more gunshots?

19 A. Yes.

20 Q. After the yell?

21 What did you do after you heard gunshots?

22 A. Actually, we stayed in the kitchen. I was in the
23 hallway. And she called 911, and we waited till the police
24 got there.

25 Q. And at any point in time did you look out the window to

1 see what was happening?

2 A. After I looked -- the officers were coming in and out, I
3 looked. They had a tape. And I looked through my window
4 because it looked like it was by my car, but then there was
5 her vehicle. And that's why I looked through the window,
6 which I couldn't really see much. But I just saw that they
7 had -- they was actually canvassing around where my car was
8 at and another car. There was like two cars they was around.

9 Q. So the tape was out there around some cars that were
10 near your car?

11 A. Yes.

12 Q. Do you remember what car they were focused on?

13 A. A white car.

14 Q. A white car?

15 A. Yes.

16 Q. Do you know what kind of car it was?

17 A. Not exactly.

18 Q. Do you know whose car it was?

19 A. I believe it was the victim's, but I was not a hundred
20 percent sure --

21 Q. And --

22 A. -- because there's a lot of cars like that that's
23 normally in that area.

24 Q. And speaking of the victim, did you know David Alston?

25 A. No. I only knew of him.

1 Q. Again, you knew of him how?

2 A. Because of Gladys.

3 Q. After you looked out the window, what did you do?

4 A. I came back in, and I was like, "There's a body
5 outside." But I mean, that was it. And then after that,
6 that was one of the downfalls because we ran outside to see
7 who it was.

8 Q. And did you come to find out who it was?

9 A. No. We didn't know until after they -- the next --
10 like, later on that night they was telling us who it was,
11 more likely. And then he got identified to us.

12 Q. As to who was shot?

13 A. Yes, who had got shot.

14 Q. Okay. And did you meet with officers that night?

15 A. Yes.

16 Q. And did you give them a statement?

17 A. Yes.

18 Q. About everything you knew?

19 A. Yes, to what I knew and what I was constantly hearing.
20 The stories just keep going on that night.

21 Q. You said the story kept going on that night?

22 A. Yeah. Well, everybody -- the same statement everybody
23 was saying. I was just constantly hearing the same story
24 over and over and over and over.

25 Q. Okay. But what you heard was gunshots, a yell, and

1 gunshots; is that correct?

2 A. Yes.

3 Q. And at that time, you and Gladys were in the kitchen or
4 in the hallway near the kitchen?

5 A. Yes. We were right in -- there's a hallway and then
6 there's the kitchen right there. So right in that -- pretty
7 much right in that area.

8 Q. At the time you heard that yell outside, where was
9 Gladys?

10 A. She was in the kitchen.

11 Q. And as far as you could tell, do you think she heard the
12 gunshots?

13 A. Yes.

14 Q. Do you recall her saying anything at the time?

15 MR. WILLIAMS: Objection to leading, your Honor.

16 THE COURT: Sustained. Leading. Rephrase.

17 BY MR. FINCH:

18 Q. What did you hear?

19 A. I heard a gunshot, then it was a yell, then it was a
20 gunshot.

21 THE COURT: Sir, I need you to speak directly into the
22 mic for me. And it can't be moved. I apologize. And speak
23 as loudly as you can for us and repeat your answer.

24 THE WITNESS: Yes, your Honor.

25 It was a gunshot, the yell, and then there was another

1 gunshot.

2 BY MR. FINCH:

3 Q. Okay. And you said Gladys was -- how far was Gladys
4 away from you?

5 A. I want to say from right here to maybe the end of the
6 podium. We wasn't that far apart from each other.

7 Q. And when you heard these gunshots, how did you react?

8 A. I was actually alert. I mean, I was just actually got
9 up actually.

10 Q. But how did you react?

11 A. I mean, I was kind of real scared because I know I heard
12 gunshots before, but that's something that I'm not really
13 used to, like, kind of hearing gunshots at that time of night
14 really. Like, it was right -- it sounded like it was just
15 right outside the window.

16 Q. And you looked over and Gladys was nearby?

17 A. Yes. She was right by me.

18 Q. Did you see Gladys have any reaction to the gunshots?

19 A. She was alert. Like, she was -- I would not say scared,
20 but she was surprised, like, "What the hell?"

21 Q. Did she say anything?

22 MR. WILLIAMS: Your Honor, objection to hearsay and
23 objection to leading.

24 THE COURT: He can describe what he saw. He's not being
25 asked to say what she said. And it may well still be an

1 excited utterance in light of what is alleged or purported to
2 have taken place.

3 MR. WILLIAMS: And your Honor, my objection is he's
4 leading. This witness has said what he saw.

5 THE COURT: The objection is leading. No speaking
6 objections.

7 Restate the question. Avoid the leading. He's not to
8 say what someone said to him unless you can bring it within
9 the exception of an excited utterance, which I'm inclined to
10 believe it is because of the nature of what is taking place.
11 Restate the question.

12 BY MR. FINCH:

13 Q. Did you hear anything said by anybody in the apartment?

14 A. "Oh, my God."

15 THE COURT: The objection is overruled. That's an
16 excited utterance, an exception to the rule.

17 BY MR. FINCH:

18 Q. Did -- who said that?

19 A. Gladys.

20 Q. Did she say anything else?

21 MR. WILLIAMS: Objection. Asked and answered, your
22 Honor.

23 THE COURT: I don't know what he's going to --

24 Madam Forelady, ladies and gentlemen, I have a brief
25 matter of law to take up. If you would stand right out in

1 THE COURT: You're welcome.

2 BRANDON MAYBANK

3 RESUMED DIRECT EXAMINATION

4 BY MR. FINCH:

5 Q. Mr. Maybank, just to bring us back to where we left off
6 after -- after your testimony -- er, your testimony was that
7 Gladys said, "Oh, my God"?

8 A. Yes.

9 Q. Did she say anything else?

10 A. She said, "Oh, my God. That's Al."

11 MR. FINCH: Thank you. No further questions at this
12 time. Please answer any questions from the defense.

13 THE COURT: You may proceed, Mr. Williams.

14 MR. WILLIAMS: Thank you, your Honor.

15 THE COURT: You're welcome.

16 MR. WILLIAMS: May it please the Court?

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. WILLIAMS:

20 Q. Good morning, Mr. Maybank. How are you?

21 A. I'm good. How are you?

22 Q. Good. My name is Nathan Williams. I'm one of the
23 defense attorneys on the case. We haven't talked before; is
24 that correct?

25 A. No, we haven't.

1 Q. I'm going to ask you a few questions about what you just
2 testified to. The first thing I want to ask you about is Al
3 Young. You knew him, correct?

4 A. No, I did not know him personally.

5 Q. Had you ever seen him before?

6 A. I really have never personally seen him, but I heard him
7 a couple times talking to Gladys on the phone.

8 Q. Had you seen him at Gladys's apartment, where you lived,
9 a few days earlier?

10 A. No.

11 Q. How about the day before?

12 A. No.

13 Q. How about the day that the shooting occurred? I believe
14 -- well, let me ask you this. Did you hear or did you see
15 Gladys -- I'll rephrase.

16 You testified earlier what had happened while Gladys was
17 in the kitchen, right?

18 A. Yes.

19 Q. And you were how close to her?

20 A. I would say about from where I'm at now to the end of
21 the podium.

22 Q. And you were talking with her, it sounds like from your
23 testimony, for a solid ten, fifteen minutes?

24 A. Not much. Maybe about ten minutes or so.

25 Q. And you didn't hear anybody outside the door talking,

1 correct?

2 A. No.

3 Q. You never heard anybody on the other side of the door
4 talking?

5 A. No.

6 Q. Never heard anybody on the other side of the door making
7 noises?

8 A. No.

9 Q. Never heard anybody else's voice on the other side of
10 the door?

11 A. No.

12 Q. Okay. So if someone said they had heard Al Young on the
13 other side of the door with a raised voice, that wouldn't be
14 true because you didn't hear it, correct?

15 MR. FINCH: Objection. Speculation.

16 THE COURT: Sustained. Speculation, lack of foundation,
17 lack of personal knowledge. Rephrase.

18 BY MR. WILLIAMS:

19 Q. Suffice it to say you never heard anyone on the other
20 side of the door talking while you were with Gladys, correct?

21 A. Yes. I did not hear anybody on the other side of the
22 door.

23 Q. As far as your work with the bus -- you work at CARTA?

24 A. Yes.

25 Q. And Gladys worked at CARTA, correct?

1 A. Yes. At the time.

2 Q. Were you aware of an incident a few days before David
3 Alston was shot where someone had pulled a knife on Gladys at
4 a gas station?

5 A. No.

6 Q. You didn't know anything about that?

7 A. No.

8 Q. Do you know if Gladys asked Al to come help her when
9 someone threatened her?

10 A. No.

11 Q. So you weren't aware of that either?

12 A. No.

13 Q. How close were you to Gladys?

14 A. We was not that close. We only knew each other for
15 about a year, when she first started at CARTA, and then we
16 was friends from that point.

17 Q. In your knowledge of Gladys, though, she did talk with
18 Al, correct?

19 A. Yes.

20 Q. On the phone? They had conversations?

21 A. Yes.

22 Q. She would call him?

23 A. Yes.

24 Q. He would call her?

25 A. That I know of, yes.

1 Q. Let's talk about David Alston then next. You said you
2 knew of him, correct?

3 A. I only knew of him through Gladys.

4 Q. Did you see him at the apartment that night?

5 A. No.

6 Q. Did -- you were aware of him dropping things off?

7 A. Yes. She mentioned that he dropped some stuff off for
8 her that night.

9 Q. Were you aware of him being in an argument with Gladys
10 that night?

11 A. No.

12 Q. Were you aware that he was married?

13 A. I did not know he was married.

14 Q. So you were in the apartment when the gunshots went off?

15 A. Yes.

16 Q. And if I recall, you didn't hear Gladys talking to
17 anyone outside the door or hear anyone or be on the phone
18 prior to that, correct?

19 A. No.

20 Q. And then I believe after the gunshots, Gladys called
21 911; is that right?

22 A. Yes.

23 Q. Did you overhear the 911 call?

24 A. Not exact- -- I heard the conversation, but I don't
25 recall exactly what all was said.

1 Q. Do you recall the first thing she said was "Someone is
2 out there shooting"?

3 A. Yes. I heard that she said there was gunshots outside.

4 Q. I want to ask you about the other part that she said:
5 "Someone" was out there shooting. Do you recall that?

6 A. Not exactly, but I don't remember the whole thing
7 happening.

8 Q. If I told you she said "someone," would you doubt that?

9 A. I would say yes.

10 Q. You would doubt that?

11 A. I would say yes that she said that she heard someone.

12 Q. So -- okay. So you believe that?

13 A. Yes.

14 Q. And I want to ask you about this. She -- well, let me
15 ask you this too. I don't think this has been done yet.
16 Explain how the apartment is set up, especially -- it's on
17 the second floor, right?

18 A. Yes, it's on the second floor.

19 Q. And is there, like, a porch on it?

20 A. There's a -- I wouldn't say it's a porch. I would say,
21 like, it's a walkway kind of thing. Because there was
22 actually, like -- I want to say there's another apartment
23 next door to that, so it's not maybe, like, a porch. It's
24 about maybe, like, from here to maybe a little farther than
25 the podium. Just enough for you to walk.

1 Q. So then there's -- I'm going to say from where you were
2 in the kitchen when the gunshots went off, there's room
3 between you and the front door of the apartment?

4 A. Yes.

5 Q. Then it goes downstairs, correct?

6 A. Yes.

7 Q. And then there's some distance to where the cars are
8 parked?

9 A. Yes. There's a little distance from the building to the
10 cars.

11 Q. And so for any sound to travel, it has to cover that
12 distance and then make its way through the corridor and then
13 through the door, correct?

14 A. Yes.

15 Q. Do you normally hear people as they're talking out in
16 the parking lot?

17 A. No.

18 Q. Do you normally hear people if they're talking in the
19 hallway?

20 A. I never really had anybody that was out there that would
21 be talking. It turns out there really wasn't much people
22 around.

23 Q. Are there neighbors, like, across the hallway?

24 A. There's -- it's not, like, a hallway. It's, like, next
25 to each other.

1 Q. So do you hear the neighbors talking if they're going
2 back and forth?

3 A. No.

4 Q. So your testimony is it's hard to hear people or you've
5 never heard anybody speaking from outside the apartment while
6 you're inside?

7 A. At the time that I was there, there really wasn't nobody
8 around for me to even say I could hear anybody outside.

9 Q. Okay. So I want to clarify a couple of things. I think
10 this is obvious. You didn't see who shot David Alston?

11 A. No, I did not.

12 Q. And Gladys did not see who shot David Alston?

13 A. No, she did not.

14 Q. And her first statement on 911 was that "someone" shot
15 David Alston?

16 A. Yes.

17 Q. And then it sounds like, based on everything you saw,
18 knowing her, knowing the situation, based on her background
19 and history, she assumed -- but she didn't see it, she
20 assumed it was Al Young?

21 A. Yes.

22 MR. FINCH: Objection. Speculation.

23 THE COURT: Sustained.

24 Ladies and gentlemen, you are to disregard the last
25 question and answer in its entirety. You're to give it

1 absolutely no consideration in your deliberations.

2 It's a lack of foundation, speculation, no personal
3 knowledge. The objection is sustained. And asking to
4 comment on the veracity of another witness, which is pitting.
5 Sustained.

6 BY MR. WILLIAMS:

7 Q. So I'll recap that. You didn't see it?

8 A. No, I did not see it.

9 Q. Gladys didn't see it?

10 A. No, she did not.

11 Q. And her first statement was "someone" was shooting out
12 there?

13 A. Yes.

14 MR. WILLIAMS: Thank you.

15 No further questions, Judge.

16 THE COURT: Any redirect of the witness?

17 MR. FINCH: Briefly. Yes, your Honor.

18 THE COURT: You may proceed.

19 REDIRECT EXAMINATION

20 BY MR. FINCH:

21 Q. Mr. Maybank, earlier, prior to being in the kitchen at
22 the apartment, what were you doing?

23 A. I was sleeping.

24 Q. In a bedroom?

25 A. Yes. I was sleeping in the bedroom that I sleep in.

1 Q. And again, if we just sort of generally go through the
2 layout, where is your bedroom in relation to the door?

3 A. My --

4 Q. The front door, that is.

5 A. So there's the living room. And you can say that's,
6 like, a dining area. There's the kitchen to the left. If
7 you walk just past the kitchen, the very first bedroom on the
8 right is the room that I was sleeping in.

9 Q. Okay. So it's -- and there's a door to that bedroom?

10 A. Yes, there's a door to that bedroom.

11 Q. Do you sleep with the door shut?

12 A. I normally leave it kind of cracked open a little bit,
13 but most of the time I have it closed.

14 Q. And you -- was it your testimony -- how far before the
15 gunshots did you say you had woken up?

16 A. I would say it was about -- I want to say about ten,
17 fifteen minutes or so, not giving an actual time. I already
18 had woke up. I was talking with her. And that's when we
19 went to the kitchen and that's when we heard the gunshots,
20 the yell, and the gunshots.

21 Q. And again, but before that you were asleep?

22 A. Yes, I was asleep.

23 Q. And at the time you lived at that apartment, if you were
24 standing next to the front door, if somebody was outside
25 talking to you through the front door, would you be able to

1 hear them?

2 A. I would say yes, but I never really had someone try to
3 talk through the door.

4 MR. FINCH: Thank you. That's all the questions I have.

5 THE COURT: Any objection to the witness being excused
6 from the State?

7 MS. BALDWIN: None from the State.

8 THE COURT: From the defense?

9 MR. WILLIAMS: No, your Honor. Thank you.

10 THE COURT: Sir, you're excused.

11 (Witness excused.)

12 THE COURT: Who's the State's next witness?

13 MS. BALDWIN: It will be Officer Goggin, your Honor, the
14 first responding officer.

15 THE COURT: So could you approach for me for a moment.

16 (A discussion regarding scheduling was had off the
17 record at the bench in the presence of the jury but outside
18 the hearing of the jury.)

19 THE COURT: Madam Forelady, ladies and gentlemen, we're
20 going to take advantage of this break in testimony to take
21 our lunch recess. We'll resume at 1:15. During this break,
22 please do not discuss the case. Please leave your notepads
23 in your seats. And please don't have any contact with anyone
24 in or about the courthouse as you return. As soon as you all
25 return at 1:15, we'll resume testimony.

1 and let's see if we can adjust the volume on that microphone.
2 And if you could speak as closely into it as possible that
3 would be helpful.

4 THE WITNESS: Yes, your Honor.

5 So my name is Officer Brian Paul Goggin, Jr. I
6 currently work for the City of Charleston Police Department.

7 MS. BALDWIN: And could you spell your last name for the
8 record, please.

9 THE WITNESS: Last name is spelled G-O-G-G-I-N.

10 BRIAN GOGGIN,
11 called as a witness on behalf of the State, being first duly
12 sworn, was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MS. BALDWIN:

15 Q. So how long have you worked for the City of Charleston
16 Police Department?

17 A. I was hired by the City of Charleston Police Department
18 in November of 2017.

19 Q. Okay. Did you work anywhere else in law enforcement
20 prior to that?

21 A. Yes. Prior to that, I worked for the Hagerstown Police
22 Department in Maryland. I started there in June of 2014.

23 Q. And Officer Goggin, you have a tendency to speak pretty
24 quickly. I do too.

25 A. Sorry.

1 Q. So can you just slow down a little bit so the court
2 reporter can take down everything you say?

3 A. Yes, ma'am.

4 Q. Thank you.

5 So in what capacity do you work for the City of
6 Charleston Police Department?

7 A. So I'm currently assigned to the uniformed patrol
8 division and Team 4, which is located in West Ashley.

9 Q. What are the duties of a patrol officers?

10 A. So the duties of a patrol officer are respond to calls,
11 deal with any kind of crimes in progress, also to protect
12 persons and property.

13 Q. How did you become involved with this case?

14 A. It was a call for service. I was dispatched to it.

15 Q. And what location were you dispatched to?

16 A. So it was 78 Ashley Hall West -- er, excuse me, 78
17 Ashley Hall Plantation Road, Apartment [REDACTED], which is located
18 in the city and county of Charleston.

19 Q. Okay. Did you receive a suspect description?

20 A. Yes. While we were en route, we were notified that it
21 was a black male wearing all black clothing.

22 Q. Okay. What was the weather like that night?

23 A. So it was a light rain. It was wet outside. And there
24 was a wind.

25 Q. Did any other officers respond with you?

1 A. Yes. There was three that arrived on scene at
2 approximately the same time as myself and my trainee officer
3 at the time, Officer Wilson, and then another officer arrived
4 on scene.

5 Q. So what did you do when you arrived?

6 A. So when we arrived, we weren't quite sure where the
7 location of the incident was. We just knew the approximate
8 building to [REDACTED]. Officers started patrolling the area to see
9 if we could find anything. While patrolling the area of
10 building 17-24A, located an unresponsive male lying in the
11 parking lot between two vehicles. The first vehicle was a
12 red Toyota Camry with South Carolina tag REJ847. The other
13 vehicle was a white Cadillac 300C with South Carolina tag
14 2840NA.

15 Q. And I see you looking down at something? What are you
16 referring to?

17 A. It's just my report that I had written at the time.

18 Q. Okay. I'm going to put up on the screen in front of you
19 what's already been admitted as State's Exhibit 3.

20 (Exhibit displayed on screen in open court.)

21 BY MS. BALDWIN:

22 Q. Can you tell me what we're looking at?

23 A. So that's going to be the deceased male later identified
24 as David Alston.

25 Q. Okay. And what direction is his head facing?

1 A. So his head is facing the middle of the parking lot, and
2 his feet are facing the building A17-24.

3 Q. Okay. And are those the two cars you were referring to?

4 A. Yes.

5 Q. Okay. What kind of car was the white car?

6 A. It was a white Cadillac 300 with South Carolina tag
7 2840NA.

8 Q. Okay. And when you saw that, what did you do?

9 A. I made a call for EMS and advised what officers on scene
10 were doing.

11 Q. Okay. Was there anything that was found near the male
12 at that time?

13 A. So when we got there, we immediately noticed a gunshot
14 wound to the head, so we did not try to render aid at that
15 point in time. And then it was quickly later that we located
16 four shell casings, and we found one more additional shell
17 casing later.

18 Q. Okay. Where -- were those around the victim?

19 A. Yes. Yeah. They were in the general vicinity of where
20 the deceased's body was lying.

21 Q. Did you touch any of those shell casings?

22 A. No. And I gave instructions for other people that were
23 coming to the area about the shell casings lying on the
24 ground, including other officers, EMS, and fire. That way
25 the crime scene was best preserved.

1 Q. Was there a lot of people going around there at the
2 time?

3 A. Yes.

4 Q. Okay. What else did you do?

5 A. Okay. So once we did that, it held the crime scene best
6 we could so detectives from City of Charleston and crime
7 scene could arrive and process the scene.

8 Q. Was the identity of the deceased male ever obtained?

9 A. He was later identified as David Alston.

10 Q. Okay. And was a suspect ever developed?

11 A. Yes. The suspect was developed as Algernard Young.

12 Q. And you obtained a description of Mr. Young?

13 A. Yes. We were provided a South Carolina DMV photo of
14 Mr. Young.

15 Q. So what happened next?

16 A. So we held the area for a while while they were
17 processing the scene. As we were developing information, we
18 were advised that Mr. Young may be returning to the scene in
19 a golden-colored sedan.

20 Q. Okay. So what did y'all do?

21 A. So we set ourselves up at a location to where all the
22 entrances are blocked by officers so we could see anybody
23 that was coming down Ashley Hall Plantation Road. The only
24 entrance to Ashley Hall Plantation Road at the time was via
25 Ashley River Road because there's a bridge that was under

1 construction and nobody could travel through via a vehicle
2 approximately a quarter mile or so, give or take, down the
3 road.

4 Q. I'm going to put up a diagram. It's State's Exhibit 1.
5 (Exhibit displayed on screen in open court.)

6 BY MS. BALDWIN:

7 Q. What is that?

8 A. So that's going to be the Ashley Woods apartment
9 complex, which is 78 Ashley Hall Plantation Road.

10 Q. Okay. And can you tell me, when you arrived on scene,
11 what direction you came in?

12 A. So we came in from Ashley River Road over here. We
13 entered at this location, which is going to be the first
14 entrance. This approximately is where Mr. Alston was
15 located. We had parked there and searched this building --
16 around this building first, and then found him soon after
17 that. Afterwards, we started setting up the crime scene.
18 Eventually, I got put out to this general area over here --

19 Q. Okay.

20 A. -- to watch out.

21 Q. And when you were in that last area that you mentioned,
22 did anything of interest happen?

23 A. Yeah. So before we got over to this area, we were
24 advised that the officer at this location over here saw a
25 golden-colored sedan passing by. Then we saw it pass by this

1 location heading this direction shortly after. And then the
2 bridge I was talking about is off screen down this way. We
3 lost sight of the vehicle. We couldn't see where the vehicle
4 was coming.

5 A little bit later, I saw a black male walking up the
6 street, coming this way in this general location right here.

7 Q. Okay. And what did he look like?

8 A. So it was a black male with white facial hair. He had a
9 black Oakland Raiders baseball hat, a beige sweater, green
10 vest jacket, blue jeans, and black, yellow, and red sneakers.

11 Q. Okay. Did you talk to him at any point?

12 A. Yes. So when he was coming down the road, because of
13 the information that we had that he may be returning to the
14 scene in a golden-colored sedan and then we were also
15 provided the South Carolina DMV photo of Mr. Young -- and he
16 looked like the photo -- and because he had a distinct white
17 beard at the time, at that time he had nothing in his hands,
18 so I was telling him to keep his hands up, which he listened
19 to. He actually did.

20 As he was keeping his hands up, I asked what his name
21 was. He advised his name was Tony Young. After I got his
22 name, I asked for his ID. He provided his ID. At that time
23 I saw it was Algernard Young, not Tony Young, so I detained
24 him.

25 Based off the history of the call, being that it was a

1 homicide and that he may be coming back, he was Terry frisked
2 at that point in time to make sure for safety purposes to see
3 if there were weapons. The only thing located on him was
4 just a pocketknife, though.

5 Q. Okay. And approximately what time was this again?

6 A. Approximately 0344 hours in the morning. And that would
7 have been November 16, 2019.

8 Q. Okay. So what did you do after you Terry frisked
9 Mr. Young?

10 A. So after we Terry frisked Mr. Young, we brought him over
11 to my cruiser so we could get all his belongings out of his
12 pockets for safe keeping. Then we put him in the back of my
13 cruiser. And after detectives determined they wanted him
14 back at headquarters, I transported him back to CPD
15 headquarters.

16 Q. And where is headquarters located?

17 A. It's 180 Lockwood Boulevard.

18 Q. Where's that?

19 A. It's going to be downtown Charleston, City of
20 Charleston, County of Charleston as well.

21 MS. BALDWIN: The Court's indulgence.

22 I have no further questions at this time. Please answer
23 any of the defense's.

24 THE COURT: You may proceed.

25 MR. WILLIAMS: Thank you, your Honor. May it please the

1 Court?

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. WILLIAMS:

5 Q. Good afternoon. Is it Officer Goggin?

6 A. Yes, sir.

7 Q. Good afternoon.

8 Just out of curiosity, are you sure it's not a Chrysler
9 300? I know your report says --

10 A. Yeah. It says Cadillac 300C in my report.

11 Q. So you're going off your report?

12 A. Yeah, I'm going off my report. Yes, sir.

13 Q. Do you remember what it was from memory?

14 A. So memory, it was just the white car and then the red
15 car. And the particular -- the details are based off of my
16 report.

17 Q. Have you ever heard of a Cadillac 300?

18 A. I'm not a car guy, so no.

19 Q. All right. So I'm going to ask you a little bit about
20 when you first responded. You say that you saw where the
21 shell casings were; is that right?

22 A. Yes.

23 Q. Did you walk in between the cars at all?

24 A. So there's -- I don't recall off the top of my head
25 where I walked in between, but there was foot traffic in

1 between that area.

2 Q. I'll just ask you, do you recall ever seeing any blood
3 spatter on the sides of the cars?

4 A. I don't recall seeing blood spatter on the sides of the
5 cars.

6 Q. Is that something you would have looked for?

7 A. It was dark, so I -- I remember them talking about it,
8 but I didn't look for it. That would be more like something
9 crime scene would do when they arrived.

10 Q. Okay. So that's not something you would have taken note
11 of at the time?

12 A. Not with it being dark. If I did see it, I would have
13 noted it. But I didn't see it, so no.

14 Q. I want to ask you about you testified on your direct
15 that you had reason to believe that he would be showing back
16 -- that Algernard Young would be back at the scene, right?

17 A. Yes.

18 Q. Let's cut to the chase on that. I mean, he told Gladys
19 Singleton that he was going to come back there, right?

20 A. I didn't talk to Ms. Singleton. I was just relayed this
21 via an officer on scene.

22 Q. All right. So you don't know if he had told someone,
23 like, "I'll be right back there"?

24 A. No. No. I didn't --

25 Q. And do you know whether she was talking to him over the

1 phone in the hour preceding the shooting?

2 A. I do not.

3 Q. And do you know whether after the shootings, before he
4 showed up, she stopped answering his calls?

5 A. I don't know.

6 Q. So as far as you know, he could have been talking to her
7 on the phone, shots are fired near her apartment, several
8 calls go unanswered to her, and then he shows up? That could
9 have happened as far as you know?

10 A. As far as I would know. Like I said, that wouldn't be
11 part of my job description as a patrol officer. That would
12 be something the detectives would handle.

13 Q. And then setting aside whether she had been contacting
14 him, things like that, were you aware that there was a
15 protection order in place?

16 A. So I was not aware at the time initially.

17 Q. And I mean, you've been a -- how long you been in law
18 enforcement?

19 A. So it's going on nine years.

20 Q. Has it been your experience that individuals who may
21 have protection orders, even if they're being violated left
22 and right, wouldn't want to come into law enforcement contact
23 and reveal that?

24 A. It depends. It's a person-to-person situation.

25 Q. So could that explain, at least in your experience, why

1 he would use a different name, if he was in violation of a
2 protection order, even if he was in contact with the person
3 who --

4 MS. BALDWIN: Objection. Speculation.

5 THE COURT: Please restate the question. Your voice
6 trails off a little, and it was hard for me to hear the rest
7 of it.

8 BY MR. WILLIAMS:

9 Q. In your law enforcement experience, would one
10 explanation for using a false name be that someone was
11 worried that they were in violation of a protection order,
12 even if they had been invited by the other party that was
13 protected?

14 A. It's a possibility.

15 Q. I want to talk to you a little bit about when you came
16 into contact with him. Did you watch him the whole time?

17 A. From the car or from where I saw him?

18 Q. I guess from where you first saw him.

19 A. So when I first saw him at the entrance, no, I was not
20 with him the entirety of the time. Some other people were
21 standing with him when I had to go talk to other officers.

22 Q. Who was that?

23 A. I don't recall.

24 Q. Other law enforcement or other people?

25 A. It would be law enforcement.

1 Q. Okay.

2 A. Yeah.

3 Q. And when you came into contact with him, you said you
4 frisked him?

5 A. Yes.

6 Q. Was he up against a car?

7 A. No.

8 Q. Where was he standing when you did that?

9 A. So he was standing at that entrance. If the map was
10 still up, I could point to it for you if you'd like. But it
11 was right there at that second entrance, right there along
12 Ashley Hall Plantation Road.

13 Q. Did you find a gun on him?

14 A. No. Just a pocketknife.

15 Q. Ammunition?

16 A. No.

17 Q. Do you recall there ever being a gun or ammunition found
18 on him or in his car that he pulled up in?

19 A. I was only given him particularly, and I did not find a
20 gun.

21 Q. And when -- did you handcuff him?

22 A. I did.

23 Q. Did you pull his -- grab his hands or touch his hands
24 when you handcuffed him?

25 A. I probably did, yeah.

1 Q. And you handle firearms routinely in your job, right?

2 A. I do.

3 Q. Every time you put your gun in your holster, you grab
4 it?

5 A. Mm-hmm.

6 Q. Are you concerned about contaminating your hands with
7 GSR when you hold a service weapon?

8 A. No, not per se.

9 Q. And you don't really worry about whether you could
10 contaminate somebody else's hands with GSR when you put them
11 in handcuffs; is that right?

12 A. That's correct.

13 Q. So you weren't taking any precautions to ensure that you
14 didn't get GSR transferred from your firearm to somebody
15 else's hands when you handcuffed them?

16 A. So when I was handcuffing him, based on the totality of
17 the circumstances that were going on, with a homicide in the
18 area and a possible suspect coming in, it wouldn't have been
19 feasible for me to have time to put my gloves on and do the
20 Terry frisk.

21 Q. Well, I don't -- I'm not passing judgment. I just want
22 to make sure I understand. There were no precautions taken
23 to ensure that his hands weren't contaminated by either you,
24 after what you said about -- or other people that were
25 talking to him?

1 A. No.

2 Q. Do you know if he --

3 MR. WILLIAMS: Well, I'll stop there.

4 No further questions. Thank you, Officer.

5 THE COURT: Any redirect of the witness?

6 MS. BALDWIN: Briefly, your Honor.

7 THE COURT: You may proceed.

8 REDIRECT EXAMINATION

9 BY MS. BALDWIN:

10 Q. Officer Goggin, how long between the time you arrived on
11 scene to the shots being fired to when you made contact with
12 Mr. Young was it?

13 A. So the approximate time of the call was 0131 hours. I
14 arrived at approximately 0135 hours. And then we located him
15 in the area at approximately 0344 hours.

16 Q. So about two and a half hours later?

17 A. Approximately.

18 Q. Okay. Did you have your service weapon on you at the
19 time, correct?

20 A. Correct.

21 Q. When was the last time you had fired it?

22 A. I couldn't tell you. It's been easily since the last
23 training, which was not that day.

24 Q. Not that day?

25 A. No.

1 Q. How about the day before?

2 A. No, ma'am.

3 MS. BALDWIN: The Court's indulgence.

4 Q. [By Ms. Baldwin] Did you touch the victim at all?

5 A. The victim? No, ma'am.

6 Q. And you didn't touch any of the evidence at the scene?

7 A. No.

8 Q. Okay. Didn't touch the car? The gold sedan?

9 A. The gold sedan? I never went to it. I didn't touch
10 that.

11 MS. BALDWIN: Okay. No further questions.

12 THE COURT: Any objection to the witness being excused
13 from the State?

14 MS. BALDWIN: None from the State.

15 THE COURT: From the defense?

16 MR. WILLIAMS: No, your Honor.

17 THE COURT: Sir, you're excused.

18 THE WITNESS: Thank you, your Honor.

19 THE COURT: You're welcome.

20 (Witness excused.)

21 THE COURT: Call your next witness.

22 MS. BALDWIN: The State calls Kristin Johnson.

23 THE COURT: Ma'am, if you would come forward to be
24 sworn.

25 CLERK OF THE COURT: Please raise your right hand and

1 place your left hand on the Bible.

2 (Witness sworn.)

3 CLERK OF THE COURT: Please be seated.

4 Please state your full name, spelling your last name
5 directly in the microphone.

6 THE WITNESS: Kristin Johnson, J-O-H-N-S-O-N.

7 THE COURT: You may proceed.

8 MS. BALDWIN: Thank you.

9 THE COURT: You're welcome.

10 KRISTIN JOHNSON,
11 called as a witness on behalf of the State, being first duly
12 sworn, was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MS. BALDWIN:

15 Q. Ms. Johnson, where do you currently work?

16 A. After Care Essentials.

17 Q. And what's that?

18 A. I work with burn patients from MUSC. It's a burn
19 center.

20 Q. Okay. And where were you working in November of 2019?

21 A. The Charleston City Police Department.

22 Q. In what capacity were you working there?

23 A. As a police officer.

24 Q. Okay. What type of police officer? Patrol? Detective?
25 What?

1 A. I was on patrol.

2 Q. How long had you worked there at the time this incident
3 occurred?

4 A. A little bit over four years.

5 Q. Okay. And how did you get involved in this case?

6 A. I was dispatched to a call for service.

7 Q. What did you do when you arrived?

8 A. I met with other officers that were already on scene and
9 got briefed by them. Then I made contact with the
10 complainant.

11 Q. What was her name?

12 A. Gladys Singleton.

13 Q. What was her demeanor when you first made contact with
14 her?

15 A. She was extremely emotional. She was screaming and
16 crying and fell to the ground. She was very distraught.

17 Q. Was your body-worn camera active during your
18 interactions with her?

19 A. Yes.

20 Q. Okay. Is that pretty typical?

21 A. Yes.

22 Q. Okay. I'm showing you what's been admitted as State's
23 Exhibit 67. Do you know what that is?

24 A. Clips from my body camera.

25 Q. Okay. How do you know that?

1 A. My initials are on the tape.

2 Q. And State's 68 as well?

3 A. Yes.

4 Q. Okay.

5 MS. BALDWIN: Your Honor, at this time I'd like to
6 publish to the jury.

7 THE COURT: Which numbers?

8 MS. BALDWIN: It's -- well, publish 67 first, and then I
9 have a few more questions.

10 THE COURT: Any objection?

11 MR. WILLIAMS: No, your Honor.

12 THE COURT: You may proceed without objection.

13 MS. BALDWIN: Thank you.

14 THE COURT: You're welcome.

15 And that's already been admitted. Correct, Madam Court
16 Reporter?

17 COURT REPORTER: No.

18 THE COURT: Would there be any exception to -- well,
19 you're only playing it for demonstrative purposes, correct?
20 Or are you seeking to admit the disk?

21 MS. BALDWIN: To admit it, your Honor.

22 THE COURT: Any exception to the admission?

23 MR. WILLIAMS: No. I thought we'd agreed to that,
24 Judge. I have no objection to 67 and 68.

25 THE COURT: I'm sorry. I couldn't hear.

1 MR. WILLIAMS: I thought we had agreed, but there's no
2 objection to them.

3 THE COURT: I just couldn't remember. I thought that
4 that one had been admitted too, but I was double checking
5 with the court reporter and she said it was not.

6 No. 67 marked and admitted without objection.

7 State's Exhibit No. 67 admitted into evidence.)

8 THE COURT: As well as 68. Is that correct?

9 MR. WILLIAMS: That's correct, your Honor.

10 THE COURT: 68 marked and admitted without objection.

11 (State's Exhibit No. 68 admitted into evidence.)

12 THE COURT: I think you said earlier subject to
13 foundation, but I think that's been established.

14 MR. WILLIAMS: Yes, your Honor. Thank you.

15 THE COURT: You're welcome.

16 MS. BALDWIN: There's always some technical difficulty.

17 The Court's indulgence. Sorry for the delay.

18 All right. Now we'll be publishing State's 67 to the
19 jury.

20 (Video played in open court.)

21 BY MS. BALDWIN:

22 Q. So that was what you were describing when you said she
23 was upset?

24 A. Yes.

25 Q. Okay. And so after that clip ended, what did you do

1 with Ms. Singleton?

2 A. We were able to escort her back up to her apartment, and
3 then I stayed with her until a detective arrived to interview
4 her.

5 Q. When you stayed with her, did you stay with her in her
6 apartment?

7 A. Yes.

8 Q. Okay. Did you secure any weapons while you were in her
9 apartment?

10 A. Yes. I located a Ruger 9-millimeter weapon. And for
11 her safety, as well as everyone else on scene, I did just
12 secure that and place it in the trunk of my police car.

13 Q. Okay. And what did you do next?

14 A. I stayed on scene -- er, in her apartment with her until
15 Detective Wolfesen came to interview her.

16 Q. What did you do when Detective Wolfesen came?

17 A. I believe I was there, or maybe right outside of her
18 apartment for part of that interview, but I waited until
19 Detective Wolfesen was finished with her and then I stayed in
20 her apartment with her.

21 Q. And why did you stay in her apartment with her?

22 A. She asked me to. She said that she was scared. She
23 didn't want to be left alone.

24 Q. Okay. Did anything else of note occur while you were in
25 the apartment with her?

1 A. Yes. After her interview with Detective Wolfson, her
2 ex-husband was continuously calling her.

3 Q. Did she ever answer?

4 A. To my knowledge, she answered one of the phone calls.

5 Q. Okay. And do you know approximately what time these
6 phone calls were occurring?

7 A. I do not know what time the phone calls were occurring.

8 MS. BALDWIN: At this time, your Honor, I'd like to --

9 Q. [By Ms. Baldwin] Was that also captured on your body
10 cam?

11 A. Yes.

12 MS. BALDWIN: Okay. At this time I would like to
13 publish State's 68 to the jury.

14 THE COURT: Any exceptions?

15 MR. WILLIAMS: One second, your Honor.

16 No objection, your Honor.

17 THE COURT: Marked and admitted. Proceed without
18 objection.

19 (Video played in open court.)

20 THE COURT: Ladies and gentlemen, I'm going to
21 interrupt.

22 Y'all need to fix this.

23 We're going to take a quick break, you all, while we
24 deal with this matter of law. We appreciate your patience.
25 If you would leave your notebooks in your seats. Don't

1 discuss the case.

2 (The jury exited the courtroom at 1:58 p.m.)

3 (The following proceedings were had outside the presence
4 of the jury.)

5 THE COURT: You may be seated.

6 So what's the issue with the sound?

7 MS. BALDWIN: His voice is quiet no matter what, your
8 Honor.

9 THE COURT: I can't hear anything --

10 MS. BALDWIN: Can you hear her?

11 THE COURT: -- and I have very good hearing.

12 MS. BALDWIN: Okay.

13 THE COURT: Yeah.

14 MS. BALDWIN: Well, our computer --

15 THE COURT: And I think that's -- I mean, it's
16 inaudible. So we need to fix whatever the issue is.

17 MS. BALDWIN: Our computer is up as loud as it will go.

18 THE COURT: So maybe you need to get some external
19 speakers or something.

20 How high do we have the volume in here?

21 CLERK OF THE COURT: I have it all the way up.

22 THE COURT: Yeah, maybe you need to start it over or
23 something. Figure out what the issue is, but it's inaudible.
24 You can't hear it. You can hear bits and pieces, which make
25 no sense, so we need to fix whatever the issue is.

1 MS. BALDWIN: Our output's at maximum too. I don't
2 know --

3 THE COURT: Well, then maybe you need to get some
4 external speakers to fix it, because those speakers aren't
5 that loud to begin with on a laptop. But I don't know
6 whether it's your connection to the system? Or do you need
7 to restart it? Or -- because you can barely hear anything.
8 Start it over again.

9 MS. BALDWIN: He's very quiet to begin with.

10 (Video played in open court.)

11 THE COURT: Was that the end of the recording?

12 MS. BALDWIN: That's the end of it, your Honor.

13 THE COURT: Okay. It was much better this time than it
14 was before. I could hear it this time. Last time I couldn't
15 hear it at all.

16 MR. FINCH: I was just checking. It's better over here.

17 THE COURT: Okay. Get the jury.

18 (The jury entered the courtroom at 2:03 p.m.)

19 THE BAILIFF: All jurors are present, your Honor.

20 THE COURT: You may be seated.

21 Ladies and gentlemen, we appreciate your patience.

22 You may proceed.

23 BY MS. BALDWIN:

24 Q. So just to recap, this was recorded in Ms. Singleton's
25 apartment?

1 A. Yes.

2 Q. And your understanding was who was calling her?

3 A. Her ex-husband.

4 Q. Okay.

5 (Video played in open court.)

6 BY MS. BALDWIN:

7 Q. Did you instruct her to hang up the phone?

8 A. Yes.

9 Q. Okay. And did Mr. Young continue to contact her after
10 she hung up the phone?

11 A. He called her several times after, but to my knowledge
12 she did not answer.

13 Q. Okay. Were there any text messages?

14 A. Yes.

15 Q. And approximately what time were those text messages,
16 according to your report?

17 A. According to my report, at approximately 3:05 in the
18 morning, he sent her text messages saying that he was on his
19 way to her residence to talk. And then at approximately
20 3:20, he sent another message asking to talk for a minute.

21 Q. Was this phone call that we saw before those text
22 messages?

23 A. Yes.

24 Q. Did she ever call him, to your knowledge?

25 A. Not to my knowledge.

1 Q. And you mentioned that gun that you secured in your car.
2 Did you do anything with it afterwards?

3 A. After she was escorted to Detective Wolfsen's vehicle to
4 go down to headquarters for questioning, I did put her weapon
5 back in her apartment for her.

6 Q. Was it loaded or unloaded?

7 A. Unloaded.

8 Q. Okay. And you may have mentioned this; when you
9 unloaded the firearm initially, how many rounds were in the
10 chamber? How many rounds were in the magazine?

11 A. So when I first located her firearm in her apartment, it
12 was loaded. And then to put it in my trunk, I did unload it.
13 There was one round in the chamber and the magazine was full
14 with another six rounds.

15 Q. Was it warm at all?

16 A. No.

17 Q. Did it appear to have recently been fired?

18 A. No.

19 MS. BALDWIN: The Court's indulgence.

20 No further questions. Please answer anything for the
21 defense.

22 THE COURT: You may proceed.

23 MR. WILLIAMS: Thank you, your Honor.

24 THE COURT: You're welcome.

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CROSS-EXAMINATION

BY MR. WILLIAMS:

Q. Good afternoon, Ms. Johnson.

A. Good afternoon.

Q. You had testified on your direct exam that she had not -- that Ms. Singleton didn't answer any phone calls while you were there; is that right?

A. I said she answered one, to my knowledge.

Q. Yeah, you're correct. That's right. So there was one. But other than that, she did not answer, correct?

A. Correct.

Q. Are you aware of whether she was calling Mr. Young prior to when David Alston was shot?

A. I am not aware of that, no.

Q. Are you aware of whether she had called Mr. Young to help her when she was in danger in the days prior to David Alston being shot?

A. No, I'm not aware of that.

Q. So would that change or would that somehow be helpful to your understanding of why he may have some concerns for her when she doesn't answer her phone when he calls?

MS. BALDWIN: Objection. Speculation.

THE COURT: Sustained. Lack of foundation, speculation, lack of personal knowledge.

1 BY MR. WILLIAMS:

2 Q. So you don't know why -- at least in your limited
3 opinion, why he would be calling and that would concern him
4 from your experience in this case?

5 A. I have a very limited understanding of why he would be
6 calling her.

7 Q. Okay. As far as -- you said he had sent -- there were
8 several calls that weren't answered. Then he send a text
9 message saying he was coming over. Is that right?

10 A. According to my report, yes.

11 Q. And so he wasn't hiding it? Nothing covert. He sent a
12 text message, announced to Gladys that he was coming over
13 there, right?

14 A. To talk to her.

15 Q. And if I recall from your body-cam video, it was
16 nighttime?

17 A. Yes.

18 Q. About how many patrol cars did you say had responded?

19 A. Maybe ten.

20 Q. All right. EMS vehicles there?

21 A. Yes.

22 Q. Lights flashing on all of them?

23 A. Yes.

24 Q. Road's blocked off?

25 A. Yes.

1 Q. Crime scene tape up?

2 A. Yes.

3 Q. So he text messages that he's coming over and that,
4 despite all of that -- visible lights flashing, crime scene
5 tape -- he walks over there and comes into contact with law
6 enforcement, right?

7 A. I believe so.

8 MR. WILLIAMS: No further questions, your Honor.

9 THE COURT: Any redirect?

10 MS. BALDWIN: Nothing from the State.

11 THE COURT: Any objection to the witness being excused
12 from the State?

13 MS. BALDWIN: Nothing from the State.

14 THE COURT: From the defense?

15 MR. WILLIAMS: No, your Honor.

16 THE COURT: Ma'am, you're excused.

17 (Witness excused.)

18 THE COURT: Call your next witness.

19 MS. BALDWIN: The State calls Detective Wolfesen.

20 (Witness sworn.)

21 CLERK OF THE COURT: Please be seated.

22 Please state your full name, spelling your last name
23 directly in the microphone.

24 THE WITNESS: My name is Elizabeth Wolfesen,

25 W-O-L-F-S-E-N.

1 THE COURT: You may proceed.

2 MS. BALDWIN: Thank you, your Honor.

3 THE COURT: You're welcome.

4 ELIZABETH WOLFSEN,
5 called as a witness on behalf of the State, being first duly
6 sworn, was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MS. BALDWIN:

9 Q. Ms. Wolfesen, where do you work?

10 A. I work at Charleston Police Department.

11 Q. And how long have you worked there?

12 A. Almost 13 years.

13 Q. In what capacity do you currently work there?

14 A. Currently I'm a sergeant. And I'm the public
15 information officer for the department, so I do all the media
16 liaising, social media, all that stuff.

17 Q. Back in November of 2019, in what capacity were you
18 working there?

19 A. I was a detective. I worked in the violent crimes unit,
20 so I was responsible for investigating any kind of aggravated
21 assaults, shootings, stabbings, anything involving death,
22 things of those natures.

23 Q. So how did you become involved in this particular case?

24 A. On this occasion, when I was a detective, we worked,
25 like, rotating shifts so that we could cover 24 hours a day.

1 So for this particular case, I was actually working at night
2 so I was the initial responding detective that went out to
3 the scene.

4 Q. And what did you do when you arrived on scene?

5 A. First I spoke with the person who was the supervisor
6 that night. I just got a quick briefing of what we were
7 there for, what went on. And I took kind of an initial
8 observation of the scene, everything that was going on. I
9 observed that the victim was there, lying face down. He was
10 between two cars that I could see. Just trying to kind of
11 get a sense of what was going on, get oriented.

12 Q. Do you remember what kind of cars they were?

13 A. One was a white Chrysler 300, and then there was, like,
14 a burgundy Camry.

15 Q. And after you got that picture, what did you do?

16 A. So I first met with Ms. Gladys Singleton. She was
17 upstairs in an apartment there. And so I did a quick just
18 kind of initial interview with her. She had been the
19 complainant for the call. So it's, again, just trying to get
20 a sense of what was going on and gather information.

21 Q. What was her demeanor during that interview?

22 A. She was very upset, extremely frightened, had trouble
23 even, you know, kind of stringing words together in sentence
24 form. Just very upset, very scared.

25 Q. What was she frightened of?

1 A. She was very, very afraid of her ex-husband. She was
2 extremely concerned that he was outside somewhere, that he
3 was going to hurt her or that he had, like, a family member
4 or someone there, a friend, that might hurt her.

5 Q. And after that interview, what did you do?

6 A. So I got just the initial rundown with her at first. I
7 then went back outside. By that time, our crime scene
8 investigators had arrived, the coroner had arrived. So I met
9 with them and got a more holistic view, kind of, of the
10 actual physical scene.

11 Q. Did you notice anything in particular about the victim?

12 A. Yes. Interestingly, there was -- so he was, again, face
13 down between the two cars. And sort of partially underneath
14 him there was -- this is going to sound silly when I say it,
15 but it was a very large, like, probably three- or five-pound
16 bag of shredded cheese that was, like, underneath him.

17 And then when the coroner got there and was kind of
18 flipping him over, I saw that there was a Pepsi can that had
19 been -- apparently it looked like it had been crushed, like,
20 when he fell. There was also an unsmoked cigarette that was
21 there that had broken in half that was like he fell on top
22 of. And we also found keys to the Chrysler 300 that he was
23 beside.

24 Q. I'm going to pull up on the screen State's Exhibit 17.

25 (Exhibit displayed on screen in open court.)

1 BY MS. BALDWIN:

2 Q. Does that describe what you were -- er, show what you're
3 describing?

4 A. Yes, ma'am. Yeah. You can see the broken cigarette
5 there and then this pretty sizable bag of cheese and the
6 Pepsi can that was crushed when he fell.

7 Q. Was a name eventually developed of a suspect?

8 A. Yes. We determined through speaking with everyone that
9 Algernard Young was possibly a suspect.

10 Q. And did police eventually make contact with Mr. Young?

11 A. They did. So I went out to the scene around 1:30 or so
12 in the morning, and around 3:00 a.m. he actually came to the
13 scene.

14 Q. What did you do as a result of that?

15 A. So I wanted to -- when I was speaking with
16 Ms. Singleton, she had described a car that she knew was a
17 car that Mr. Young drove, that she had also seen him in that
18 exact car earlier that night parked down the way. She saw it
19 follow her boyfriend. And so I wanted to see if the car was
20 around somewhere because he had walked up.

21 So officers canvassed the area. They located a car that
22 they believed could be it, since it matched the description.
23 So I wanted to see if Ms. Singleton could identify that car.

24 Q. And how did you get her to identify the car?

25 A. So I also wanted to interview her more thoroughly, so I

1 asked if she would be willing to go down to the police
2 station with me. And while doing that, I essentially drove
3 to where the car was that officers had located a short
4 distance away.

5 Q. When you asked her to leave her apartment, what was her
6 reaction?

7 A. She was terrified. Like, I mean, it was a lot just to
8 get her to leave. She was extremely, extremely -- like I
9 said, I've been doing this for almost 13 years, and she was
10 more scared than anybody I've ever seen.

11 Q. But you were able to get her to leave with you
12 eventually?

13 A. I was, yeah. She finally did agree. I was wearing at
14 the time, like, a polo shirt, khakis, and she agreed that a
15 uniformed officer, Officer Johnson, would go with us to walk
16 to the car. So two of us walked with her. And yeah, she did
17 eventually get into my car. We drove over to where the car
18 that had been described was located.

19 Q. And what happened when you drove over to the car that
20 was described?

21 A. She just started shouting something like, "Yes. Yes,"
22 like, "That's the car." And she was just, you know, very
23 expressive.

24 Q. And was that in response to any questioning by you?

25 A. No.

1 Q. Okay. And once again, what did that car look like?

2 A. It was a gold, older model Toyota Camry.

3 Q. I'm showing you State's Exhibit -- what's already been
4 admitted as State's Exhibit 21.

5 (Exhibit displayed on screen in open court.)

6 BY MS. BALDWIN:

7 Q. And can you point out the car if it's there.

8 A. Is this a touch screen?

9 Q. Mm-hmm.

10 A. (Indicated.)

11 Q. That was the car that she ID'd?

12 A. Yes, ma'am.

13 Q. Okay. What happened after that?

14 A. I took Ms. Singleton down to the police station, and I
15 did an interview there with her.

16 Q. Okay. And did you do anything else with her that
17 evening?

18 A. Yes. There were a lot of, apparently, phone calls and
19 text messages and things. It had gone back and forth. So I
20 requested consent from her that we do a digital extraction of
21 her phone. She did give consent. So I went to the digital
22 evidence unit that we have at the police department, and they
23 conducted a digital extraction of her phone.

24 And as well, I went back to her apartment. She had said
25 there was a gun that she had at her house, so I went back

1 there, I seized the gun, and I entered it into our evidence
2 at the police station.

3 Q. And what was the make, model, and serial number of the
4 gun?

5 A. It was a Glock -- I mean, excuse me, not a Glock. A
6 Ruger 9-millimeter. The serial number I have here is
7 45169540. It was an LC9.

8 Q. Sergeant Wolfson, I'm going to show you what's been
9 marked for ID as State's Exhibit 60. Can you tell me what
10 that is?

11 A. This is an evidence box from the police department. It
12 has in my handwriting the case number, the offense, my name,
13 my badge number, and then it's sealed with my initials that I
14 wrote, as well as my badge number.

15 Q. Okay. Does it say what's in here?

16 A. Not on the outside, but I know this to be a firearm box.

17 Q. Okay. You don't need to open it up.

18 A. Okay.

19 Q. Now, why did you collect the firearm?

20 A. Because I wanted to have a comparison done of the
21 projectiles from that gun to the ones that were located on
22 scene.

23 Q. At the time was Gladys a suspect?

24 A. Not to me, but she could have been. Anybody could have
25 been at that point. But just to exclude that that was a

1 possibility, that was why.

2 Q. Okay. You were just covering your bases?

3 A. Exactly.

4 Q. Okay. And when Ms. Singleton gave you consent to have
5 her phone downloaded, how cooperative was she in that?

6 A. Extremely. She had no problems. As I always do, I
7 explained the reasons why, and she was very forthright and
8 provided consent right away.

9 MS. BALDWIN: The Court's indulgence.

10 Your Honor, I have no further questions at this time.

11 THE COURT: Any questions for the witness?

12 MR. KENT: Thank you, your Honor. May it please the
13 Court?

14 THE COURT: Yes, sir.

15 What number was that again? The last? 60?

16 MS. BALDWIN: 60.

17 THE COURT: ID only, correct?

18 MS. BALDWIN: ID only, mm-hmm.

19 CROSS-EXAMINATION

20 BY MR. KENT:

21 Q. Sergeant Wolfson, you good?

22 A. I'm good. Thank you. How are you?

23 Q. Good. I know you were an investigator, a detective, but
24 I'm going to call you Sergeant, the title you have today --

25 A. Sure.

1 Q. -- if that's okay?

2 A. Yes, sir.

3 Q. Sergeant Wolfson, my name is Shaun Kent. I don't think
4 we've ever had the pleasure of meeting.

5 A. I don't think so either.

6 Q. A couple of things I go over with everybody. I'm going
7 to ask you some questions. And as you know -- you've been
8 doing this long enough -- Madam Court Reporter is taking down
9 every word that you're saying. She can't take down head nods
10 and shakes and things of that nature, so let's make sure we
11 answer affirmatively so she can take it down.

12 A. Yes, sir.

13 Q. No. 2, I always tell people I speak really fast and
14 sometimes I'm hard to understand. So if you don't understand
15 one of my questions or if I speak way too fast, you can just
16 ask me to repeat it and I promise you I will.

17 A. (Indicated.)

18 Q. There's that head nod.

19 A. Yes, sir.

20 Q. Okay. And No. 3, we cannot talk over one another. I
21 don't anticipate us getting into it, but we can't talk over
22 one another. So if you'll give me an opportunity to ask my
23 question, I promise you I'll give you an opportunity to
24 answer, and vice versa.

25 A. Sounds good.

1 Q. Is that fair?

2 A. Yes, sir.

3 Q. Okay. So I want to make sure I go through a little
4 background. You have been doing this 13 years?

5 A. Just about. Almost.

6 Q. Okay. And I want to talk a little bit about your
7 training. You didn't get into it. So you were trained at
8 the Criminal Justice Academy?

9 A. I was. I graduated the Criminal Justice Academy in
10 2010. Prior to that, I did an undergrad degree in criminal
11 justice, and I have a master's in social sciences.

12 Q. Okay. And when you do all of these things, of course,
13 at the Criminal Justice Academy they teach you officers --
14 new officers how to write reports?

15 A. I would mostly agree with that.

16 Q. Yeah, mostly agree. They should be teaching how to
17 write reports?

18 A. Yes, sir.

19 Q. How to interview witnesses?

20 A. Yes, sir.

21 Q. How to collect evidence?

22 A. Yes, sir.

23 Q. And how to basically make a snapshot of the scene, if
24 you will, because we don't have great memories?

25 A. Correct.

1 Q. And then -- and this will probably go better with what
2 you wanted to answer. And then you have training outside
3 what you learned at the Criminal Justice Academy?

4 A. Absolutely.

5 Q. You have seminars?

6 A. Yes.

7 Q. You have CLEs, if you will?

8 A. Yes.

9 Q. You have other officers who train and teach you to
10 become a better officer?

11 A. Yes.

12 Q. Because our entire situation is we want to basically
13 promote justice?

14 A. Correct.

15 Q. We don't want to assume?

16 A. Correct.

17 Q. We want to just basically not -- you guys are not in a
18 position of saying, "We're trying to pick and choose what
19 happened." We want to present the information -- we're an
20 information gathering service?

21 A. Yes.

22 Q. Is that the best way of describing it?

23 A. I would agree with that.

24 Q. And in this case, that's one of the things that you
25 worked on is gathering information, putting it inside of a

1 file, and turning it over to someone like the solicitor's
2 office?

3 A. Yes, sir.

4 Q. And the solicitor's office makes their decisions on what
5 to do with the case?

6 A. Yes, sir.

7 Q. And you are familiar with this case, I'm assuming.

8 A. Yes, sir.

9 Q. You've had an opportunity to review the full case file?

10 A. I'm not sure. I mean, I wasn't the case agent for this.
11 But so I have reviewed the case file, yes, though if there
12 are intricacies that I am not aware of --

13 Q. And I understand that. And so, again, I might ask you
14 questions about the case file, and that's one of those things
15 you can just say, "I don't know about the intri-" -- I can't
16 even say the word you said there.

17 A. Intricacies.

18 Q. Yeah, that word.

19 If there is something that you're not familiar with,
20 you're fine to say, "I'm not familiar."

21 But for the most part, you have reviewed the full case
22 file?

23 A. Yes, sir.

24 Q. And so I can ask you questions about the case and the
25 things that you did, and potentially other officers did, in

1 gathering information to present to a jury and to the
2 solicitor's office?

3 A. I'll do my best.

4 Q. Okay. Is that a fair question, though? A fair
5 statement?

6 A. I think so.

7 Q. One of the things that we do is we do reports?

8 A. Yes, sir.

9 Q. You gave a report in this case back when you were an
10 investigator/detective?

11 A. Yes, sir.

12 Q. And you garnered information, as you mentioned?

13 A. I did.

14 Q. And you went out there and garnered information by
15 interviewing individuals?

16 A. Yes.

17 Q. Talking to people?

18 A. Yes.

19 Q. Talking to crime scene?

20 A. Yes, sir.

21 Q. And simply looking around?

22 A. Yes.

23 Q. And you mentioned something very interesting: Anybody
24 could have been a suspect or a subject at the time?

25 A. At the time, mm-hmm.

1 Q. And that's one of the things we do is we try to get
2 information from everything potentially out there because we
3 want to get a full snapshot of what happened on that day?

4 A. Yeah, I agree. You know, one of our primary functions,
5 especially in investigations, is not to get tunnel vision.
6 So we start big and get smaller.

7 Q. Exactly. A grand scheme of everything that potentially
8 happened.

9 A. Yes, sir.

10 Q. And one of the things that you did is you got the cell
11 phone of Gladys Singleton?

12 A. Yes.

13 Q. Why is that one of the reasons why you got her cell
14 phone to try to get information out of there?

15 A. Exactly. Again, there were a lot of calls, text
16 messages, so it was going to help us in establishing content
17 as well as a timeline.

18 Q. And that's something we want to get. Everybody
19 potentially who could be a suspect, we'd love to get their
20 cell phone. Would you agree with me?

21 A. I would absolutely agree with that.

22 Q. And you guys have the ability, if we get someone's cell
23 phone, we can get text messages?

24 A. Usually.

25 Q. We usually can. But text messages are important, aren't

1 they?

2 A. Very.

3 Q. Why are text messages so important?

4 A. They provide information, a snapshot in time.

5 Q. I get that. It's a snapshot as to what happened that
6 day because, of course, we can't -- you don't have this case
7 memorized?

8 A. No.

9 Q. You have your report in front of you?

10 A. I do.

11 Q. Okay. I'm going to ask you questions from your report.
12 Okay?

13 A. Sure.

14 Q. In your report, you indicated -- I think in, like, the
15 second line you talk about the 911 call. Do you remember
16 that?

17 A. I do.

18 Q. I think it was the 911 caller identified as Gladys
19 Singleton?

20 A. Yes, sir.

21 Q. She identified that she heard shots?

22 A. Yes, sir.

23 Q. Okay. And then immediately after, according to your
24 statement, she stated it was Algernard Young who had
25 committed the shots?

1 A. She said it was Algernard Young who was shooting the
2 firearm.

3 Q. Okay. So that's from your statement, the snapshot in
4 time. So if we were to look at that snapshot -- and again,
5 I'm not attacking you. I'm just asking the question.

6 If we were to look at that snapshot, one could read that
7 she witnessed the shooting?

8 A. I suppose that could be a possible deduction.

9 Q. Okay. So let's read it again.

10 "The 911 caller, later identified as Gladys Singleton,
11 advised of hearing gunshots directly outside of her
12 apartment. She further stated it was her ex-husband
13 Algernard Young who was shooting the firearm."

14 So you see why I say that question there? That
15 statement could almost read as if she's an eyewitness?

16 A. Or as though she's making a deduction based on other
17 observations. But yes.

18 Q. Deduction or assumption?

19 A. Yes.

20 Q. But there isn't an eyewitness to this case; you'd agree
21 with me?

22 A. Yes.

23 Q. Okay. And I'm not -- of course, this is some time ago,
24 but you can understand how words matter when we put them in
25 reports.

1 Now, the thing we were talking about, there is not an
2 eyewitness to this case?

3 A. Not to my knowledge, no.

4 Q. Okay. And there's no video from the area of this case?

5 A. No, sir.

6 Q. And as a result of your conversations and talking to
7 Gladys, you garnered some stalking warrants; is that correct?
8 Warrants for stalking against Algernard Young?

9 A. Yes.

10 Q. Okay.

11 A. Not from this incident specifically, but yes.

12 Q. And when we talk about "stalking," we talk about the
13 fact that somebody has had unwanted communications with
14 somebody over and over again?

15 A. Yes.

16 Q. Okay. And one of the things we look at are text
17 messages and communications and conversations, whether or not
18 they're having unwanted conversations with somebody?

19 A. Yes, sir. Yeah, or -- yes.

20 Q. And you would agree with me one of the things we talked
21 about is those text messages could let us know if someone is
22 being forthright with us? Are they really being stalked? Or
23 are they actually having conversations back and forth?

24 A. Sure.

25 Q. Did you have a chance to look through all those text

1 messages to see if Gladys and Al were actually having
2 conversations or she was actually being stalked?

3 And you may not be able to answer.

4 A. I -- no. I don't know.

5 Q. Okay. But we did get all of her text messages? We
6 downloaded them from her phone?

7 A. From the -- we did a physical extraction of her phone,
8 so the text messages that were contained therein. And I,
9 knowing Detective Richardson, expect that he --

10 Q. Did a full and thorough --

11 A. -- did a full and thorough examination of those, but
12 also probably tried to get any other information that may
13 come from a provider or something like that.

14 Q. Through the course of your interview and in speaking
15 with Gladys, did she tell you about her relationship with
16 David Alston?

17 A. She did.

18 Q. Did she inform you that David Alston was married?

19 A. I don't think -- I don't think she told me that. I
20 think I did learn that at some point, but I don't think she
21 told me that.

22 Q. Through the course of your investigation, that's
23 something that you learned through looking through the file?

24 A. I don't think it was through looking through the file.
25 That information is rattled around in here somewhere. Where

1 from it came, I don't know.

2 Q. And we talk about things that are important and anybody
3 could have been a suspect. In looking at an investigation of
4 the case, is that something that's important?

5 A. It could be. Depends.

6 Q. Well, what do you mean it depends on?

7 A. I think it could depend on a lot of things. You know,
8 maybe it steers you in a different direction if you learn
9 that. Maybe not.

10 Q. But as investigators were looking at providing a
11 suspect, you would agree that we try to follow all the leads
12 and don't just assume one thing happened?

13 A. Yes.

14 Q. And so if there was something important, that would be
15 something that would be, could be in the full case file?

16 A. Could be. Yes, sir.

17 Q. All right. And we talked about downloading and getting
18 text messages and something. If we downloaded somebody's
19 phone, that could be important to the case. We would try to
20 get that person's text messages also to find out if they're
21 potentially a suspect?

22 A. Sure.

23 Q. Did Gladys, when she talked to you, talk about any
24 indications that David could have been cheating on her? Do
25 you remember that in your conversation, that they had an

1 argument about him cheating on her?

2 A. Not specifically. I'm not saying that that didn't
3 happen, but --

4 Q. But that would be some important information?

5 A. Sure.

6 Q. Why would that be important information in the
7 investigation of a case if somebody was cheating?

8 A. Yeah, I mean the more distrust anybody has with anybody
9 else, you know, that leads down other avenues -- or it could
10 potentially lead down other avenues, of course.

11 Q. In looking through -- and again, I'm going to start
12 talking about the case file, and this is where you tell me
13 "I'm not sure," or not.

14 A. Sure.

15 Q. I was looking through the case file -- the full case
16 with everything that occurred, I see a couple of things.
17 There's a gunshot?

18 A. Yes.

19 Q. It appears to be a close gunshot?

20 A. I'm not a crime scene tech.

21 Q. Appears to be. That's why I said "appears."

22 And so sometimes we look for blood splatter?

23 A. Sure.

24 Q. And blood splatter causes transference? It can get
25 everywhere?

1 A. It could, yes.

2 Q. It can get on somebody?

3 A. Sure.

4 Q. And then we have crime scene will come and they'll look
5 inside the vehicle to see if there's blood splatter?

6 A. Sure.

7 Q. Because blood splatter transfers from a close wound -- a
8 close injury?

9 A. Potentially, yeah. Again, not my arena.

10 Q. And then we also looked in the file and we also saw -- I
11 saw that there was a K-9 unit involved in the case. Did you
12 see that?

13 A. Yeah. I believe -- yeah, because we had reason to
14 believe that Mr. Young was in the area.

15 Q. Mm-hmm.

16 A. And so yeah, we had a K-9 come out, as we probably would
17 with any --

18 Q. And what specifically -- in the file, they mentioned
19 that the K-9 was brought in to check the vehicle for
20 firearms. Is that sometimes what we use K-9s for?

21 A. That is one -- yeah, there are different K-9s for
22 different purposes. So yeah, one may be tracking a human.
23 One is responsible for bombs, firearms, bullets, things like
24 that.

25 Q. And those dogs are -- I love dogs. Those dogs are

1 really smart?

2 A. Yes. I can't do it myself.

3 Q. Yeah, I can't -- well, neither one of us can.

4 A. Right.

5 Q. But so what they'll do is they'll bring those K-9s
6 around and they'll search the vehicle to see if there's been
7 any guns in or around the vehicle for some period of time?

8 A. Sure.

9 Q. It's the same thing that they do with drugs. Like,
10 they'll take the dog around somebody to see if they have
11 drugs on them or had drugs on them?

12 A. Right.

13 Q. And you noticed that inside the file the K-9 unit and
14 the blood splatter and all that is included inside of the
15 file?

16 A. Yes.

17 Q. And if the K-9 unit alerted to firearms or didn't alert
18 to firearms, that would be inside the file?

19 We'd hope --

20 A. It wouldn't be my own responsibility, so --

21 Q. But we would hope that will be inside of the case file
22 because that's a snapshot to let the jury know there's
23 firearms?

24 A. Mm-hmm. Yes, sir.

25 Q. And the same thing with our blood splatter. We would

1 hope that that would be inside the file to see if there's
2 transference or blood splatter inside of a vehicle?

3 A. Yes, sir.

4 Q. And some of the other things that we also do as officers
5 -- and this is probably the hard part of the job -- is we
6 like to have murder weapons?

7 A. In an ideal -- you know, I say "ideal" given that this
8 is a murder. But yeah, in an ideal situation, that would be
9 best. Yes.

10 Q. And one of the things that we like to do is if somebody
11 is a potential suspect, we like to track the directions they
12 went back and forth because we're looking for the murder
13 weapon?

14 A. Correct.

15 Q. Because we like knowing -- I don't -- well, we'd love to
16 be able to know the steps that somebody went because if we do
17 that -- we've got a really good police department -- we can
18 find if the murder weapon was thrown, tossed, or anything of
19 that nature?

20 A. Yes, sir.

21 Q. And then what we like to do is go to a person's
22 residence and look for their clothing that they potentially
23 were wearing?

24 A. Yes, sir.

25 Q. And we like to test their clothing to see if they had

1 gunshot residue on it, they got blood on it, if they did
2 anything that would tie them into the scene?

3 A. Yes, sir.

4 Q. All of that's called "corroboration." Correct? We need
5 corroboration to corroborate somebody makes an assumption
6 that somebody did a shooting?

7 A. Yes, sir.

8 Q. Because what we don't want to ever do is just assume,
9 with a jury or with anybody. We don't want to assume. We
10 want actual tangible evidence. Would you agree with me
11 there?

12 A. Yes, sir.

13 Q. We don't want a conviction based on assumptions?

14 A. I agree with that.

15 Q. And then finally, looking through the case file, there
16 was an indication that a witness saw somebody else running
17 from a different direction. Do you remember that in there?
18 That somebody wearing a gray shirt, different outfit, went
19 running from a different direction?

20 MS. BALDWIN: Objection, your Honor.

21 THE COURT: Basis?

22 MS. BALDWIN: Speculation, lack of foundation.

23 THE COURT: Speculation, lack of foundation. Rephrase.
24 Sustained.

25

1 BY MR. KENT:

2 Q. And again, this is a question you may not know but I
3 know you looked at the case file. Did you see that
4 information inside of the case file?

5 And that might be a better question for another witness,
6 I suppose.

7 A. It may be a better question for another witness. Thank
8 you.

9 Q. No problem. And that's why I asked you, if you don't
10 know, you don't know.

11 A. Yep.

12 Q. But everything that I've been asking you, everything
13 I've talked to you about is what we, as necessarily, be good
14 police officers so we don't engage in essentially the
15 objection they just made: speculation. We don't want to
16 speculate. We want proof, we want evidence, and we want
17 facts?

18 A. Ideally, yes.

19 Q. And there is no eyewitness in this case?

20 A. I don't believe so, no.

21 Q. And you haven't had ample opportunity to go through all
22 of the text messages between Ms. Singleton and Mr. Young?

23 A. No.

24 Q. You just got the text messages. You got them, you got
25 the phone calls, you got the records, and you turned them

1 over?

2 A. Well, I didn't even take the records, no. I literally
3 brought it there to our digital evidence unit.

4 Q. Mm-hmm.

5 A. They did the extraction, and then it's put into a file
6 format.

7 Q. And I was listening to you. I was just reading at the
8 same time.

9 A. That's okay.

10 Q. So I apologize if it seemed that way.

11 A. No problem.

12 MR. KENT: Beg the Court's indulgence for one moment,
13 your Honor.

14 Q. [By Mr. Kent] Sergeant, have I given you an opportunity
15 to answer all of the questions that I was asking? I didn't
16 cut you off or anything? Were you able to answer everything
17 properly?

18 A. I think so.

19 MR. KENT: Thank you. That's all the questions I have.
20 Thank you so much for your time.

21 THE WITNESS: Thank you.

22 THE COURT: Any redirect of the witness?

23 MS. BALDWIN: Yes, your Honor.

24 THE COURT: You may proceed.

25

1 REDIRECT EXAMINATION

2 BY MS. BALDWIN:

3 Q. Sergeant Wolfsen, Mr. Kent was asking you quite a bit
4 about you want to have evidence, you want to have evidence in
5 every case. And of course you do, right?

6 A. Ideally, yes.

7 Q. And you say "ideally." Why do you say "ideally"?

8 A. Sometimes it's just not there, and you have to -- excuse
9 me, because I normally would have said -- I wouldn't call
10 these things assumptions. I would call them deductions. You
11 can reasonably make some form of a conclusion based off of
12 information. You know, "assuming" I think more is geared
13 toward, like, you don't really have anything factual; you're
14 just kind of assuming. For me, making deductions off of
15 circumstances can lead you in a more factual direction.

16 So yeah, again, ideally we would like to have video or
17 eyewitness or physical evidence from every single murder that
18 we have. Of course. But when we don't, we have to use the
19 facts and the evidence and the information that we have in
20 order to make deductions and get us to reasonable conclusions
21 about what happened. And we did our best to do a thorough
22 examination of all the evidence in this case, even though
23 ideally we don't have every single thing that we would want.

24 Q. And who did y'all deduce shot David Alston in this case?

25 A. Algernard Young.

1 Q. You were also -- besides working in central, you were a
2 special victims unit detective at one point in time?

3 A. I was.

4 Q. So you worked with stalking victims?

5 A. Yes.

6 Q. You worked with domestic violence victims?

7 A. Yes.

8 Q. Did they always just completely stop communication with
9 the offender?

10 A. I would say more often than not, no. I mean, everyone's
11 heard of the cyclical nature of domestic violence, stalking,
12 people that are victimized. And in my experience, it almost
13 never happens. Very, very rarely does someone cease all
14 communication.

15 Q. And you did a stalking warrant?

16 A. I did.

17 Q. And do you recall the days that you were trying to cover
18 for the pattern of stalking? The days that you covered in
19 the warrant?

20 A. Yes.

21 Sorry. Bear with me.

22 I believe November 14, 15, and 16.

23 Q. So were you trying to cover everything that was
24 downloaded from her phone?

25 A. I was not.

1 Q. It was just those few days you were saying was stalking
2 that occurred?

3 A. Yes, ma'am.

4 Q. Okay. When you interviewed Gladys, did you specifically
5 ask her if she knew the victim was married?

6 A. No.

7 Q. Okay.

8 MS. BALDWIN: The Court's indulgence.

9 THE COURT: Yes, ma'am.

10 MS. BALDWIN: I have no further questions.

11 THE COURT: Any exception to the witness being excused
12 from the State?

13 MS. BALDWIN: No, ma'am.

14 THE COURT: From the defense?

15 MR. KENT: Not on behalf of Mr. Young, your Honor.

16 THE COURT: Okey-doke.

17 (Witness excused.)

18 THE COURT: Let's see. Who is the State's next witness?

19 MS. BALDWIN: Stacy Krom.

20 THE COURT: Is Ms. Krom or Mr. Krom present?

21 MS. BALDWIN: We're getting her right now.

22 THE COURT: That's K-R-O-M?

23 MS. BALDWIN: K-R-O-M. Yes, ma'am.

24 THE COURT: Call your witness.

25 MR. FINCH: The State calls Stacy Krom.

1 CLERK OF THE COURT: Please raise your right hand and
2 place your left hand on the Bible.

3 (Witness sworn.)

4 CLERK OF THE COURT: Please be seated.

5 Please state your full name, spelling your last name
6 directly in the microphone.

7 THE WITNESS: Stacy Krom, K-R-O-M.

8 THE COURT: You may proceed.

9 MR. FINCH: Thank you, your Honor. May it please the
10 Court?

11 THE COURT: Yes, sir.

12 STACY KROM,
13 called as a witness on behalf of the State, being first duly
14 sworn, was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. FINCH:

17 Q. Ms. Krom, will you tell the jury where it is you're
18 employed.

19 A. The City of Charleston Police Department in the evidence
20 division.

21 Q. And how long have you been with CPD?

22 A. In a couple days, five years.

23 Q. And what are your duties and responsibilities in the
24 evidence department?

25 A. To take in the evidence when officers submit it, make

1 sure that their paperwork -- well, their voucher in the
2 computer is correct, make sure the seals are all sealed up
3 and signed, and put the items away, and then transfer stuff
4 to court or to the lab.

5 Q. And when those items are in your possession, do you do
6 anything to alter, damage, or otherwise change any of the
7 evidence that comes into your possession?

8 A. No, sir.

9 Q. Did you have an opportunity to handle any evidence from
10 CPD's case 1917455?

11 A. I believe so. Yes, sir.

12 Q. And that was a homicide from November 16, 2019?

13 A. I believe so.

14 Q. Do you recall what items you handled or took in in
15 evidence?

16 A. It says GSR kits or something.

17 Q. The GSR kits, do you recall handling -- yes, GSR kits,
18 and then fragments and a firearm?

19 A. I would assume so. I didn't pay attention to that part
20 of it.

21 Q. If I showed --

22 MR. FINCH: May I approach the witness, your Honor?

23 THE COURT: Mm-hmm.

24 BY MR. FINCH:

25 Q. I'm going to show you some of the items. I'm showing

1 you what's been marked as -- marked and admitted as State's
2 54, 55, 56.

3 A. Okay.

4 Q. The GSR kit from this case?

5 A. Okay.

6 Q. All right. Would you have handled that as an intake?

7 A. In all probability, yes, sir.

8 Q. All right. And this bullet fragment, which is part of
9 State's 58 and 59?

10 A. Probably. Because I'm a morning person, so I take in
11 stuff from overnight.

12 Q. And what's been marked for ID purposes as State's 60?

13 A. Yes, sir.

14 Q. It's a firearm.

15 All right. And having taken those in, logged them into
16 evidence, again, did you do anything to alter, damage,
17 change, or otherwise molest any of the items while they were
18 in your possession?

19 A. No, sir.

20 MR. FINCH: Thank you. No further questions at this
21 time.

22 THE COURT: Any cross of the witness?

23 MR. WILLIAMS: No, your Honor.

24 THE COURT: Any objection to this witness being excused
25 from the State?

1 MS. BALDWIN: No, ma'am.

2 THE COURT: From the defense?

3 MR. WILLIAMS: No, your Honor.

4 THE COURT: Ma'am, you're excused.

5 THE WITNESS: Thank you, ma'am.

6 THE COURT: You're welcome.

7 (Witness excused.)

8 THE COURT: Madam Forelady, ladies and gentlemen, we're
9 going to take advantage of this break in testimony to give
10 you a ten-minute comfort break. During the break, please do
11 not discuss the case. Please leave your notepads in your
12 seats. It is 2:47 so, I mean, right at 3:00, I guess. A
13 little more than ten minutes.

14 (The jury exited the courtroom at 2:47 p.m.)

15 (The following proceedings were had outside the presence
16 of the jury.)

17 THE COURT: You may be seated. We'll be at ease for ten
18 minutes.

19 (Court recessed.)

20 (Court resumed outside the presence of the jury.)

21 THE COURT: Is the State ready to proceed?

22 MS. BALDWIN: Yes, your Honor.

23 THE COURT: Defense ready to proceed?

24 MR. WILLIAMS: Yes, your Honor.

25 THE COURT: Are we ready? Is defense ready to proceed?

1 MR. KENT: Oh, yes, your Honor.

2 THE COURT: Please bring in the jury.

3 MR. KENT: I apologize.

4 THE COURT: That's all right.

5 MR. KENT: I didn't realize you were waiting on us.

6 THE COURT: No, not at all.

7 (The jury entered the courtroom at 3:00 p.m.)

8 THE COURT: Who's the State's next witness?

9 MR. FINCH: That would be Jeff Miller with the
10 Charleston Police Department.

11 THE COURT: Is he present?

12 MR. FINCH: He is, your Honor.

13 THE COURT: Thank you. You said Jeff "Milner."

14 MR. FINCH: Miller.

15 THE COURT: Miller.

16 THE BAILIFF: All jurors are present, your Honor.

17 THE COURT: You may be seated.

18 Ladies and gentlemen, I hope you enjoyed your break.

19 We'll now resume testimony.

20 The State may call its next witness.

21 MR. FINCH: The State calls Jeff Miller.

22 THE COURT: Sir, if you would come forward to be sworn.

23 (Witness sworn.)

24 CLERK OF THE COURT: Please be seated.

25 Please state your full name, spelling your last name

1 directly in the microphone.

2 THE WITNESS: Jeffrey Miller, M-I-L-L-E-R.

3 THE COURT: You may proceed.

4 MR. FINCH: Thank you, your Honor. May it please the
5 Court?

6 THE COURT: Yes, sir.

7 JEFFREY MILLER,

8 called as a witness on behalf of the State, being first duly
9 sworn, was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. FINCH:

12 Q. Mr. Miller, if you would, tell the jury what it is you
13 do for a living.

14 A. I'm a crime scene investigator for the City of
15 Charleston.

16 Q. And how long have you been with CPD?

17 A. Since December of 1985.

18 Q. And in November of 2019, were you working as a crime
19 scene investigator for the City?

20 A. Yes, I was.

21 Q. And did you have occasion during that timeframe to do
22 some investigation for CPD associated with 1917455?

23 A. Yes.

24 Q. How did you get involved in that case?

25 A. I work off the same channel as the patrol units do, and

1 I heard the call. So when I -- I knew that they were going
2 to call me anyway, so I went ahead and responded to the call.

3 Q. And when you say "responded," you're driving your
4 vehicle to the scene?

5 A. Yes.

6 Q. And when you got -- where was that scene located?

7 A. 78 Ashley Hall Plantation Road. It's an apartment
8 complex.

9 Q. And what was the weather like that night?

10 A. It was kind of a misty rain and it was very windy and
11 cool.

12 Q. Okay. And are those the types of things you note in
13 crime scene reports and things like that?

14 A. Yes.

15 Q. And as a crime scene technician, what are some of the
16 duties and responsibilities that come with that job?

17 A. We respond to calls to take photographs and document
18 scenes. We look for and we collect physical evidence.

19 Q. And when you're doing that, tell us about that
20 documentation. What's so important about what you're doing
21 with that documentation?

22 A. We just take the pictures to try to capture the scene as
23 we see it when we got there.

24 Q. And that could be minutes after the call or, sometimes
25 in other cases, days after something's happened?

1 A. Correct.

2 Q. Do you know how long it was between the callout and your
3 arrival in this case?

4 A. It wasn't more than ten minutes.

5 Q. Do you know what time other officers arrived?

6 A. There were already officers on the scene when I got
7 there.

8 Q. And had they done anything to secure the scene?

9 A. They were in the process of securing it and blocking off
10 the area near the apartment and in the parking lot.

11 Q. And are they doing that with crime scene tape?

12 A. I can't remember if they were doing it with tape or they
13 just stationed officers right around the area. Because it
14 was in the parking lot, and there's only one way in and out.

15 Q. When you arrived, what was the first thing you did in
16 your job as a crime scene investigator?

17 A. Well, I spoke to an officer to get some information as
18 to what they'd found out since the call had been dispatched.
19 So I thought, based on the information, that it was a
20 suicide. It was a domestic issue, shots were fired, and that
21 it was a suicide.

22 Q. Did you notice any physical evidence at the scene when
23 you arrived?

24 A. Well, the victim was laying between two parked vehicles,
25 and then there was shell casings -- a couple of them that you

1 could see right away.

2 Q. And what did you do after you saw these things?

3 A. Well, I started first off with taking photographs to
4 document the area before we did anything, any markings of any
5 evidence. Then I covered the body with a clean blanket
6 because we were close to an apartment building and we try not
7 to let people just watch what we're doing and to see the
8 victim just laying there in a parking lot. So I covered him,
9 and then I had to put some weights down to hold the blanket
10 because of the wind.

11 Q. You said you took all the photographs of that. Did you
12 also put down markers for some evidence you found?

13 A. Yes. I started marking shell casings and anything that
14 looked like it could be evidence with a numbered marker.

15 MR. FINCH: Your Honor, at this time the State requests
16 to publish photographs previously marked and entered 2, 3, 4,
17 5, 7 through 15, 17 through 23.

18 THE COURT: Any exceptions?

19 MR. WILLIAMS: No, your Honor.

20 THE COURT: Proceed.

21 (Exhibit displayed on screen in open court.)

22 BY MR. FINCH:

23 Q. You should be able to see on the monitor in front of
24 you, as well as behind you.

25 Can you identify what's in this photograph?

1 A. This is a photo card that we use. We'll fill out the
2 case number, the date, the time that we started the scene,
3 and the address.

4 (Exhibit displayed on screen in open court.)

5 BY MR. FINCH:

6 Q. And take a look at State's 3. What is that a photo of?

7 A. This is a photo from the apartment side towards the
8 parking lot, showing the victim laying between the two
9 vehicles.

10 (Exhibit displayed on screen in open court.)

11 BY MR. FINCH:

12 Q. Okay. And State's 4?

13 A. This is just a little more close-up photo.

14 Q. And at this point in time, are there any markers that we
15 see in this photograph?

16 A. No. No markers there.

17 (Exhibit displayed on screen in open court.)

18 BY MR. FINCH:

19 Q. And State's 5?

20 A. This is just a more close-up photo of the victim.

21 (Exhibit displayed on screen in open court.)

22 BY MR. FINCH:

23 Q. And then State's 7?

24 A. That's a black-and-white photo showing just a direct
25 shot over top of the victim.

1 (Exhibit displayed on screen in open court.)

2 BY MR. FINCH:

3 Q. State's 8?

4 A. This is from the parking lot toward the apartment
5 building. And by now I have the victim covered up with the
6 yellow blanket.

7 (Exhibit displayed on screen in open court.)

8 BY MR. FINCH:

9 Q. And now State's 9?

10 A. This is just from the other direction, from the parking
11 lot.

12 Q. And is that -- that yellow blanket, is that something --
13 that's what you placed over the victim?

14 A. Yes, it is.

15 Q. Okay.

16 (Exhibit displayed on screen in open court.)

17 BY MR. FINCH:

18 Q. And State's 10?

19 A. This is the vehicle to the left of the -- where you can
20 see the victim to the right. To the left, this was an area
21 that we -- er, I found some shell casings.

22 Q. And this is a photograph before you put markers for any
23 evidence?

24 A. Yes, it is.

25 (Exhibit displayed on screen in open court.)

1 BY MR. FINCH:

2 Q. State's 11?

3 A. Just the same area.

4 (Exhibit displayed on screen in open court.)

5 BY MR. FINCH:

6 Q. State's 12?

7 A. And this is a marker that was placed marking a shell
8 casing.

9 Q. Okay. And do you know how many -- do you recall how
10 many shell casings you recovered at the scene?

11 A. There was a total of six. There was five right off.
12 And then when we were moving the victim to take additional
13 photographs of him, there was another shell casing under him.

14 (Exhibit displayed on screen in open court.)

15 BY MR. FINCH:

16 Q. And State's 13?

17 A. This is just another picture where more markers were
18 seen using 1, 2, and 3 in this photo.

19 Q. And let's just talk about those markers for a second.
20 You have them 1, 2, and 3. Does that indicate the order in
21 which the shell casings were fired or ejected from the
22 weapon?

23 A. No. That's just the order that I found them and marked
24 them.

25 Q. Because you don't know necessarily which shell casing

1 was ejected from a firearm first?

2 A. No, I can't.

3 Q. Just where you found them and documented them?

4 A. Yes.

5 (Exhibit displayed on screen in open court.)

6 BY MR. FINCH:

7 Q. State's 14?

8 A. This was another shell casing toward the front of the
9 cars.

10 (Exhibit displayed on screen in open court.)

11 BY MR. FINCH:

12 Q. And 15?

13 A. 5 is a shell casing and 6 was a piece of a bullet, like
14 a piece of lead.

15 Q. That is referred to as a "fragment" in the reports?

16 A. Yes.

17 (Exhibit displayed on screen in open court.)

18 BY MR. FINCH:

19 Q. And State's 17?

20 A. This is a black-and-white photo. This is after the
21 coroner had arrived and we rolled the victim over. The can
22 you see is a Pepsi can, and then the bag is a bag of cheese.

23 (Exhibit displayed on screen in open court.)

24 BY MR. FINCH:

25 Q. State's 18?

1 A. This is a color photo. This is after the victim had
2 been taken by the coroner's office. And 7 is another shell
3 casing that was found. And then the markers for the Pepsi
4 can and the bag of cheese.

5 (Exhibit displayed on screen in open court.)

6 BY MR. FINCH:

7 Q. And State's 19?

8 A. This is some cast-off blood that -- I believe that when
9 the blanket was moved -- I picked up the blanket and came
10 back in that direction, and that blood came off that blanket.

11 Q. What led you to that belief?

12 A. I went through all the -- I reviewed all the
13 photographs, and then I blew them up to where I could get a
14 better look at the door prior to the blanket being placed on
15 the victim, and that blood was not there.

16 Q. And then this is a photograph in your sequence that
17 comes after the blanket's been removed and the coroner has --

18 A. And the victim is gone. And then I took that
19 photograph.

20 Q. You took that photograph. And it's in that comparison
21 that you made that determination?

22 A. I'm sorry?

23 Q. Of the earlier photos to the later photos.

24 A. Correct.

25 Q. And the only intervening action was the blanket?

1 A. The blanket, yes. Because it was saturated with blood.

2 (Exhibit displayed on screen in open court.)

3 BY MR. FINCH:

4 Q. And finally -- er, State's 20?

5 A. After I was done with the scene, I was asked by a
6 detective to go to a different address on Ashley Hall
7 Plantation, which is a set of townhouses just outside the
8 apartment complex. And the vehicle is a -- I think it's a
9 Toyota. It's the one where you see the front end facing out.
10 They wanted photographs of that car parked in front of the
11 townhouse.

12 (Exhibit displayed on screen in open court.)

13 BY MR. FINCH:

14 Q. And relatively quick, Exhibit 21?

15 A. This is just another angle of the vehicle.

16 (Exhibit displayed on screen in open court.)

17 BY MR. FINCH:

18 Q. State's 22?

19 A. This is the back of the vehicle.

20 (Exhibit displayed on screen in open court.)

21 BY MR. FINCH:

22 Q. And again, finally, 23.

23 A. The opposite direction of the back of the vehicle.

24 Q. And those were photographs you were asked to take by
25 other investigators of the suspect's car?

1 A. Yes.

2 Q. I'm showing you what's been marked and previously
3 admitted as State's 57. Is that the shell casings that you
4 collected?

5 A. Yes. Do you want me to open it?

6 Q. No. That's fine.

7 A. Yeah, this is the bag that I placed all the -- I put the
8 casings in a little cardboard box, and then I sealed them in
9 the envelope.

10 Q. And then State's 58, just the top line there, that's the
11 fragment that you collected, correct?

12 A. Yes. Item 106, yes.

13 Q. Okay. I'll take both of those back.

14 And then all the evidence you collected you submitted to
15 the evidence custodian?

16 A. Yeah. It was eventually all photographed with markers
17 and numbers, and then it was all sealed up and then turned
18 in.

19 Q. Do you have any specific training or experience with
20 firearms?

21 A. I know what -- in what capacity?

22 Q. Well, these shell casings, those are fired by -- what
23 types of weapons fired those?

24 A. In this case, it would be a semiauto handgun.

25 Q. And typically, which way do those shell casings eject

1 from the firearm?

2 A. Well, that depends on how you're holding the gun. If
3 you're holding it straight, then they normally eject to the
4 right and to the back. But that all depends on how you're
5 holding the gun. You could also hold it this way and it
6 could just go straight up.

7 Q. So without being there and seeing someone fire the gun,
8 you wouldn't be able to know necessarily the exact position
9 they were firing from?

10 A. Correct.

11 Q. And those were all on asphalt?

12 A. Yes. Blacktop.

13 Q. Okay. And it -- shell casings can bounce a little bit
14 here and there?

15 A. Yes.

16 Q. But typically, how far would you expect a parameter for
17 a shell casing to be fired -- er, to eject and then --

18 A. I wouldn't give it a -- because it just depends on the
19 gun and the type of ammo. I've been -- I'm a retired police
20 officer, and we were -- we'd shoot at the range. We were 3
21 to 4 feet from the person next to us. That person shooting
22 their gun, the casings would actually fall down my shirt. So
23 that's how far, just depending on the gun.

24 Q. And finally, you collected a GSR kit from the victim; is
25 that correct?

1 A. Yes.

2 Q. What does GSR stand for?

3 A. It's for gunshot residue.

4 Q. Okay. And I'm going to show you what's been marked as
5 State's 56. It's been marked and previously admitted. Does
6 that contain the GSR kit from the victim?

7 A. Yes.

8 Q. And again, that's another item that's submitted to the
9 evidence compound?

10 A. Yes.

11 Q. All right.

12 MR. FINCH: Thank you. I have no further questions at
13 this time. Please answer any questions the defense may have.

14 THE COURT: Any cross-examination of the witness?

15 MR. WILLIAMS: Yes, your Honor. Thank you. May it
16 please the Court?

17 THE COURT: You made proceed, Mr. Williams.

18 CROSS-EXAMINATION

19 BY MR. WILLIAMS:

20 Q. Good afternoon. Is it officer or are you a civilian?

21 A. I'm a retired officer, so I'm a civilian now.

22 Q. Should I call you "Officer" or do you want to be "Mr."?

23 A. "Mr." is fine.

24 Q. All right. Thank you, Mr. Miller.

25 I want to ask you a little bit of followup. I'd first

1 ask you about, for crime scenes in general, there can be more
2 than one crime scene in a case; is that right?

3 A. Correct.

4 Q. And I'm going to distinguish between the Camry, which
5 may be a crime scene, and where the white car and the red car
6 were. Would you consider those separate crime scenes?

7 A. Yes.

8 Q. And in this case, do you know how many different crime
9 scenes were treated?

10 A. For the whole case?

11 Q. Yes.

12 A. No. I know that I had the scene from the apartment
13 complex where the victim was. But then I photographed the
14 car, and the car was taken to have a search warrant done. So
15 that would have been a separate --

16 Q. Okay. So we've got where the two cars and the body were
17 located. That's one crime scene. You processed that?

18 A. Correct.

19 Q. The gold Camry was photographed and then later relocated
20 and processed. A separate crime scene?

21 A. Correct.

22 Q. Were you aware of a search warrant that was done on a
23 house?

24 A. I'm aware of it, but not that I had any involvement
25 with.

1 Q. Okay. So you think another crime scene officer may have
2 handled that?

3 A. Yes.

4 Q. And then obviously autopsies are attended and items are
5 taken by a crime scene officer; is that fair?

6 A. Well, we respond after the autopsy to collect any
7 evidence that they collected from the victim.

8 Q. Okay. So in this case, your role was photographing the
9 Camry but not processing it, and then processing the scene
10 where the two cars were and the body?

11 A. Correct.

12 Q. Okay. Good.

13 I want to ask you first about the location of the shell
14 casings. You talked a little bit about how semiautomatic
15 firearms eject casings to the right. But obviously, how a
16 gun is turned can affect the accuracy of that?

17 A. Correct.

18 Q. But you don't have any kind of opinion about the
19 location of those shell casings relative to where the shooter
20 may have been standing?

21 A. Well, from what I can see from this scene is it looked
22 like the person -- the shooter was moving. That's one way to
23 look at it. But also, when the first responders get there to
24 try to help the victim, there are times when either the fire
25 department or EMS or even an officer could actually step on

1 or kick a shell casing.

2 Q. And so I guess back to my question. You don't have an
3 opinion on where the shooter may have been, apart from
4 moving, and that could have been explained -- meaning the
5 movement of shell casings -- could have been by responding
6 officers kicking them or things like that, right?

7 A. True.

8 Q. As far as the blood spatter we talked about, there was a
9 clear blood spatter -- I don't remember the number -- clear
10 blood spatter on the side of the white car, right?

11 A. Yes.

12 Q. And your opinion is that that was contaminated by the
13 use of a blanket?

14 A. When I removed the blanket, yes.

15 Q. Okay. I don't want to belabor it, but that's obviously
16 not something you'd want to do; is that right?

17 A. That is correct.

18 Q. Without overstating it, that's contamination of the
19 vehicle based upon what I'm going to call an inadvertent
20 practice of throwing blood contaminants against the side of
21 the car?

22 A. Yes.

23 Q. And if I understand this right, the way you know it was
24 contaminated inadvertently is because you went back and
25 looked at pictures?

1 A. Yes. Photos that I had taken, yes.

2 Q. Okay. When did you do that?

3 A. Yesterday.

4 Q. Okay. So this happened in November of 2019, and
5 yesterday is when you decided there was some
6 cross-contamination of critical blood spatter evidence in the
7 case?

8 A. Correct.

9 Q. Based upon a review of photos?

10 A. Correct.

11 Q. How great of resolution are those photos?

12 A. They are very good. You can blow them up to where you
13 can see very well.

14 Q. And you are now trusting the photos and your memory
15 about a blanket in 2019 versus the blood spatter evidence
16 that shows spatter against the car?

17 A. Yes.

18 Q. Are you an expert in blood spatter evidence?

19 A. I am. I've been sworn in as an expert for, like, stain
20 identification.

21 Q. I'm talking about blood spatter, meaning the movement
22 and the shape of blood spatter that shows directionality.

23 A. Well, in this case yes. This was cast off.

24 Q. Okay. So in this case -- I mean, you weren't asked to
25 be an expert in this case, right?

1 A. Say that again.

2 Q. You weren't asked to be an expert in this case?

3 A. No, I was not.

4 Q. And as far as you know, no expert has testified or
5 reviewed the blood spatter in the case?

6 A. I don't believe so.

7 Q. And your understanding is that that was not blood
8 spatter coming from the victim when he was shot?

9 A. Correct.

10 Q. And you are ruling out 100 percent that there is no way
11 there could have been any blowback or spatter when the victim
12 -- when he fell, when he moved, when he was rolling on the
13 ground, anything like that?

14 A. Not based on my review of the photos, no.

15 Q. And that was done two days ago?

16 A. Yesterday.

17 Q. Okay. Did you see any other blowback blood in the case?

18 A. When you say "blowback" --

19 Q. Blood that would have spattered from impact of the
20 bullet with the victim.

21 A. Only around the head. You could see blood had moved
22 away from his face.

23 Q. Did you look around on the cars next to him, left and
24 right?

25 A. Yes.

1 Q. And you don't remember seeing any --

2 A. No.

3 Q. -- particulate matter?

4 And obviously, blood spatter is important because, just
5 like when you threw the blanket off of him and it spattered
6 the car, when there's blowback and blood moving around, that
7 can get on an individual?

8 A. Correct.

9 Q. There was blood on the ground, correct? Some pooling
10 blood?

11 A. Yes. Right around the head of the victim.

12 Q. And you're familiar as a crime scene expert that -- or
13 as a crime scene analyst that blood on the ground can, even
14 at microscopic levels, get on people's shoes either through
15 -- from the time of the shooting or from walking in the area?

16 A. That's true.

17 Q. And so shoes are important because they could have that
18 evidence on them?

19 A. They could have, yes.

20 Q. And clothes are important because of the same thing;
21 somebody's pants, cuffs, depending on how the shooting
22 happens, could have evidence on them?

23 A. Yes.

24 Q. And do you know if clothes were seized in this case?

25 A. No. Not that I see there were any clothes.

1 Q. Let me ask you a little bit more about shell casings.
2 You talked a little bit about it, but the shell casing is
3 part of a bullet. After the bullet is fired, the shell
4 casing ejects and it's left away from the fired round,
5 correct?

6 A. Yes.

7 Q. And when that is fired, I think you talked a little bit
8 about GSR, but maybe tell the jury what GSR is and how
9 important it is.

10 A. The gunshot residue, with the test that we use, is
11 basically a sticky stub. What it looks for is to pick up
12 particles that have been discharged from the firearm when the
13 bullet is fired.

14 Q. And I believe you swabbed David Alston?

15 A. Yes.

16 Q. Where did you swab him?

17 A. On his hands.

18 Q. Front? Back? Palms? Fingers?

19 A. Yes. Yes. We do the back of the hand, the palm for
20 both hands.

21 Q. Okay. So in that sense, there wouldn't be any kind of
22 information that would tell you his posture. I mean, you're
23 using one swab for the whole hand, or is it, like, one swab
24 in front and one on the back?

25 A. Well, I don't know what we used back then, but we've

1 gone from a four-swab --

2 Q. Let's stick with what happened then?

3 A. So you do a swab for --

4 Q. Back in November of 2019, what did you do?

5 A. I'd have to look at the GSR kit and see if it's a four
6 or a two.

7 Q. Do you remember what you did?

8 A. All I put in there is I did a GSR kit.

9 Q. Do you know if that's the one?

10 A. Yes. You want me to open it?

11 Q. Yes.

12 A. Okay. This is a two.

13 Q. All right. So let's go back to the two swabs. It's two
14 Q-tips basically, right?

15 A. Well, it's just, like, a little metal plate that has
16 adhesive on it.

17 Q. Okay. So you took one of those and did what with it?

18 A. So one is for the right hand. So you do the back and
19 the palm. And then the other one's for the left hand and you
20 do the back and the palm.

21 Q. And so in this case, one swab would have covered both
22 the front and the back, so we wouldn't be able to tell
23 different levels from the front versus the back of the hand?

24 A. Correct.

25 Q. And that's done differently now?

1 A. Yes. Because years ago we used to use four swabs and a
2 Q-tip. Now there's just the two.

3 Q. Now just two.

4 A. Yes.

5 Q. Okay. And again, that doesn't distinguish levels; that
6 would be the levels combined from the front and the back?

7 A. They're examined, and I don't know how they rate that
8 for analysis.

9 Q. But do you understand that with gunshot residue, there's
10 levels, right? There could be a lot or a little?

11 A. Right. They're looking for concentration, like, you
12 know, particles.

13 Q. Did you explain what gunshot residue is?

14 A. Yes.

15 Q. The particulates fired from a gun?

16 A. Yes.

17 Q. Let me ask you about the projectile -- sorry, the
18 casings themselves. There are labs that can effectively test
19 even fired shell casings for DNA; is that right?

20 A. Not that we do.

21 Q. Okay. So not that you all do, but obviously when
22 somebody takes an item and touches it, they leave what's
23 called touch DNA or transfer DNA. Is that right?

24 MR. FINCH: Objection, your Honor.

25 THE COURT: Basis?

1 MR. FINCH: Speculation, outside his personal knowledge,
2 foundation.

3 THE COURT: This is testimony that requires a certain
4 level of education, training, and experience. You have
5 failed to establish the foundation for this line of
6 questioning. Sustained. Foundation and speculation.

7 BY MR. WILLIAMS:

8 Q. Officer Miller, you understand and you are trained in
9 processing items for DNA; is that correct?

10 A. Yes.

11 Q. Okay. Explain to the jury how touch DNA or DNA can be
12 transferred from an individual's skin to an item if they
13 touch it.

14 A. Well, we --

15 MR. FINCH: Objection, your Honor.

16 THE COURT: Sustained. Speculation, foundation.

17 BY MR. WILLIAMS:

18 Q. You recovered GSR -- er, sorry, recovered fired shell
19 casings in this case, correct?

20 A. Yes.

21 Q. And did you test them for DNA?

22 A. No.

23 Q. Why not?

24 A. Because we don't do that.

25 Q. And other places are capable of it, correct?

1 A. Not to my knowledge.

2 MR. FINCH: Objection. Speculation.

3 THE COURT: Sustained. Foundation, speculation.

4 MR. WILLIAMS: Your Honor, I'm trying to get the
5 foundation.

6 THE COURT: You need to stick to the scope of his
7 education, training, and experience. He does not come within
8 Rule 701. What you're asking requires particularized
9 knowledge. He does not possess it.

10 BY MR. WILLIAMS:

11 Q. Within your education, training, and experience, are you
12 familiar with labs or law enforcement agencies that can test
13 fired shell casings for DNA?

14 A. I don't know of any that have been done.

15 Q. Are you aware of any?

16 A. No.

17 Q. Okay. As far as the clothing in this case, were you
18 involved with seizing any clothes during a search warrant?

19 A. Search warrant? No.

20 Q. And Mr. Alston's clothing, was that processed at all for
21 any kind of blood or contaminants?

22 A. I collected the knit cap from the scene, but all the
23 clothing stayed with the victim when the coroner took
24 possession.

25 Q. What happened with the knit cap?

1 A. I tagged it and turned it in as evidence.

2 Q. Did you test that for gunshot residue to try to
3 determine distance?

4 A. No, I did not. I just put a scale to show the hole that
5 was in the cap?

6 Q. You could have swabbed that to determine relative
7 amounts of GSR from the hat versus hands or other places; is
8 that fair to say?

9 A. Well, the clothing could be tested, yes.

10 Q. And that wasn't something that you did or asked that be
11 done?

12 A. No. That wouldn't have been a swab test. That would
13 have been something that would have been sent to the lab.

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

15 THE COURT: You're welcome.

16 Any redirect?

17 MR. FINCH: Yes, your Honor. Briefly.

18 THE COURT: You may proceed.

19 REDIRECT EXAMINATION

20 BY MR. FINCH:

21 Q. Mr. Miller, Mr. Williams was asking you about taking a
22 look at these photographs and doing that yesterday. Was that
23 in preparation for your testimony today?

24 A. Yes.

25 Q. And there were a lot more photographs taken than we've

1 entered into evidence; is that correct?

2 A. Correct.

3 Q. And some of the photos taken are black and white when
4 you took them in color, correct?

5 A. Correct.

6 Q. Okay. But did you review all the photos that you took
7 in preparation?

8 A. I looked at every picture for this case, yes.

9 Q. And is that when you noticed that prior to the coroner
10 removing the victim that there was no spatter on the door but
11 there was after?

12 A. Correct.

13 Q. It was in reviewing those photos that are -- that have
14 data that tells you in what order they're taken?

15 A. Yes.

16 Q. Okay. You also -- in answer to Mr. Williams' question,
17 does it appear from your view of the physical evidence that
18 the shooter was moving; is that correct?

19 A. Well, the casings were scattered. You had one all the
20 way to the left between the red car and the black car. Then
21 you had some behind the red car, closer to the victim. Then
22 you had one casing that was all the way to the front of the
23 white car and the red car.

24 Q. Would that give you any indication as to which direction
25 the shooter was moving?

1 A. No.

2 MR. FINCH: Thank you. No further questions.

3 THE COURT: Any objection to the witness being excused
4 from the State?

5 MS. BALDWIN: Not from the State.

6 THE COURT: From the defense?

7 MR. WILLIAMS: No, your Honor.

8 THE COURT: Sir, you're excused.

9 THE WITNESS: Thank you, your Honor.

10 THE COURT: You're welcome.

11 (Witness excused.)

12 THE COURT: Call your next witness.

13 MR. FINCH: The State calls Dr. Ellen Riemer.

14 THE COURT: Doctor, if you would come forward to be
15 sworn.

16 (Witness sworn.)

17 CLERK OF THE COURT: Please be seated.

18 Please state your full name, spelling your last name
19 directly in the microphone.

20 THE WITNESS: It's Dr. Ellen Riemer, R-I-E-M-E-R.

21 THE COURT: You may proceed.

22 MR. FINCH: Thank you, your Honor. May it please the
23 Court?

24 THE COURT: Yes, sir.

25

1 ELLEN RIEMER,
2 called as a witness on behalf of the State, being first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. FINCH:

6 Q. Good afternoon, Dr. Riemer. Now, will you tell the
7 jury, please, where it is you're employed.

8 A. I'm employed at Medical University of South Carolina,
9 where I'm a forensic pathologist.

10 Q. And what kind of training and education do you have to
11 become a forensic pathologist?

12 A. Yes. So after going to college, you have to go to
13 medical school. So I have my M.D. degree. And after that, I
14 did a residency in pathology. I did that at Columbia
15 University Medical Center in New York City. And that's four
16 years, and then an additional fellowship training year in
17 forensic pathology. That was at the Office of the Chief
18 Medical Examiner of the state of Maryland. Following that, I
19 also did an additional year of fellowship at Johns Hopkins
20 University School of Medicine in cardiovascular and pulmonary
21 pathology.

22 So many years of being in school and in training.

23 Q. And can you estimate how many autopsies you've done in
24 your career?

25 A. Approximately 5,600.

1 Q. And have you testified in front of courts regarding
2 autopsies and forensic psychology before?

3 A. Yes. Hundreds of times.

4 Q. And you've been qualified as an expert in forensic
5 psychology for testimony previously?

6 A. Yes.

7 MR. FINCH: Your Honor, at this time, the State would
8 offer Dr. Riemer as an expert in forensic pathology.

9 THE COURT: Any objections or questions?

10 MR. WILLIAMS: No, your Honor. We agree.

11 THE COURT: So admitted.

12 You may proceed.

13 MR. FINCH: Thank you, your Honor.

14 THE COURT: You're welcome.

15 BY MR. FINCH:

16 Q. Dr. Riemer, did you have occasion to perform a forensic
17 autopsy on David Alston?

18 A. Yes.

19 Q. And when was that performed?

20 A. I did that autopsy on November 18, 2019.

21 Q. And if you would, just for the jury, explain the process
22 of a forensic autopsy.

23 A. Okay. So an autopsy is basically a specialized surgical
24 procedure which begins where the forensic pathologist -- the
25 doctor -- exams the body externally, looking for any signs of

1 abnormalities or injuries or disease processes. I document
2 everything that I see externally with my eyes.

3 Then after doing my external examination, I do a
4 complete internal examination, which means basically looking
5 at everything within the body cavities. So there's, like, an
6 incision -- a surgical incision through the front. And I
7 don't just look inside. Every single organ is removed and
8 examined for any abnormalities or injuries or defects.

9 And in this case of -- you know, every -- I tailor the
10 autopsies. We tailor the autopsies depending on what we
11 find. So Mr. Alston had several gunshot wounds, so I also
12 was able to order x-rays on his body to see what bullets may
13 be remaining in his body. I want to make sure that I recover
14 them. It also gives me a chance to, you know, if I see
15 gunshot wounds inside the body, to follow the wound tracks,
16 follow the wound paths for each single bullet as it went
17 through the body and to determine what kind of internal
18 damage it did.

19 The ultimate goal of a forensic autopsy is to make a
20 determination, after all is done, on the cause and manner of
21 death.

22 Q. And were you able to form an opinion as to the cause and
23 manner of Mr. Alston's death?

24 A. Yes.

25 Q. What was that opinion?

1 A. So the cause of death was gunshot wounds (2) to head.
2 So there were two gunshot wounds to the head, both
3 responsible for his death. And then the manner of death is
4 homicide, which means death at the hands of another.

5 MR. FINCH: May I approach the court reporter, your
6 Honor?

7 THE COURT: You may.

8 (State's Exhibit Number 71 marked for identification.)

9 BY MR. FINCH:

10 Q. I'm going to show you what's been marked for ID purposes
11 only as State's 71. Are you familiar with that diagram?

12 A. Yes. So this is a blank body diagram. This is what we
13 start with for every case. So this is a male diagram, and I
14 use it to take notes during the autopsy. It's not -- it
15 doesn't necessarily reflect my ultimate conclusions. I could
16 say, "Oh, this looks like an entrance wound," or -- you know.
17 But I take measurements and I document on this diagram where
18 I see -- in this case, where I saw gunshot wounds.

19 Q. I'm going to put it on the projector. It will appear on
20 the screen in front of you and you'll be able to -- it's a
21 touch screen, so you'll be able to touch that diagram to give
22 us some understanding as to where these injuries were.

23 A. Okay.

24 (Exhibit displayed on screen in open court.)
25

1 BY MR. FINCH:

2 Q. And if you would, you said there were numerous gunshot
3 wounds. How many gunshots wounds did Mr. Alston suffer?

4 A. There were five in total.

5 Q. And if you could, indicate essentially where those are.

6 A. Okay. So I can use my finger here?

7 Q. Yes.

8 THE COURT: Yes, ma'am.

9 BY MR. FINCH:

10 Q. You see there's two right next to each other there.
11 Can I move it?

12 THE COURT: You can. Go up to the side legend and you
13 can erase it.

14 THE WITNESS: Oh. I wanted to erase it.

15 THE COURT: Go up to the side margin and just tap it,
16 and the legend will come out. And you can erase it.

17 THE WITNESS: Clear. Okay.

18 THE COURT: And you can start over any time you'd like.

19 BY MR. FINCH:

20 A. So there are two on the side of the head, but they're
21 not exactly right on top of it. Let me clear that.

22 There. We'll leave it like that.

23 So two -- this is the right side of his head, so, you
24 know, we don't want to get our left and rights mixed up. So
25 sometimes at the beginning of an autopsy, when I say "right

1 side," we mean his right side. So if we're looking at his
2 back, this is his right shoulder in this area -- right? --
3 and then left over here.

4 And then the same -- this is -- you're looking at his
5 front. So when I say "right side," it's his right side.
6 That's over here. And then left. And that helps me not get
7 turned around.

8 Q. Where were some of the -- where were the other three
9 gunshot wounds?

10 A. Yes. So then there was another wound. It was kind of
11 right over there. Yeah. And that one went through the left
12 arm and broke the left arm -- the bone in the left upper arm.

13 Q. Were you able to determine entrance and exit in terms
14 of --

15 A. Yeah. Well, none of these had exit wounds. So if
16 there's an entrance and then a bullet is at the end of the
17 path, then there's no exit wound. If there's an exit wound,
18 then usually we don't recover a bullet unless something
19 happens like the bullet breaks into pieces.

20 In this case, there was an entrance wound on the arm
21 that broke the arm, and then a bullet was recovered on the
22 inside soft part of the arm. It didn't actually exit. After
23 it went through the bone of the left arm, it basically
24 stopped in the soft tissue.

25 And then the two on the right side of the head both went

1 into the skull and brain. The two bullets broke into several
2 pieces, and I recovered them within the head.

3 Okay. So that's three. So I said there was five.

4 So then there was another one approximately over here.
5 That one traveled downward to the left side of the back. It
6 actually didn't even go into, like, the chest cavity. It
7 just went through the muscle and soft tissues of his back.
8 So it kind of glided under the skin and then ended up like --
9 oops. Where's my delete?

10 THE COURT: If you just, again, touch the side, it will
11 bring the legend out for you.

12 THE WITNESS: I'm trying.

13 THE COURT: Maybe swipe and see if that works.

14 MR. FINCH: There's a little triangle at the top of the
15 screen.

16 THE COURT: Yeah, we'll try that.

17 MR. FINCH: Top right.

18 THE COURT: Yeah.

19 MR. FINCH: Touch that and it'll pop up.

20 THE WITNESS: Oh, okay.

21 So I'll clear that.

22 Oops. Let me just put them back down here.

23 BY MR. FINCH:

24 A. All right. And then the one over here, that was going
25 in a downward direction through the -- like, kind of across

1 the back. And a bullet was in the left side of the back.

2 So none of these -- none of them actually exited. I
3 know -- let me see. No exit wound. No exit wound. Yeah,
4 none of them actually exited the body. All of the
5 projectiles were recovered. And then the last -- I don't
6 know the order in which these were given. It's not really
7 possible for me to say completely from the autopsy.

8 But then there was another gunshot wound right over
9 there, kind of the left side of the upper back. That went
10 across and ended up in the right side of the neck.

11 So those are the five: two to the right side of the
12 head, one to the -- basically the neck area that entered the
13 left side of the upper back, one to the left arm, and one to
14 the right side of the back that kind of went underneath the
15 skin into the muscle of the back and kind of stopped on the
16 left side.

17 Q. And so you said the two bullet wounds to the head,
18 either one of them would have been the fatal shot. What can
19 you tell us about the other three?

20 A. Well, the other three, you know, they did damage to his
21 body, but they would not have been responsible -- they would
22 not have caused him to die because each one of them just
23 basically went through muscle. He would have needed some,
24 you know, surgical -- surgery to, you know, fix the wounds,
25 and potentially he could have lost some blood.

1 But compared to the wounds in the head, those -- the
2 wounds in the head were, like, basically instantly fatal.
3 Either one of those would have -- and the other wounds, you
4 know, did damage, but weren't -- I didn't determine that
5 those were responsible for his death.

6 Q. And were you able to determine how far apart the two
7 wounds into the head were from each other?

8 A. Yes. I would have to refer to my autopsy report, but I
9 do have it. Every one of the entrance wounds, I'm going to
10 take measurements exactly where they are so I'm not just
11 saying "the right side of the head." And I typically measure
12 from the top of the head to where the holes are.

13 So one of the ones to the head was 3-3/8 inches below
14 the top of the head. And then the other one was 3-5/8 inches
15 below the top of the head. So they're very close to each
16 other. They were, like, within an inch of each other.

17 Q. And I want to talk about you discussed that you would
18 follow the path of the bullet. You discussed one of those,
19 but can you tell generally the trajectory of each one of
20 these shots?

21 A. Yes.

22 Q. And --

23 A. And trajectory is -- when I describe trajectory, like
24 right to left or left to right or up to down, it's always
25 relative to his body, not me looking at his body.

1 Q. So like the notations you had put there before of the
2 right and the left are as we're looking at it?

3 A. Right.

4 Q. So if you go from -- starting from the left arm and
5 moving up, if you could tell the jury, please, the trajectory
6 or the path of the bullets --

7 A. Yes. So --

8 Q. -- as you recorded them.

9 A. Yeah. So the left arm one, that was going from left to
10 right. So from outside of the left arm to inside of the left
11 arm is left to right, because remember this is left and this
12 is right. So it's kind of going through the arm and then
13 slightly back to front. So a slightly back-to-front
14 direction with no up or downward deviation.

15 So that's the one to the left arm.

16 The one to the left side of the neck is from left to
17 right, so it's going like dot, dot, dot. I don't want to
18 touch this computer, but it's going, like, through the back
19 of the neck and ends up in his right side of the neck. So it
20 stays in the muscle. It doesn't injure the spinal cord or
21 anything like that. And that is from his left to his right.
22 It's a slightly upward trajectory and a slightly back to
23 front trajectory. So we look at things in space so we do
24 three dimensions.

25 And then the one to the right side of the back, over

1 here, the right side of his back, there's only one there.
2 That one is going from right to left. Remember I said it
3 ends up on the left side of the back in the back. That
4 one -- so that goes from right to left and also slightly
5 downward -- in a downward direction.

6 And then finally, both of the ones to the right side of
7 the head were going -- appear to go straight right to left
8 and into the brain.

9 Q. And finally, Doctor, you said you collected fired bullet
10 fragments from the victim in this case?

11 A. Yes.

12 Q. Okay. I'm going to show you what's been marked as
13 State's 59. Would those be the --

14 A. Yes. So these are -- these are the -- I can't really
15 completely tell what's in here, but it looks like those are
16 in here. I put them in an autopsy envelope and then
17 transferred them. So these are the projectiles that -- some
18 of them are deformed and some of them are not deformed. They
19 were all recovered from the autopsy.

20 Q. Thank you.

21 I'm going to show you both 69 and 70. Are those the
22 autopsy -- er, the evidence bags --

23 A. Yes.

24 Q. -- for --

25 A. Yes.

1 Q. -- the other projectiles?

2 A. Yes. So those are -- from every single one of the
3 gunshot wounds there was projectiles or fragments recovered.

4 Q. Did you notice any soot or stippling to the victim?

5 A. No. There was none that I observed.

6 Q. And explain to the jury what you mean by "soot" and
7 "stippling"?

8 A. Yeah. So when a bullet leaves the barrel of a gun, it's
9 propelled by gunpowder that's very hot and burns. So it
10 causes some -- like, it's a lot of heat and burning gunpowder
11 that propels the bullet out. And the gunpowder comes out of
12 the barrel of the gun and, like, can travel probably up to,
13 like, 2-1/2 feet, maybe 3 feet at most.

14 So the bullet and the gunpowder come out, and then the
15 gunpowder just basically doesn't go past 2-1/2 or 3 feet. So
16 if some -- and the bullet keeps going. So if somebody is
17 shot at very close range, we can -- I can see on the skin
18 evidence of gunpowder or stippling, which means there's some
19 gunpowder that basically struck the skin. And soot is, like,
20 really close, so that's actually some, like, burns from the
21 gunpowder.

22 But in this case, I don't have any of that, so I don't
23 really -- I can't really speak to the range of fire.

24 MR. FINCH: Thank you. I have no further questions at
25 this time. Please answer any questions the defense may have.

1 THE COURT: You may proceed.

2 MR. WILLIAMS: Just briefly, your Honor. Thank you.

3 THE COURT: You're welcome.

4 CROSS-EXAMINATION

5 BY MR. WILLIAMS:

6 Q. Dr. Riemer, was the decedent wearing clothing that you
7 know of?

8 A. Let me see what he was wearing.

9 Yes, he was wearing -- he was wearing clothes.

10 Q. A long-sleeve shirt?

11 A. A black long-sleeve shirt and a white t-shirt.

12 Q. And the hat that you mentioned?

13 A. What?

14 Q. And a cap as well?

15 A. Let me see. Honestly, I don't have a cap written down
16 on my -- on what he was actually wearing.

17 Q. When you talked about soot and stippling, certainly
18 clothing or other items that are a barrier between the skin
19 and a possible firearm could account for the lack of
20 stippling; is that fair to say?

21 A. Yes, it could. Generally, though, clothing that's thin,
22 such as a t-shirt or a regular knit shirt or a woven shirt,
23 doesn't stop stippling or soot deposition. So it's most
24 common that I would see soot and stippling on the skin
25 because it can easily go through clothing. The exception

1 might be, like, something like a leather jacket or, like, a
2 heavy quilted jacket frequently wouldn't have it.

3 But I say that I don't see any soot or stippling. I
4 don't rule out the possibility that, you know, some may be on
5 the clothing. But yeah, I don't see anything with my naked
6 eye.

7 Q. And this may not be your area, but did you examine the
8 clothing for soot and stippling, or is that --

9 A. No. I don't examine the clothing. I'll look at it, but
10 then the clothing is transferred to the appropriate
11 authorities to exam it if they deem it important.

12 Q. Okay.

13 MR. WILLIAMS: Thank you.

14 THE COURT: Any redirect?

15 MR. FINCH: Yes, your Honor.

16 REDIRECT EXAMINATION

17 BY MR. FINCH:

18 Q. Just to clarify, Dr. Riemer, you didn't see any
19 stippling or soot on any of the wounds?

20 A. None of them.

21 MR. FINCH: Thank you. No further questions.

22 THE COURT: Any objection to the doctor being excused?

23 MS. BALDWIN: None from the State.

24 MR. WILLIAMS: None, your Honor.

25 THE COURT: Doctor, you're excused.

1 (Witness excused.)

2 THE COURT: Call your next witness.

3 MS. BALDWIN: Your Honor, may we approach?

4 THE COURT: Sure.

5 (An off-the-record discussion regarding scheduling was
6 had at the bench in the presence of the jury but outside the
7 hearing of the jury.)

8 MS. BALDWIN: The State calls Lieutenant Paul Krasowski.

9 CLERK OF THE COURT: Please raise your right hand and
10 place your left hand on the Bible.

11 (Witness sworn.)

12 CLERK OF THE COURT: Please be seated.

13 Please state your full name, spelling your last name in
14 the microphone.

15 THE WITNESS: Paul Krasowski. And my last name is
16 spelled K-R-A-S-O-W-S-K-I.

17 THE COURT: You may proceed.

18 PAUL KRASOWSKI,
19 called as a witness on behalf of the State, being first duly
20 sworn, was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MS. BALDWIN:

23 Q. Lieutenant Krasowski, where do you work?

24 A. Charleston Police Department.

25 Q. And how long have you worked there?

1 A. I am one month shy of my 18th year.

2 Q. And I said your title. You're a lieutenant there now?

3 A. I am. So I'm a lieutenant. I'm the commander in our
4 central investigations bureau. I'm over at the property side
5 right now.

6 Q. Do you get moved around?

7 A. I did. So when I was promoted to lieutenant in 2021,
8 there was a vacancy in the traffic division. So I was --
9 that's where I started my time as a lieutenant. And then a
10 position opened up back in investigations, so I came back
11 over.

12 Q. And in what capacity were you working there in November
13 of 2019?

14 A. So I was a detective sergeant, part of the violent
15 crimes unit.

16 Q. What did that entail?

17 A. So it's commonly called the homicide unit, so we were
18 all murder investigations, homicides, death investigations to
19 include suicides, aggravated assaults. And we really focused
20 on the ones involving firearms as well. So we had a broad
21 range of different types of crimes against persons, and those
22 were pretty much the main cases that we handled.

23 Q. And how did you get involved in this case?

24 A. So being the detective sergeant over that unit at the
25 time, I was contact by my supervisor, Lieutenant Stanley, and

1 notified about a homicide that just occurred. I was called
2 about 2:00 a.m., so obviously I was off shift at that time.
3 I got prepared to come in and respond to the scene, along
4 with my supervisor.

5 Q. And so what did you do when you arrived at the scene?

6 A. So upon my arrival, I contacted -- I had contact with
7 some of the detectives that were already working that night.
8 I spoke with Detective Wolfsen, who was one of the first
9 detectives on scene, and also Detective Malinowski. I was
10 just briefed on some of the basic facts of the investigation,
11 and I kept getting updated as information came in. I was
12 able to have a chance to speak with them.

13 Q. And at any point in time did you have contact with the
14 defendant?

15 A. I did.

16 Q. Okay. About what time did you have contact with him?

17 A. So reviewing more of the body cameras, it was around
18 3:45 in the morning that I had contact with him that morning.

19 Q. And what happened when you were on scene with him? Was
20 any testing performed?

21 A. There was. GSR testing -- gunshot residue testing was
22 performed on his hands.

23 Q. On the scene?

24 A. At the scene, yes.

25 Q. Okay. What did you do with him at that point?

1 A. So advised him -- with all the information that we had
2 at the time, I advised him that he was under arrest and that
3 he was going to be transported down to our headquarters where
4 we could discuss more about what was going on.

5 Q. And did you speak with the defendant when both of you
6 arrived downtown?

7 A. I did.

8 Q. What did you do when you spoke with him?

9 A. So he had been placed in an interview room, which is
10 audio and video recorded. My initial conversation with him
11 was going through Miranda and such like that.

12 Q. Explain that process.

13 A. Okay. So since he was under arrest, he was in our
14 custody. Before I was able to speak with him about anything
15 to do with that night, I advised him his Miranda warnings.
16 Leading up to that, it was just some basic foundational
17 questions that I refer to just to ensure that he was capable
18 of understanding those Miranda warnings and also not under
19 the influence of any kind of alcohol or drugs that prevented
20 him from being able to speak.

21 Q. Did he appear to be under the influence of any drugs or
22 alcohol?

23 A. No. He was responsive to me, and he also acknowledged
24 that he didn't drink or smoke.

25 Q. And he was able to clearly communicate with you?

1 A. He was.

2 Q. Okay. Approximately what time did you start questioning
3 him?

4 A. So that was about 5:20 in the morning.

5 Q. All right. And about what time did you stop questioning
6 him?

7 A. So it ended around -- right after, I think, 7:00 is when
8 we ended all questioning with him.

9 Q. Okay. Were you questioning him that entire time?

10 A. No. No. There were several breaks -- lengthy breaks
11 during that time. I was verifying some of the information he
12 was providing to me with detectives that were at the scene.
13 And also just plenty of questions that were coming in from
14 the field that I had to step out and answer. So it was kind
15 of broken up in that regard.

16 Q. Did you offer him any water or bathroom breaks?

17 A. I did.

18 Q. And walk the jury through what -- when you Mirandize
19 somebody, what do you read to them?

20 A. So we have a printed card. It has five Miranda
21 warnings, if you will. And so the process after getting
22 those foundational questions taken care of and believing that
23 he can comprehend and move forward with Miranda, I read each
24 individual line separately and look for acknowledgment after
25 each line to ensure that he understands those rights -- that

1 right.

2 Q. Did he indicate that he understood those rights?

3 A. He did. He went through and acknowledged each single
4 one. And afterwards, we discussed whether he would be
5 willing to provide a statement, and he agreed.

6 Q. Okay. And did you ever get his home address? Did he
7 give you a home address?

8 A. He did. So he gave me an address of 2309 Bailey Drive
9 in North Charleston.

10 Q. Okay. And so you got a statement from him?

11 A. I did.

12 Q. And how would you summarize that statement?

13 A. So his statement evolved. That would be the best way to
14 put it, quite frankly.

15 Q. Okay. What was the initial version of his story?

16 A. So his initial version was pretty straightforward, that
17 he woke up at his address at 2309 Bailey Drive around 12:00
18 in the afternoon. And this, of course, is the day leading up
19 to the incident. He remained at his residence through the
20 duration of the whole day and only left his residence to
21 attend a family function around 8:00 or 9:00 that evening.

22 Q. And how did it evolve after that?

23 A. So through our conversation, more information came out
24 where he had run several errands through the day with a
25 couple different people. And the biggest difference was that

1 there was a portion of time that he actually went downtown,
2 and he left downtown in a time period that contradicted with
3 his original version of him being at a family function.

4 Q. When was the first time he said he came to the scene of
5 the incident that evening?

6 A. So he told me that his first time to that scene in West
7 Ashley was the time where officers engaged with him outside
8 the perimeter of the crime scene.

9 Q. And approximately what time was that, again?

10 A. That was between 3:30 and 3:45 that morning.

11 Q. And why did he say he came to the scene?

12 A. So he received a number of calls from Gladys, his
13 ex-wife, frantic about -- er, frantic, so he was responding
14 there to see what was going on.

15 Q. And did he have any cell phones on his person at that
16 time?

17 A. He did. He did. He had three cell phones on him.

18 Q. Did you review those cell phones?

19 A. We did. So through his statement, we -- through his
20 consent, we reviewed some of the contents within those
21 phones.

22 Q. You said he consented to reviewing those phones?

23 A. Yes. Yes.

24 Q. Okay. And forgive me if you already said this. When he
25 stated that he was at a family function earlier in the

1 evening, where did he say that family function was?

2 A. So it was deeper up in North Charleston, off Remount
3 Road. That's where he originally had said that he went up
4 there around 8:00 -- 8:00 or 9:00 that night and remained
5 there until the phone calls.

6 Q. Did you collect those phones?

7 A. We did. We collected them as evidence.

8 Q. Okay. And what -- how many phones was it?

9 A. So there were three phones in total.

10 Q. Okay. And were two of them iPhones?

11 A. So two were iPhones and one was a flip phone.

12 Q. I'm showing you State's Exhibits 61 and 62. I believe
13 they've already been admitted. Can you tell me what those
14 are?

15 A. Okay. So these are two iPhones that I collected at the
16 time -- well, during his statement. And I know that because
17 I filled out the evidence tag on the front of both of these
18 packages.

19 Q. And you said you collected a third, a flip phone?

20 A. Yes.

21 Q. And what did you do with those phones when you got them
22 from him?

23 A. So after we were done referencing and his statement was
24 over, there were -- so this is a little complicated, but I
25 can explain.

1 So the flip phone I placed into evidence through the
2 typical channel of creating a voucher that night, dropping it
3 into a secure locker, and allowing for it to be vouchered in
4 through our evidence technician room.

5 The iPhones were a different challenge, especially in
6 2019. So Charleston Police Department was not equipped with
7 any kind of instruments that could bypass a cell phone -- a
8 pass code on an iPhone product, so we had no capability of
9 getting into those phones. Another facet of this is that the
10 technology at the time, if a phone remained on, it was easier
11 to be able to bypass when you did have that equipment.

12 So it was important for the phones to remain on, and we
13 had no capability of storing those phones in our traditional
14 evidence storage lockers at the time and keeping them
15 powered. So the two iPhones -- I was able to rig a
16 contraption where I fed two iPhone charger wires through my
17 desk drawer -- the crack between the drawer and the frame --
18 and I kept the phones powered on with those chargers and
19 secured them in my desk drawer with a key.

20 Q. Okay. Were you the only one who had the key?

21 A. I was.

22 Q. So that drawer was secured?

23 A. Yes, that drawer was secured.

24 Q. Okay. And at any point were those phones moved?

25 A. They were eventually, when we were prepared to take the

1 next step in the investigation.

2 So this happened -- the murder happened early morning
3 Saturday morning. And through -- as the investigation
4 progressed, we were able to develop search warrants and apply
5 for search warrants for those phones, to actually extract
6 those phones. And so that took some time. We were able to
7 prepare ourselves for through Monday. That would have been
8 the 18th. So that was two days after the homicide.

9 And the following day, we were able to coordinate with
10 Charleston County, with Secret Service Task Force Officer
11 Paul McManigal, who had the capability of downloading the
12 phones. We were able to coordinate the transfer of those
13 phones over so he could actually execute the extractions on
14 those phones. So when that occurred, I was able to voucher
15 those phones into evidence on Tuesday, the 19th, knowing full
16 well that we can check those phones out of evidence and bring
17 them straight to the digital evidence tech, McManigal, so he
18 can actually do the phone extractions.

19 So that's how that process worked.

20 Q. And do you recall who you gave those phones to in
21 evidence?

22 A. So it was Ken Terzo, I believe is the correct
23 pronunciation of his name. So I put them -- I turned them
24 over to him. He vouchered them and confirmed it, and then he
25 was able to check them out with Detective Duby, who brought

1 them over to Charleston County.

2 Q. And what were the phone numbers for each phone?

3 A. So the phone number for -- again, so there's two
4 iPhones, one of which was identified as his work phone
5 essentially. And that phone number was 843-475-7985. So
6 that was the phone number for that one.

7 The second iPhone he identified as just a Wifi phone, so
8 that didn't have a known number to it.

9 And then his flip phone -- which we had been able to put
10 into evidence right away because there were no parameters
11 that we have for a traditional phone -- that phone number was
12 his personal number. That was [REDACTED] -- hold on. Let me
13 refer to my report. [REDACTED]-4172 was his personal number.

14 Q. Okay. And when you say "personal number," how did you
15 get this information?

16 A. This was conveyed through -- during his statement that
17 he provided to me.

18 Q. So he told you that's how he used those phones?

19 A. Yes, ma'am.

20 Q. Who did he -- did he say which phone he used to contact
21 his ex-wife off and on?

22 A. Yes. That would have been his personal number, which
23 was the phone number [REDACTED]-4172.

24 Q. When you spoke with him, do you recall him -- do you
25 recall asking him about GSR? About gunshot residue?

1 A. I do.

2 Q. And do you recall what his response was?

3 A. So his initial response was that he goes hunting, so it
4 implied that he does fire guns. And then through more
5 conversation regarding that topic, he did express that there
6 was a prolonged period of time from when's the last time he
7 did that.

8 Q. Do you recall him saying something specifically as to
9 whether or not you would find GSR on him?

10 A. He said we would not.

11 Q. Okay.

12 MS. BALDWIN: The Court's indulgence.

13 Q. [By Ms. Baldwin] What else did you do on this case?

14 A. So later on the day of the homicide, through additional
15 followups, it led us to developing a search warrant at his
16 actual home address, and that was at [REDACTED] Sorentue Avenue,
17 North Charleston, which is around the corner from the initial
18 address he had provided us.

19 Q. And who else did he say he had been with that evening?

20 A. So most of that day he said he was with his friend
21 Mariel, who he referred to as "Mario," and he was identified.
22 His last name is Robinson.

23 Q. Okay. Did he indicate how he got in touch with -- if he
24 got in touch with Mario via phone at any point?

25 A. So he did -- yes. He did say he -- when we were going

1 through his phone and through his statement, he did
2 acknowledge that he had communications with Mario that night.

3 MS. BALDWIN: The Court's indulgence.

4 I have no further questions at this time.

5 THE COURT: Any questions for the witness?

6 MR. WILLIAMS: Yes, your Honor.

7 THE COURT: You may proceed.

8 CROSS EXAMINATION

9 BY MR. WILLIAMS:

10 Q. Good afternoon.

11 A. Good afternoon.

12 Q. So I want to go back to a couple of things you talked
13 about early on. You're a supervisor now; is that right?

14 A. Correct.

15 Q. And in 2019 -- November 2019 you were a supervisor over
16 the homicide division?

17 A. That's correct.

18 Q. How many detectives did you supervise?

19 A. I had primarily five detectives. That's the number
20 assigned. In fact, I can't remember if we were floating a
21 vacancy at that time or not.

22 Q. And was Detective Richardson one of them?

23 A. He was.

24 Q. And as a supervisor over that unit, you review their
25 work?

1 A. I do.

2 Q. Do you work hand in hand with them in their cases?

3 A. I had -- yes. I provide some oversight generally and
4 will assist where I can.

5 Q. And well, if you get promoted to being a supervisor,
6 that says you're experienced in that area; is that fair to
7 say?

8 A. Yes.

9 Q. And when younger or newer detectives need assistance or
10 advice, you give that advice?

11 A. That's correct.

12 Q. And ideally, if things aren't getting done or things are
13 being missed, you would be one of the people that would have
14 to find out if those things are being missed; fair to say?

15 A. Fair to say, yes.

16 Q. And you would have done that in this case?

17 A. Correct.

18 Q. So you're familiar -- and let me ask this. You would
19 approve a lot of their activities and you reviewed their
20 reports before they were finalized?

21 A. That's correct.

22 Q. And so you would have reviewed all of Detective
23 Richardson's records?

24 A. Mostly, yes.

25 Q. How about the other detectives in the case? Detective

1 Duby?

2 A. I would review hers.

3 Q. She would have been one of your detectives?

4 A. Yes.

5 Q. And there was another detective in the case who
6 testified early. Were there any other detectives in the case
7 that you supervised?

8 A. So it would extend beyond just the detectives that are
9 directly in violent crimes unit because we do have rotation
10 detectives who were working that night. So it would be
11 anyone who contributed would typically send their reports
12 through and I would be the one reviewing them.

13 Q. Okay. So for this case, you would have reviewed all the
14 reports in the case?

15 A. Generally, yes.

16 Q. And as the supervisor of the investigation, or at least
17 those investigating it, to be clear, there were no
18 eyewitnesses located in the case; is that right?

19 A. So I would disagree with that.

20 Q. Did anybody see the shooting occur?

21 A. I suppose the immediate aftermath, yes. But no, not the
22 actual incident.

23 Q. So when I say "eyewitness," I mean somebody who
24 witnessed the shooting with their eyes. Is that your
25 understanding of that term?

1 A. I would agree with that.

2 Q. So when you disagreed with me about eyewitnesses, what
3 part were you disagreeing with?

4 A. So I would say that there's -- there are witnesses that
5 are very beneficial to a case leading up to the moments
6 before, moments after. And I would consider them witnesses
7 to the incident.

8 Q. Okay. So but the actual shooting, when you said that
9 they were shooting, there was nobody that saw it occur?

10 A. That's correct.

11 Q. And how many videos did your detectives run down of this
12 case?

13 A. We ran down a significant number of videos.

14 Q. Would you say 20? 25?

15 A. We spent a lot of time on video cameras.

16 Q. When we talk about video cameras, we're talking about at
17 the location, entrances, exits, roads in the area, things
18 like that?

19 A. That's correct.

20 Q. And none of that -- none of that came back showing the
21 shooting occur; is that correct?

22 A. That's correct.

23 Q. As far as the search warrant at Sorentrue, the
24 defendant's house, you were there, right?

25 A. I was there.

1 Q. Did you find a gun?

2 A. Did not find a gun.

3 Q. Did you find any ammunition?

4 A. We did not find any ammunition.

5 Q. Did you find some clothes?

6 A. We did find clothes.

7 Q. Did the clothes have any blood or other evidence on
8 them?

9 A. So the clothes that we recovered were wet, but we did
10 recover them.

11 Q. Did they have any evidence on them?

12 A. Well, since they were wet, we were unable to do further
13 testing with them.

14 Q. Okay. So no evidence was found on them?

15 A. No evidence was found on them.

16 Q. As far as fingerprints, any fingerprints found on the
17 cars next to where the body was located that tied to this
18 defendant?

19 A. So I don't -- no. It didn't tie the defendant to it,
20 no.

21 Q. How about DNA -- touch DNA? If somebody touched the car
22 or touched the doorknob at the house or was outside in the
23 hallway and they walked up and down talking on their phone,
24 any DNA found there?

25 A. No DNA that was the defendant's.

1 Q. No fingerprints?

2 A. No fingerprints.

3 Q. How many -- you know what "canvassing" means, right?

4 A. Yes.

5 Q. I believe there was a detective by the name of Duby that
6 went to, I want to say, 25 different apartments?

7 A. That -- so I don't know offhand. I know we spent
8 significant time canvassing in the neighborhood for any kind
9 of witnesses.

10 Q. And there was one person, Brandon Myers. Remember that
11 name?

12 A. I do, vaguely, through my review of this leading up to
13 the trial.

14 Q. Do you recall --

15 MS. BALDWIN: Objection, your Honor.

16 THE COURT: Basis?

17 MS. BALDWIN: This is going to his lack of personal
18 knowledge and hearsay.

19 THE COURT: Please repeat the question. I apologize. I
20 was talking to my clerk. Repeat the question for me, please.

21 BY MS. BALDWIN:

22 Q. I'll go back to the background. You supervised the
23 investigation for leads and things that need be followed up
24 and things like that, correct?

25 A. I did.

1 Q. And are you familiar with an individual named Brandon
2 Myers?

3 A. So I recall seeing the name during my review. I don't
4 recall specifically what was the information conveyed.

5 Q. Do you recall information that stated --

6 MS. BALDWIN: Objection, your Honor.

7 THE COURT: Unless it's based on his personal knowledge,
8 he can't testify as to hearsay. And as you know, the Supreme
9 Court has revised what an officer can testify to. That would
10 be in the nature of hearsay.

11 MR. WILLIAMS: Well, your Honor, I think this goes to --

12 THE COURT: I didn't ask for a speaking objection.

13 BY MR. WILLIAMS:

14 Q. So are you familiar with any other information about
15 people that may have been involved or were in the area of the
16 shooting immediately after?

17 A. Other people involved? No, I'm not familiar with that.

18 Q. Or in the area, seen leaving the area?

19 A. I know that there was one -- there was one general
20 description of, essentially, a silhouette, from my
21 recollection.

22 Q. Do you recall the clothing description?

23 A. I don't know offhand.

24 Q. Race and gender?

25 A. I think it was more of a silhouette. I'm not sure if

1 any of that was discernible.

2 Q. Did you review the reports in anticipation of your
3 testimony today?

4 A. I did.

5 Q. Did you review Detective Duby's report in anticipation
6 of your testimony?

7 A. No. I just reviewed mine.

8 Q. As far as the statement you took from Mr. Young, I
9 believe you said that he was out doing errands that day?

10 A. So in one version of his statement, he said that he --
11 yes, he responded to a few different stores at one point in
12 the afternoon, and I think he got some food from a takeout
13 place.

14 Q. Let me make sure I have this right. So he gave a
15 statement, right?

16 A. Correct.

17 Q. And the statement at times may have changed, right?

18 A. Correct.

19 Q. You are calling those "versions." I don't understand
20 the difference between a "statement" and a "version." He
21 gave a statement, right? And it was one statement?

22 A. He gave one statement that changed over the course of
23 the time that I spoke with him through that statement.

24 Q. And that was as you asked him questions, he gave
25 clarifications. And, look, you've had plenty of witnesses,

1 whether suspected of a crime or not, have statements that
2 change as you give them questions and as they recall things,
3 all in good faith. Right?

4 A. Yeah, I would agree to that.

5 Q. You reviewed Ms. Singleton's statement in this case,
6 right?

7 A. Correct.

8 Q. If it changed, would you characterize that as her giving
9 different versions of events?

10 A. Well, I suppose it would depend on what was said, I
11 guess, the variations.

12 Q. You're saying that because he's charged. For him it's a
13 "version." For everybody else it's just a "statement" that
14 evolved. Right?

15 A. Well, he -- yes. At one point he said he never left his
16 residence through the whole day. And then there was another
17 portion of his statement where he said he was downtown, and
18 that contradicted the timeline.

19 Q. So back to the errands. Did he say he went to the
20 junkyard?

21 A. Something associated with, yeah, a salvage yard or
22 something to that effect.

23 Q. Are you familiar with brake-pad residue ever being
24 mistaken for GSR or being consistent with it?

25 A. I know there's three components to GSR, and off the top

1 of my head I can't recall all three of them. But I'm not
2 sure if they're comprised of the same things.

3 Q. And as far as the canvassing of the area of the actual
4 apartment complex, that was Detective Duby; is that right?

5 A. So yes, the canvassing for video there, as well as any
6 other potential witnesses.

7 Q. You're aware of a search warrant that was served for
8 records on Latia Alston's phone?

9 A. I do recall that we sought out those records. I don't
10 recall what they said or the data that we collected.

11 Q. You understand what a search warrant is?

12 A. I do.

13 Q. Where a person has to -- one of your officers actually
14 has to swear in front of a judge that they have probable
15 cause to believe that evidence of a crime may be found at a
16 certain place?

17 A. Yes.

18 Q. And in this case, a detective of yours swore out that
19 there would be evidence of a crime, getting a search warrant,
20 on Latia Alston's phone. Is that right? Or in her phone
21 records?

22 A. Repeat that question. I'm sorry.

23 Q. A search warrant was obtained for Latia Alston's phone
24 records -- subscriber records, things like that -- correct?

25 A. Correct.

1 Q. And the search warrant affidavit would have to show
2 probable cause that evidence of a crime would be found on her
3 phone. That's the standard for a search warrant, correct?

4 A. Correct.

5 Q. Okay. Couple quick things. As far as Ms. Alston, was
6 she interviewed?

7 A. She was.

8 Q. And was part of this investigation concerns about
9 whether her husband was cheating on her?

10 A. I think there was some concern on her part of that.

11 Q. And there was an incident where she had pepper sprayed
12 Mr. Alston at one point in time?

13 MS. BALDWIN: Objection, your Honor.

14 THE COURT: Basis?

15 MS. BALDWIN: Relevance.

16 THE COURT: Madam Forelady, ladies and gentlemen, I have
17 a brief matter of law to take up with counsel. During the
18 break, please do not discuss the case. Please leave your
19 notepads in your seats. We appreciate your patience.

20 (The jury exited the courtroom at 4:21 p.m.)

21 (The following proceedings were had outside the presence
22 of the jury.)

23 THE COURT: You may be seated.

24 All right. What's the basis of the objection?

25 MS. BALDWIN: Your Honor, first of all, it's relevance.

1 that's basically what was being asked of this witness.

2 All right. Can we finish the cross-examination and any
3 redirect, we think?

4 MR. WILLIAMS: Yeah. I have, like, one more question,
5 Judge.

6 THE COURT: Okay. Well, I mean, don't feel restricted.
7 If you'll get the jury for me please.

8 (The jury entered the courtroom at 4:37 p.m.)

9 THE BAILIFF: All jurors are present, your Honor.

10 THE COURT: You may be seated.

11 Ladies and gentlemen, we appreciate your patience. We
12 are now going to resume the testimony of the witness.

13 You may proceed, Mr. Williams.

14 MR. WILLIAMS: Thank you, your Honor.

15 THE COURT: You're welcome.

16 PAUL KRASOWSKI

17 RESUMED CROSS-EXAMINATION

18 BY MR. WILLIAMS:

19 Q. Lieutenant, I've got one more area I want to ask you
20 about and then I'll be done.

21 You're familiar with a K-9 bomb dog searching one of the
22 vehicles?

23 A. Oh, man. So I was pulled away from the scene fairly
24 early on, so I don't recall -- I don't recall offhand.

25 Q. You don't recall then, obviously, if anything was found

1 as a result of a K-9 unit searching the vehicles?

2 A. Typically that is involved in our responses and our
3 processing. I don't recall offhand.

4 MR. WILLIAMS: Okay. Thank you, Detective.

5 THE COURT: Any redirect of the witness?

6 MS. BALDWIN: Briefly, your Honor.

7 REDIRECT EXAMINATION

8 BY MS. BALDWIN:

9 Q. Lieutenant Krasowski, what time of day did this incident
10 occur?

11 A. This happened about 1:30 in the morning, approximately.

12 Q. So it was nighttime?

13 A. Yes.

14 Q. Were there people milling about in the parking lot
15 prior?

16 A. No. It's pretty desolate at that hour, from our
17 understanding of it.

18 Q. Do you always have an eyewitness to a murder as
19 Mr. Williams defined "eyewitness"?

20 A. So an eyewitness, not typically. Ideally it would be
21 nice, but usually it's a combination of witnesses from
22 before, during, and after.

23 Q. And I believe he asked you about the clothing, the
24 weapon being found after the incident. Do people sometimes
25 get rid of that evidence when they're suspected of a crime?

1 A. Yes.

2 Q. Yes, that happens?

3 A. Yes, it does.

4 Q. Okay. And how long was it until y'all made contact with
5 Mr. Young after the incident occurred?

6 A. So that was around 3:30 to 3:45, so we're looking at two
7 hours between the crime -- the murder and our initial contact
8 with him.

9 Q. To your knowledge, was Mr. Young on scene when officers
10 arrived?

11 A. To my knowledge, no, he was not.

12 Q. I think Mr. Williams was asking you about changing
13 statements and versions of statements. What is the
14 difference to you between a change -- somebody giving you a
15 change in a statement and a different version?

16 A. So that's where I would claim that there's versions. So
17 his addition completely -- the additional statement evolved
18 to the point where it completely contradicted his timeline of
19 where he was that evening. I can understand if you recall --
20 if you forget about a couple errands that you were running
21 around for. But the part about downtown directly
22 contradicted his timeline, and it was significant in my mind.

23 Q. And when you obtain search warrants, are the search
24 warrants sometimes obtained for items that don't necessarily
25 belong to the suspect?

1 A. Clarification, please.

2 Q. Evidence -- are you trying to get evidence possibly
3 related to a crime?

4 A. Yes.

5 Q. Do you ever know everything that you're going to get and
6 that's why you get a search warrant?

7 A. Sometimes we don't know. But yeah, we get a search
8 warrant for what we're looking for associated with the crime.

9 MS. BALDWIN: The Court's indulgence.

10 THE COURT: Yes, ma'am.

11 MS. BALDWIN: No further questions.

12 THE COURT: Any objection to the witness being excused
13 from the State?

14 MS. BALDWIN: None from the State.

15 THE COURT: From the defense?

16 MR. WILLIAMS: No, your Honor.

17 THE COURT: Sir, you're excused.

18 THE WITNESS: Thank you, your Honor.

19 THE COURT: You're welcome.

20 (Witness excused.)

21 THE COURT: Madam Forelady, ladies and gentlemen, as I
22 indicated earlier today, with the fluctuations in weather I'm
23 just a little concerned. The percentages have changed, but
24 it's still calling for thunderstorms after 5:00. So I think
25 it's prudent to take advantage of this break in testimony and

1 STATE OF SOUTH CAROLINA
2 IN GENERAL SESSIONS
3 COUNTY OF CHARLESTON

4 State of South Carolina,

5 vs. Transcript of Record
6 2023-GS-10-01947

7 Algernard DeVinent Young,
8 Defendant.

9
10 June 7, 2023
11 Charleston, South Carolina
12 Volume III

13 B E F O R E:

14 The HONORABLE DEADRA L. JEFFERSON

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

16 Jessica Ashley Baldwin, Solicitor
17 Timothy Finch, Solicitor

18 Shaun Courtney Kent, Representing the defendant
19 Nathan Williams, Representing the defendant

20
21
22 SHARON G. HARDOON, CSR
23 Official Circuit Court Reporter, III
24
25

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20

21

22

23

24

25

1 are the GSR kits; 57 through 59, which are the
2 shell casings; 69, which is the bullet fragment;
3 and 70 which is likewise a bullet fragment, are
4 you-all agreeing that those come in without
5 objection?

6 MR. KENT: Yes, Your Honor. And we
7 discussed, we are not going to challenge chain or
8 make an argument about chain. I don't know if
9 there's a need for a stipulation to be read to the
10 jury.

11 THE COURT: I don't think -- I think once
12 you put it on the record -- you know, the only
13 reason the jury knows about chain is if you bring
14 it before them and make an issue of it. And since
15 nobody will be doing that, then I don't think it's
16 any necessity in mentioning it, unless you-all
17 have some exception to that. Because if he's not
18 contesting the chain, then he's not going to make
19 any arguments about it so there's no possibility
20 of the jury being misled otherwise. So I don't
21 know that it -- I consider it a non-issue at this
22 point.

23 MR. FINCH: Additionally, Your Honor,
24 with item 64, it previously had not been marked
25 here by the court reporter because of the printing

1 issue yesterday.

2 THE COURT: Oh, is that the text messages
3 or something?

4 MR. FINCH: That is GPS location data.

5 THE COURT: GPS.

6 MR. FINCH: So what we've done is, we've
7 printed out two reports that are truncated to a
8 time frame around the time of the crime and those
9 are of 64A, as in Alpha, B, as in Bravo for the
10 two different phones. One is an iPhone S, the
11 other is the iPhone 6. Those are what we are
12 seeking to introduce into evidence. The others,
13 73 and 72, are ID only.

14 THE COURT: You said 72 and 73?

15 MR. FINCH: Let me check the exhibits.
16 It may be 73 and 74, and those are going to be ID
17 only. Those are the full extraction -- or GPS
18 records. 72 and 73 are the full records for ID
19 only. 64A and B, we will be seeking to introduce
20 into evidence. I believe there's a pending
21 foundation, but I'll leave that to the defense.

22 THE COURT: So are you-all having -- do
23 you-all have any exception to 64A and B?

24 MR. KENT: We won't if the foundation is
25 made through --

1 THE COURT: Okay. So we'll just wait
2 until they actually offer them and then I'll take
3 that up. But everything else we've already gone
4 over. 54, 55, and 56 have come in without
5 objection. Those are the GSR kits. 57 through 59
6 come in without objection. Those are the shell
7 casings. 60 is ID only, which, as I recall, is
8 Miss Singleton's gun and there was no purpose in
9 that going back to the jury. And for security
10 purposes with the consultation of the Sheriff,
11 you-all agreed to mark that ID only. 69 and 70
12 which are bullet fragments come in without
13 objection. And 64 and -- well, 64A and B are ID
14 only at this time until the foundation has been
15 established.

16 Are we all on the same page from the
17 State?

18 MR. FINCH: Yes, Your Honor.

19 THE COURT: From the defense?

20 MR. WILLIAMS: Yes, Your Honor.

21 (STATE EXH. 54, GSR Kit, was entered into
22 evidence.)

23 (STATE EXH. 55, GSR Kit, was entered into
24 evidence.)

25 (STATE EXH. 56, GSR Kit, was entered into

1 evidence.)

2 (STATE EXH. 57, Shell Casing, was entered
3 into evidence.)

4 (STATE EXH. 58, Shell Casing, was entered
5 into evidence.)

6 (STATE EXH. 59, Shell Casing, was entered
7 into evidence.)

8 (STATE EXH. 60, Gun; Singleton, was marked
9 for identification.)

10 (STATE EXH. 64A, iPhone S, was marked for
11 identification.)

12 (STATE EXH. 65B, iPhone 6, was marked for
13 identification.)

14 (STATE EXH. 69, Bullet Fragments, was
15 entered into evidence.)

16 (STATE EXH. 70, Bullet Fragments, was
17 entered into evidence.)

18 THE COURT: Is there anything else we
19 need to take up before we resume testimony?

20 MS. BALDWIN: Yes, Your Honor. I know
21 over the past couple days we've had this
22 third-party guilt issue, and we just ask if the
23 defense is going to start down a road questioning
24 any of the officers about Miss Alston's
25 involvement that they pause before they ask those

1 THE WITNESS: I do.

2 THE CLERK: Please be seated. Please
3 state your full name spelling your last name
4 directly in the microphone.

5 THE WITNESS: Tanya, T-a-n-y-a. And my
6 last name is hyphenated. Duby, D-u-b-y, hyphen,
7 Gritzuk, G-r-i-t-z-u-k.

8 THE COURT: You may proceed.

9 MR. FINCH: Thank you, Your Honor. May
10 it please the Court?

11 THE COURT: Yes, sir.

12 WHEREUPON:

13 SGT. TANYA DUBY-GRITZUK,
14 after having been sworn to tell the truth, testified
15 as follows:

16 DIRECT EXAMINATION

17 BY MR. FINCH:

18 Q Good afternoon, Sergeant Duby. If you want to
19 tell the Court who is your employer.

20 A The City of Charleston Police Department.

21 Q And what do you do at the City of Charleston?
22 What is your title?

23 A Right now, I'm the sergeant of patrol team
24 1.

25 Q And what are the duties and responsibilities of a

1 patrol sergeant?

2 A I look over about five to six other people,
3 make sure they run their calls, read reports,
4 approve reports, make sure that they do arrests
5 correctly.

6 Q And how long have you been with CPD?

7 A Approximately, 15 years total. Maybe 16.
8 Fourteen as a sworn officer.

9 Q And back in 2019, specifically November of '19,
10 what was your position at the CPD?

11 A I was a violent crimes detective.

12 Q As a violent crimes detective, what are the duties
13 and responsibilities of that position?

14 A We respond out to incidents that we get
15 called out, usually which are homicide shootings.
16 We assist in other investigations with other
17 detectives, sign search warrants, executing search
18 warrants, transfer of evidence, collecting other
19 evidence. It just depends on what that officer
20 needs or that other detective needs.

21 Q And in November of '19, did you become involved in
22 CPDOC01917455?

23 A I did.

24 Q And that was a homicide investigation?

25 A Yes, sir.

1 Q And what was your role in that investigation?

2 A I assisted Detective Richardson with the
3 follow-ups.

4 Q When you say "follow-ups," what is involved in the
5 follow-ups? Specifically, in this case.

6 A So, in this case, we went back to the
7 apartment complex, canvassed door to door,
8 conducted interviews, getting search warrants
9 signed, executing search warrants, talking to
10 people that were somewhat associated with the
11 case.

12 Q And you said canvassing going door to door, is
13 that looking for people who may have information --

14 A Yes.

15 Q -- as to what happened?

16 A Yes.

17 Q If they saw something or heard something?

18 A Yes.

19 Q Okay. You mentioned search warrants. Did you
20 have a role in drafting any search warrants in this
21 case?

22 A I did, yes.

23 Q And what was one of the search warrants that you
24 did? What was the first one?

25 A The first one was for the defendant's

1 vehicle.

2 Q Can you describe that vehicle?

3 A Yeah. It was a 1996 gold Toyota Camry.

4 Q And you drafted that search warrant and then what
5 do you do after you drafted that?

6 A I present it to a judge, a magistrate judge.
7 And then, at that point with the vehicle, we scan
8 it and email it to a crime scene tech.

9 Q And then the crime scene tech executes the search
10 warrant?

11 A Yes.

12 Q And what does executing a search warrant mean?

13 A So we have specific things in the search
14 warrant that we're looking for. So, clothing the
15 defendant would be wearing, firearms, blood. In
16 this case, we wrote in a GSR, a gun residue kit
17 for the vehicle.

18 Q And what is your understanding of what GSR or
19 gunshot residue is?

20 A So, my understanding is, anytime you shoot a
21 gun, there's a powder that goes off which would --
22 if you're holding it, would go on your hands, and
23 then that might transfer to any clothes, anywhere
24 else that might be touched.

25 Q And did you do any other -- so you drafted that

1 for the defendant's car?

2 A Yes, sir.

3 Q And then that was transferred to a crime scene
4 tech to execute?

5 A Yes, sir.

6 Q Did you have any hand in executing that search
7 warrant?

8 A No, sir.

9 Q Did you do a -- did you do a search warrant for an
10 address provided to you?

11 A Yes, sir.

12 Q What was that address?

13 A [REDACTED] Bailey Drive.

14 Q And what was your understanding of -- why a search
15 warrant at that address?

16 A That was the address that the defendant gave
17 during his interview, it was on his driver's
18 license, and it was also the address that was
19 registered to the owner of the car.

20 Q And so that would have been, to your
21 understanding, the defendant's address?

22 A Yes.

23 Q And the purpose of that search warrant would then,
24 as well, be to --

25 A Recover anything related to the crime;

1 clothing, guns, anything like that.

2 Q Did you have a hand in the same process to do the
3 search warrant at the time?

4 A I did, yes.

5 Q And then did you have any role in executing that
6 search warrant?

7 A I did.

8 Q What happened with that?

9 A So we went to Bailey Drive. While we were
10 out there attempting to execute the search
11 warrant, we noticed that it was a little
12 abandoned. It looked like, you know, somebody
13 hadn't lived there for quite some time. We made
14 contact. One of the neighbors came up and said,
15 *Hey, nobody's lived here for a couple years.* She
16 was able -- she was able -- she was still in
17 contact with the owner of the property, so she got
18 in contact with the owner who then confirmed that
19 nobody had lived there for several years.

20 Q Did you ever look inside that address?

21 A We did, yes.

22 Q How did you gain access to the address?

23 A The owner provided the key and we went in the
24 back door.

25 Q And did you find anything of evidentiary value?

1 A No, sir. It was completely, like, being
2 renovated. No walls, no nothing.

3 Q And did you get another address for the
4 defendant?

5 A We did.

6 Q How did that come about?

7 A The owner of the residence that we were
8 looking for on Bailey Drive knew the family and
9 knew where they had moved to.

10 Q Then did you make contact with the member of the
11 family?

12 A Sergeant Krasowski -- or the Lieutenant
13 Krasowski did it at that time.

14 Q And with the information, did you draft another
15 search warrant?

16 A Another search warrant was drafted.

17 Q Another search warrant was drafted. And then did
18 you have a hand in executing that search warrant?

19 A Yes.

20 Q And what was the basis for searching that address?
21 Was that, at least as far as your understanding, where
22 the defendant spent the night nightly?

23 A Yes.

24 Q And that was information he gave in the
25 investigation?

1 A Yes.

2 Q What was your role in the execution of that search
3 warrant?

4 A During the execution, I talked to Regina
5 McWhite, who was defendant's mother and the
6 homeowner, while we were getting the search
7 warrant while somebody else executed the actual
8 search warrant of the home.

9 Q What were some of the items included that you were
10 looking for at that Sorentrue address?

11 A So, again, we were looking for any firearms,
12 any clothing that the defendant was said to be
13 wearing, which is black clothing but had either
14 blood stains or were wet, firearms, photographs,
15 anything like that.

16 Q And did you recover any items pursuant to the
17 execution of the search warrant at the Sorentrue
18 address?

19 A We did, yes.

20 Q Well, what did you collect?

21 A We took photographs of the bedroom and we
22 found a long-sleeve black shirt, a short-sleeve
23 black shirt, a pair of black coveralls, and a pair
24 of black jeans or pants.

25 Q And do you know if any analysis was performed of

1 those items?

2 A I'm not aware, if there were.

3 Q What condition were those in when those were
4 collected?

5 A They were wet.

6 Q Do you know why they were wet?

7 A Either they are washed or I know it was
8 raining that day, so it could have been either.

9 Q And this was executed later in the afternoon of
10 November 16th?

11 A Yes.

12 Q Did you conduct any -- except for the canvassing
13 we discussed earlier, did you conduct any interviews
14 as part of your investigation in this case?

15 A I did.

16 Q Who did you interview?

17 A We interviewed Maurine Alston, Virginia
18 McWhite, Robert McWhite, several people from the
19 neighborhood, Steven Hurd, Jackie Sauce, several
20 others, yeah.

21 Q And you mentioned the McWhites. Do you know who
22 those individuals were --

23 A Yes.

24 Q -- and how they're related to this case?

25 A Virginia McWhite is the defendant's mother

1 and Robert McWhite was the defendant's step-dad.

2 Q Is Miss McWhite the one who confirmed that the
3 defendant stayed at the Sorenttrue address?

4 A Yes.

5 Q Sounds like quite a few people. Did you interview
6 anyone else in the investigation of this, other than
7 those you just mentioned?

8 A Brandon Myers maybe. I feel like that's -- I
9 talked a lot of people.

10 Q Did you handle any evidence? I know that you said
11 the crime scene tech is executing those warrants and
12 took possession of the clothes. Did you handle any
13 evidence related to this case?

14 A I did.

15 Q What was that?

16 A A cell phone belonging to the victim and the
17 defendant.

18 Q And how did you come in contact with those
19 items?

20 A Detective Richardson prepared search warrants
21 and got them signed. I got them from one of our
22 evidence people. I think it was Linda Wilson, and
23 then transported them to Charleston County Deputy
24 McManigal to get an extraction done.

25 Q And you went to the county because, at the time,

1 the city didn't have the capability for downloading
2 those phones? Is that the reason?

3 A I believe so, yeah.

4 Q And while those cell phones were in your
5 possession, did you do anything to mess with the
6 content or otherwise tamper with those cell phones?

7 A No.

8 Q And as far as your canvassing, did you also look
9 for some video in the area -- in the area of the crime
10 scene?

11 A I did.

12 Q Did you locate any video?

13 A I did not.

14 Q And that included --

15 A Well, nothing that was pertinent.

16 Q And that included the apartment complex and
17 surrounding businesses and areas?

18 A It included the apartment complex and
19 anywhere Miss Gladys would have planted that
20 money. So we went to CARTA, the aquarium, Port
21 Sumter, all those areas.

22 MR. FINCH: Beg the Court's indulgence.

23 BY MR. FINCH:

24 Q Thank you, Sergeant. If you would, answer any
25 questions -- that's all I have at this time. If you

1 would answer any questions the defense may have.

2 THE COURT: You may proceed.

3 MR. WILLIAMS: Thank you, Your Honor.

4 THE COURT: Your welcome.

5 CROSS-EXAMINATION

6 BY MR. WILLIAMS:

7 Q Good afternoon, Sergeant.

8 A Good afternoon.

9 Q I'm going to follow up with a few questions
10 Mr. Finch asked you about, and I'll start where he
11 started.

12 A Yes.

13 Q So you got a search warrant for the gold Toyota
14 Camry?

15 A Yes.

16 Q Were you aware that there was a K-9 that had gone
17 through the car and searched for firearms earlier?

18 A I was unaware of any of that.

19 Q So were you there when the car was searched?

20 A No.

21 Q Were you responsible for the results that came
22 from the car?

23 A No.

24 Q Do you know if anything was found in the car?

25 A No.

1 Q So you just obtained the search warrant, but you
2 don't know if any guns or ammo or anything else was
3 found.

4 A I know that the GSR kit was obtained and
5 nothing else was located. That was it.

6 Q Okay. And then you talked about two separate
7 search warrants of residences. I think one was Bailey
8 and one was Sorenttrue. Is that right?

9 A Yeah.

10 Q And I think it sounded like Bailey was, sort of,
11 an abandoned house, correct?

12 A Yes.

13 Q So nothing was found there?

14 A No, sir.

15 Q And then the second location, the Sorenttrue, was
16 essentially Algernard Young's residence, and his
17 family. Is that what you determined?

18 A Yes, sir.

19 Q Did you find any guns there?

20 A No, sir.

21 Q Did you find any ammunition there?

22 A No, sir.

23 Q I believe you said you found black clothes. Is
24 that consistent with what was described from the scene
25 by at least some people?

1 A From my understanding, yes.

2 Q What -- you talked about them being wet. Was it
3 raining in proximity to when you found the clothes?

4 A I know that it was drizzling, but it wasn't
5 like a hard rain.

6 Q And your testimony earlier was that the clothes
7 were wet consistent with either washed or being in the
8 rain?

9 A I wasn't wearing the clothes, so I couldn't
10 tell you which one it could have been.

11 Q Well -- but I guess my question is, was the degree
12 of wetness consistent with either of those things as
13 you testified to? They could have been rained on.
14 They could have been washed.

15 A Could have been.

16 Q As far as other interviews, how many people would
17 you say you interviewed?

18 A Maybe five or six. I didn't count.

19 Q And did you do any kind of search warrants for
20 electronic devices, cell phones?

21 A Those were all prepared and signed by
22 Detective Richardson.

23 Q I thought so. Any search warrants for a
24 third-party subscriber?

25 A So, I think I know what you're talking about.

1 So, at one point in time, there was a case law
2 where they were saying that we had to go to a
3 circuit court judge to get the records search
4 warrant signed. Because detective Richardson was
5 no longer with us at that point, I was, kind of,
6 the one that helped and assisted with that. I did
7 get one signed, but it was for the same
8 information.

9 Q It was for what?

10 A It was for the same information just signed
11 by a circuit court judge rather than a magistrate
12 judge.

13 Q Let me make sure I'm clear on that then. Two
14 search warrants were done? When you say the same
15 information, what do you mean?

16 A So there was an initial search warrant for
17 the records that was signed by a magistrate judge.
18 Later on, there was a circuit court -- or some
19 kind of case law that said because records are
20 houses outside of our jurisdiction, we were
21 required to get a circuit judge to sign the search
22 warrant.

23 So we went back and all the search
24 warrants that were done for this case that had to
25 do with records, whether it's T-Mobile or Verizon

1 or any of those guys, we had to then redraft them
2 and present to a circuit court judge.

3 Q Okay.

4 A So, essentially, same search warrant, just a
5 circuit court judge.

6 Q And what I want to get into then is, on the first
7 set of magistrate court search warrants, were those
8 executed?

9 A Yes.

10 Q Sent to -- let's use T-Mobile as an example. Sent
11 to T-Mobile?

12 A Yes.

13 Q Was T-Mobile responsive?

14 A I think so, yeah.

15 Q And then you-all sent back and got another set of
16 records through a general sessions judge, a circuit
17 court judge like Judge Jefferson, but in this case,
18 Judge McCoy?

19 A Yes.

20 Q And were those served?

21 A Yes.

22 Q Okay. So if I have this right, you-all had two
23 separate sets of records. One that you got the first
24 time and one you got the second time.

25 A Well, they should have been the same because

1 they -- when -- it's my understanding when we
2 talked to the providers, they said they hold those
3 records, so it should have been the exact same.

4 Q Well, I guess what I'm interested in, it sounds
5 like, at least in your opinion, or your discretion,
6 the first set may have been illegally obtained and the
7 second set may have been legally obtained.

8 And what I'm trying to figure out is,
9 when you hadn't been shown any records, did you
10 know which ones were given to the prosecutor or
11 which ones were the bad ones?

12 A I did not look at any of those records and
13 the first set were legally obtained because there
14 was no circuit court case law at that point in
15 time.

16 Q Okay. So --

17 A So we were going based off the law at that
18 point.

19 Q I respect that. I'm just trying to figure out, if
20 we got two parallel sets of records, how did you-all
21 distinguish between the first set and the second set,
22 or is that just not your job?

23 A That was not my job.

24 Q It wouldn't have been your job which ones went to
25 either the defense or to other experts in the

1 investigation?

2 A I provided them everything that we had, yes.

3 But I did not look at any of them.

4 Q Did you remember --

5 MR. WILLIAMS: Judge, may we approach
6 briefly?

7 THE COURT: What now?

8 MR. WILLIAMS: I think she might have
9 been.

10 MS. BALDWIN: Okay. If you have question
11 about it --

12 MR. WILLIAMS: I just want to make sure
13 it wasn't something we talked about.

14 THE COURT: What is it that you want to
15 ask?

16 MR. WILLIAMS: Well, I was going to ask
17 her which individual she got records for.

18 THE COURT: I don't think that's
19 inappropriate.

20 MS. BALDWIN: That's fine.

21 MR. WILLIAMS: I can ask?

22 THE COURT: You can ask that question.

23 BY MR. WILLIAMS:

24 Q I just wanted to ask you about which records or
25 which warrants you obtained. Do you recall the

1 individual -- the individuals for whom you obtained
2 search warrants to get records from either T-Mobile,
3 Sprint, or any of those providers?

4 A Do I recall?

5 Q Yes.

6 A I don't recall right now, no.

7 Q Would you have them in your notes?

8 A Possibly.

9 Q You don't have them in your notes up there?

10 A No.

11 Q It would be --

12 A It would be -- anything that
13 Detective Richardson did a search warrant
14 previously, it would be the same ones because I
15 just took his search warrant, changed the date,
16 added the circuit court paperwork, and presented
17 it to the circuit court judge, so it would be the
18 exact same statement.

19 Q And you went and swore those out?

20 A Yes.

21 Q Did you get the returns on them?

22 A I believe -- I'm not sure. I would have to
23 look back on those ones.

24 Q And you don't have those returns with you today?

25 A I do not, no.

1 Q I'm going to ask you a little bit more about some
2 of the canvassing. You said that you talked to an
3 individual named Brandon Myers.

4 A Yes.

5 Q And you also testified that you -- I think this is
6 in your report -- had gone to several apartments in
7 that area, correct?

8 A Yes.

9 Q Is that, sort of, your -- one of your several
10 roles to canvass the apartment complex and look for
11 leads?

12 A Yes.

13 Q And why do you do that?

14 A You never know who's going to see what. Some
15 people might be outside, somebody might hear
16 something, and they might not be willing to come
17 forward at the time that night because police are
18 out there. They don't want to be seen talking to
19 the police or anything like that. So we just
20 follow up and talk to people.

21 Q And those leads are obviously important to your
22 investigation or you wouldn't do them otherwise.

23 A Yes.

24 Q And you evaluate those leads and as part of the --
25 I guess to constitute the quality of your

1 investigation, is that fair to say?

2 A Repeat that question.

3 Q Well, I mean, I think most people would expect if
4 something happened in an area, a good investigator
5 would go out and look at all those apartments and talk
6 to everybody they could, right?

7 A Yes.

8 Q And I think you went to maybe 20, 25 apartments?

9 A There was a lot.

10 Q And so you actually got a lead, though, from
11 Brandon Myers, correct?

12 A I got information from him.

13 Q And I believe maybe his mother called and then you
14 talked to Brandon himself?

15 A Yes.

16 Q You recorded that conversation?

17 A Yes.

18 Q And he had told you as part of the investigation
19 that he had seen somebody --

20 MR. FINCH: Objection; hearsay.

21 THE COURT: I didn't hear the whole
22 question. Finish the question and then I can rule
23 on it. But please don't answer the question until
24 I've heard the entirety of it.

25 BY MR. WILLIAMS:

1 Q As part of your investigation and running down
2 leads to further your investigation, you talked to
3 Brandon Myers, correct?

4 THE COURT: She can say yes or not. She
5 just can't say what he said.

6 THE WITNESS: Yes.

7 BY MR. WILLIAMS:

8 Q Did he give you a description, without telling me
9 what he said, yes or no, did he give you a description
10 of the individual?

11 A Of an individual.

12 Q And did he give you a time frame on when he saw
13 that individual?

14 A Yes.

15 Q Did he describe what he thought that person's role
16 might have been around the time of the shooting?

17 A Not really.

18 Q Did he say -- not to get into what he said, but
19 did he give you two things that he thought might have
20 been?

21 A I guess. I don't know. I don't understand
22 the question.

23 Q So he described to you an individual that he saw
24 there around the time of the shooting, is that fair to
25 say?

1 A Yes.

2 Q Did he describe to you what he thought that
3 person's role may or may not have been during the
4 shooting that occurred?

5 A He didn't go into detail on what he thought
6 happened. It was my understanding he really
7 didn't know. He just described what he saw.

8 Q Did you do any follow-up on his description?

9 A Based on his information, it was hard to
10 follow up anything.

11 Q I want to ask you a little bit about where his
12 apartment was relative to -- I believe when you talk
13 with him you pulled up on Google map?

14 A Probably.

15 Q Do you recall the proximity of his apartment to
16 where the shooting occurred?

17 A I don't recall.

18 Q Would it surprise you that it was the next
19 building over?

20 A Not really because we canvassed all those
21 buildings.

22 Q Do you remember if he heard gunshots?

23 A Yes.

24 Q Do you recall if he looked out his window as a
25 result of that?

1 THE COURT: You're eliciting hearsay.
2 She's saying without saying what he said and that's
3 impermissible. If you need him to testify about it
4 you need to call him as a witness.

5 MR. WILLIAMS: And, Your Honor, I'm going
6 to submit the evidence of my client's testimony to
7 show --

8 THE COURT: I'm sorry. It's hearsay.
9 You're doing it very creatively, but it's hearsay.
10 You're asking her to say what someone told her
11 that can't be subject to cross-examination, and
12 it's offered for its truth as hearsay.

13 MR. WILLIAMS: I guess just for the
14 record, Your Honor, I'd like to go into the
15 quality of the investigation.

16 THE COURT: I understand that. And
17 argument is to assist the Court in making a
18 decision, and the Court has ruled.

19 MR. WILLIAMS: Thank you, Your Honor.

20 THE COURT: You're welcome.

21 BY MR. WILLIAMS:

22 Q Let me ask you about video. I know you went to
23 several apartments. You or others, you were working
24 with and, kind of, looked for video extensively
25 throughout Charleston, throughout North -- yeah,

1 Charleston and, sort of, the West Ashley area of
2 Charleston?

3 A I'm not sure. I did not specifically do West
4 Ashley. I did downtown.

5 Q And did you ever find any, that you recall, any
6 video that was helpful despite those efforts in terms
7 of showing who was the one who shot?

8 A I did not review all of it, so I can't say
9 that, no.

10 Q You've been an investigator for -- how long did
11 you say?

12 A I've been a detective for about seven
13 years.

14 Q Do you know what a geofence warrant is?

15 A Yes.

16 Q Can you explain that to the jury?

17 A I can't explain it that much. I know that
18 there's one linked to a specific area, but I don't
19 know all the parameters, or anything like that.

20 Q So, is it your understanding that a geofence
21 warrant captures certain activity within a certain
22 radius? So within a half mile of a location, anyone
23 who's using, say, their Google maps or their Google
24 app would capture all of that through the Google
25 service. Are you familiar with that process?

1 A Sort of. I'm not a geofence or cell phone
2 type of individual that would be able to tell you
3 exactly the ins and outs of it.

4 Q Geofence warrants are fairly common with most
5 detectives, right? It's not specialized area these
6 days.

7 A I don't think in 2019 it was very -- more
8 recently, when I was leaving, I think it was
9 more -- becoming more useful.

10 Q Did you know if those types of records are
11 preserved in a preservation letter such as you all did
12 in this case?

13 A I'm not sure.

14 Q But you don't know whether geofence warrants were
15 done or that data would be available?

16 A I don't recall, no.

17 Q No further questions. Thank you, Sergeant.

18 THE COURT: Any redirect?

19 MR. FINCH: Yes. Briefly, Your Honor.

20 REDIRECT EXAMINATION

21 BY MR. FINCH:

22 Q Sergeant Duby, I just wanted to show you some
23 pictures in reference to the clothes that Mr. Williams
24 referenced in his cross-examination. These are photos
25 that have been marked and previously admitted. I'm

1 going to show you -- it will appear on the monitor in
2 front of you as well as the monitor behind you. But
3 should you need to indicate anything, that's a touch
4 screen and you can go ahead and do that.

5 MR. FINCH: If you would go ahead and
6 pull up State's 46, please.

7 BY MR. FINCH:

8 Q Is that of a basket of -- it looks like there's
9 black clothes in that basket. Is this your
10 understanding those are the clothes that were
11 collected from the Sorentrue address?

12 A Yes.

13 Q And then I show you State's 45 -- or 47. I'm
14 sorry. Again, just another angle of the clothes that
15 were collected?

16 A Yes.

17 Q And that's a laundry basket inside of the
18 Sorentrue address?

19 A Yes.

20 MR. FINCH: Okay, nothing further. Thank
21 you.

22 THE COURT: Any objection to the witness
23 being excused from the State?

24 MR. FINCH: No, Your Honor.

25 THE COURT: From the defense?

1 MR. WILLIAMS: No, ma'am.

2 THE COURT: Ma'am, you are excused.

3 THE WITNESS: Thank you.

4 THE COURT: You're welcome.

5 Call your next witness.

6 MS. BALDWIN: The State calls Detective
7 James Richardson.

8 THE COURT: If you will swear the
9 witness.

10 THE CLERK: Do you swear or affirm the
11 testimony you shall give the Court and the jury in
12 the trial of this case is the truth, the whole
13 truth, and nothing but the truth so help you God?

14 THE WITNESS: Yes, ma'am.

15 THE CLERK: Please be seated. Please
16 state your name, spelling your last name directly
17 into the microphone.

18 THE WITNESS: Yes. My name is Special
19 Agent James Richardson. That's spelled
20 R-i-c-h-a-r-d-s-o-n.

21 THE COURT: You may proceed, Miss
22 Baldwin.

23 MS. BALDWIN: Thank you.

24 THE COURT: You're welcome.

25 WHEREUPON:

1 AGENT JAMES RICHARDSON,
2 after having been sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. BALDWIN:

5 Q Agent Richardson, where are you currently
6 employed?

7 A I'm currently employed with the Georgia
8 Bureau of Investigation for the State of Georgia.
9 In laymen's terms, that's the equivalent of SLED
10 for you.

11 Q And in what capacity are you employed with them?

12 A I am employed as a special agent. I do field
13 agent work as well as detective work for the
14 State.

15 Q And do you also do any cell phone analysis now?

16 A Yes, ma'am.

17 Q Okay. Are you an expert in that field?

18 A No, ma'am.

19 Q Where were you employed in November of 2019?

20 A I was employed at the City of Charleston
21 Police Department.

22 Q And in what capacity?

23 A In the capacity of detective in the crimes
24 unit.

25 Q How long were you with the City of Charleston?

1 A Eleven years.

2 Q And how did you get involved in the case?

3 A I was assigned as the case agent on

4 November 18, 2019.

5 Q So this incident occurred on November 16th,
6 correct?

7 A That's correct.

8 Q You weren't at the scene that evening?

9 A Yes, ma'am.

10 Q You were not?

11 A I was not.

12 Q What do you mean when you say you were a case
13 agent then?

14 A The case agent is essentially going to be the
15 lead detective over investigation. And
16 essentially what they're responsible for is a
17 thorough-enough investigation, the execution of
18 search warrants, review of data, interview of
19 witnesses, development of possible leads, so on
20 and so forth.

21 Q Okay. So what did you initially do?

22 A So, initially, upon it being assigned a case,
23 just like any other investigation, you want to
24 look at all of the other steps and investigative
25 acts that were undertaken by previous

1 investigators to understand what actions had taken
2 place. Reviewing crime scene photos is one of
3 them, speaking with the coroner's office,
4 Charleston County coroner's office, viewing of
5 statements, and developing steps as to how to
6 further the investigation at that point.

7 Q Did you interview anyone as part of your
8 investigation?

9 A Yes, ma'am.

10 Q And who did you interview?

11 A I initially interviewed Mariol Robinson,
12 a/k/a Mario.

13 Q And when did you interview him?

14 A That interview took place same day at
15 approximately 4:00 p.m.

16 Q And why did you want to interview him?

17 A He was identified in the interview through
18 then-Sergeant Paul Krasowski as potentially a
19 friend to the defendant Algernard Young.

20 Q How did you set up that interview with him?

21 A So we initially canvassed the Dreams
22 nightclub, but, ultimately, Mr. Robinson actually
23 was contacted via his phone number,

24 [REDACTED]-2503, where an interview was set up at
25 180 Lockwood Boulevard, and that's the Charleston

1 Police Department, investigative division.

2 Q What was his demeanor during your interview?

3 A Nervous, a little bit jittery.

4 Q After that interview was done, what did you do?

5 A So following that interview -- excuse me.

6 I'm referring to my report. I reviewed the
7 software program called ALPR. What that stands
8 for is Automated License Plate Reader. And that
9 is a fixed camera system maintained by the
10 South Carolina Law Enforcement Division, which
11 is -- access is granted to local agencies through
12 a memorandum. So these cameras were set up in --
13 I can't speak for how they were set up, but they
14 were set up strategically at different points and
15 areas in a given jurisdiction. And what can be
16 revealed are dealer information and tag
17 information, vehicle travel, descriptions of the
18 vehicle displayed in a picture format.

19 Q Okay.

20 MS. BALDWIN: Court's indulgence for just
21 a second. I'm just trying to track something
22 down.

23 THE COURT: Yes.

24 BY MS. BALDWIN:

25 Q Agent Richardson, I'm going to show you what I

1 believe has already been admitted as State's 53. Can
2 you tell me what that is?

3 A Yes, ma'am. That is going to be a printout
4 from the report I reviewed for ALPR. Yes,
5 ma'am.

6 Q Okay. And what is the license place number?

7 MR. KENT: Your Honor, I'm going to
8 object.

9 THE COURT: Basis?

10 MR. KENT: Foundation.

11 THE COURT: Pardon me?

12 MR. KENT: Foundation.

13 THE COURT: Did he not have access to the
14 information?

15 MR. KENT: Your Honor, I believe it's
16 maintained by a separate law agency.

17 THE COURT: I think it's a business record,
18 but let me take it up outside the jury's presence.

19 Madame Forelady, ladies and gentlemen, I
20 need to take up a brief matter outside of your
21 presence. During the break, please do not discuss
22 the case and please leave your notepads in your
23 seats.

24 (Jury exits the courtroom at 2:35 p.m.)

25 THE COURT: You may be seated. All

1 THE BAILIFF: Yes, Your Honor.

2 (Jury enters the courtroom at 2:45 p.m.)

3 THE BAILIFF: All jurors are present,

4 Your Honor.

5 THE COURT: You may be seated.

6 You may proceed, Miss Baldwin.

7 MS. BALDWIN: Thank you, Your Honor.

8 THE COURT: You're welcome.

9 BY MS. BALDWIN:

10 Q So we were talking about ALPR and what that is.
11 How do you conduct those searches?

12 A So the City of Charleston Police Department
13 through their memorandum of agreement has an
14 account set up online. And through that online
15 access, you're issued a username specific to you
16 as the user and member of that law enforcement
17 agency. And when that search is conducted, there
18 is a secure website which you have to log in to
19 where the searches can be performed. There's
20 pre-established location settings. And the search
21 be can be conducted either by location or by
22 vehicle tag, and, in this case, it was conducted
23 by vehicle tag.

24 Q I'm going to show you what's already been admitted
25 as State's 53 and then State's Exhibit 65. Can you

1 tell me what those are?

2 A Yes, ma'am. So 53 and 65 are going to be the
3 ALPR SLED readouts that I searched, yes.

4 Q Okay. What tag number were you searching for?

5 A I was searching for the tag number RDN997.

6 Q What make and model car was that supposed to
7 belong to?

8 A A Toyota Camry.

9 Q And you received results regarding that?

10 A Yes, ma'am.

11 MS. BALDWIN: Your Honor, State's 53 is
12 already admitted, but I'd also like to --

13 THE COURT: Number 65 subject to the
14 exception and overruled.

15 MS. BALDWIN: Thank you.

16 THE COURT: With foundation having
17 been -- well, you need to ask some more questions
18 on 65 before that can be admitted to establish the
19 appropriate foundation for the admission of the
20 document.

21 BY MS. BALDWIN:

22 Q Do you know what date and time you did this on
23 State's 65?

24 A The date that's reflected on the search is
25 going to be November 16th at 3:41 a.m. for Exhibit

1 65. And for Exhibit 53, the search is going to be
2 for the 15th of November of 2019 at 10:41 p.m.

3 Q And those results -- when you put in that tag
4 number, does it tell you the location of the car?

5 A Yes, ma'am. Relative to the camera affixed,
6 yes.

7 Q And so it gives you the location of the camera --

8 A Yes, ma'am.

9 Q -- that's picking it up?

10 A Yes, ma'am.

11 Q Okay.

12 MS. BALDWIN: Your Honor, if that
13 suffices --

14 THE COURT: You need to approach.

15 MS. BALDWIN: Thank you.

16 THE COURT: You need to establish, one,
17 the access and where it's located. The questions,
18 why does he print this off, where does he do it,
19 all that good stuff. Where is it located, does he
20 have access from his computer, where is he getting
21 it.

22 MS. BALDWIN: I thought he was clear
23 about that.

24 THE COURT: Nobody said that. All he
25 said is SLED may access the system. SLED

1 maintained access to the system through a
2 memorandum that allows them to use it. And they
3 position those cameras all over the locality and
4 that's all. So I need more.

5 MS. BALDWIN: He said he had a username
6 and password to get into the system.

7 THE COURT: Yeah. Like, does he do it on
8 his telephone? Does he do it in his office? How
9 are things kept every day? Are they compiled?
10 Apparently, he was able to go back to a day.
11 What's the time frame?

12 MS. BALDWIN: Okay. What the process is.

13 THE COURT: Yeah. What's the process and
14 what time frame? How can he access? How long do
15 they keep the information?

16 Thank you. You may proceed.

17 BY MS. BALDWIN:

18 Q Agent Richardson, when you're accessing this
19 database, how do you -- you said you access it via a
20 username and password.

21 A Yes, ma'am.

22 Q Do you access that via the computer?

23 A Yes, ma'am.

24 Q Whose computer?

25 A My computer.

1 Q And how does your computer access that database?

2 A My computer is -- it's a desktop computer at
3 my desk in the investigator division. And,
4 through Internet access, it can access that link
5 to SLED's website.

6 Q Do you know how SLED maintains that information
7 and how long they maintain it?

8 A I'm not certain exactly on the dates, but it
9 maintains it for a good amount of time because
10 we've used it in previous investigations.

11 Q Okay. Years, would you say?

12 A I would say at least a year, yes, ma'am.

13 Q Okay. When you type in your username and password
14 and you're going to do a search, how do you conduct
15 that search exactly?

16 A It's very user friendly. Very
17 self-explanatory. When you enter in a tag and you
18 press the enter button, it conducts a search
19 through those cameras in that database. For tags,
20 there's a high degree of certainty that match the
21 search that you're looking for. Okay?

22 And on those reports, it will -- it will
23 give you a level of probability in what you type
24 in with what the camera produces, and it's
25 incumbent upon the investigator to physically

1 verify that those two things are, in fact, the
2 same vehicle tag in this case that you're
3 searching for which was done in this case.

4 Q You verified yourself that that was what you were
5 searching for once you got those results?

6 A Yes, ma'am.

7 Q Okay. And these reports that I showed you, they
8 are fair and accurate representations of what you
9 printed off?

10 A Yes, ma'am.

11 Q Okay.

12 MS. BALDWIN: May I admit, Your Honor?

13 THE COURT: Yes, ma'am. Marked and
14 admitted subject to the exception which has been
15 overruled. Foundation has been established that
16 the witness created the report, how it was
17 created, how it was maintained. It is clearly a
18 data compilation of a business record.

19 You may proceed.

20 MS. BALDWIN: Thank you, Your Honor.

21 (STATE EXH. 65, Tag Search Report, was
22 marked and entered into evidence.)

23 BY MS. BALDWIN:

24 Q Agent Richardson, I'm going to put these two
25 printouts up on the screen in front of you. So can

1 you just tell us what we're looking at here, and you
2 can mark on that screen if you need to. It's a touch
3 screen.

4 A Okay. I believe, kind of, up towards the top
5 at the right there, is going to be tag as
6 reflected in that camera view. And right below
7 that in yellow is what is specifically searched in
8 that database. And to the left of that is going
9 to be a photograph of that vehicle for that date
10 and time search underlined right here. It will
11 also provide the system as well as the specific
12 camera which took that photograph.

13 Q And, once again, why were you searching for that
14 particular license plate and that make and model of
15 the car?

16 A That vehicle was identified as the vehicle
17 that the defendant Algernard Young had driven the
18 night of.

19 Q And for the record, we're looking at State's 53
20 right now.

21 A Yes.

22 Q And what time is it that that one is showing?

23 A That is showing 10:41 p.m. on November 15,
24 2019.

25 Q And where is the camera located?

1 A So that camera is going to be located on
2 Dorchester Road, that Transfer Street, eastbound.
3 That's denoted by EB right in here. And where
4 that is exactly is, if you think of Dorchester
5 Road between Highway I-26 and Leads Avenue, it's
6 between those two major thoroughfares with
7 Transfer Street being directly in the middle of
8 Dorchester Road. And the eastbound lane is
9 heading away from I-26, towards Leads Avenue
10 towards the car facility at that location.

11 Q Thank you. Now, I'll put up State's 65. And what
12 are we looking at here?

13 A All right. Again, this is going to be
14 another search and what this search produced in
15 the date and time, as you will see in this window
16 right here, the same tag was entered, the same tag
17 was displayed from that tag, the photograph of the
18 vehicle as he's traveling, according to that
19 system -- there's a note here, I-26 southbound,
20 lane one, exit ramp southbound. That is from
21 Leads Avenue, North Charleston, into the city of
22 Charleston specifically West Ashley through 526.

23 Q And what time is that approximately?

24 A That is going to be at 3:41 a.m. on the 16th
25 of November, 2019.

1 Q Did your investigation continue after that?

2 A Yes, ma'am.

3 Q What did you do next?

4 A Okay. So, additionally, I was aware through
5 the interview of the defendant that three cell
6 phones had been seized pursuant to his arrest; one
7 being an Acutel brand of flip phones, style cell
8 phone, and two Apple iPhones. One being a -- what
9 purports to be an iPhone 5 and an iPhone 6.

10 In furtherance of the investigation, I
11 drafted search warrants for what we referred to as
12 a cellular extraction, or a copy of the phone
13 itself, based off of the search warrants for those
14 devices.

15 Q Did you do anything else on November 19th?

16 A Okay. Detective T, Tanya Duby-Gritzuk, and I
17 conducted a canvas of the Ashley Oaks Plantation
18 Apartments on Ashley Oaks Plantation Road where we
19 met with the property manager Deborah Woods and
20 spoke to her briefly in reference to the
21 investigation that day.

22 Q What did you do after that?

23 A All right. And that led us into the next day
24 where, also, Detective Duby and I interviewed
25 Latia Alston at 180 Lockwood Boulevard at the

1 Charleston Police Department.

2 Q Why did you interview her?

3 A So as the case agent, it's incumbent and the
4 responsibility of the case agent to meet with
5 family, next of kin, friends, anybody that can
6 help you, enlighten you as to who the victim was.
7 I cannot investigate your case if I don't know who
8 you are. And I felt that I owed it to the family
9 to speak to the Miss Latia Alston for that fact
10 and speaking with her out of respect.

11 Q Did you speak to anybody else?

12 A Yes. So, later on that afternoon, the same
13 day, we -- Detective Duby and I initiated another
14 foot canvas at Ashley Oaks Plantation Apartments
15 on Ashley Oaks Plantation Road. And during that
16 canvas, I did observe that at the incident scene
17 at Apartment [REDACTED] a white Nissan sedan, that I knew
18 to be registered to Miss Gladys Singleton, parked
19 at the address. Much for the same reason and in
20 furtherance of the investigation, I knocked on the
21 door where I made contact with Miss Singleton as
22 well.

23 Q And what was her demeanor when you met with her?

24 A It took several knocks at the door, very
25 afraid, very hesitant to answer the door. But

1 after some convincing, she allowed me inside.

2 Q Okay. So then you proceeded to interview her?

3 A Yes, ma'am.

4 Q Okay. Did you obtain any cell phone records in
5 this case?

6 A Yes, ma'am, I did.

7 Q And what cell phone records did you obtain?

8 A So, also, I drafted -- authored or drafted,
9 and meaning I wrote search warrants for targets
10 numbers [REDACTED]-4172, as well as [REDACTED]-7985, and
11 those were target numbers identified to -- that
12 belonged to the cell phone devices that were in
13 the defendant's possession.

14 Q And were those search warrants redone at any
15 point?

16 A Yes, there was.

17 Q And why was that?

18 A So for the sake of thoroughness for the
19 investigation -- we take these sorts of cases very
20 seriously -- not soon after the onset of this
21 investigation, case law came out that it was
22 arguing the jurisdiction of the courts which could
23 sign off on search warrants. Specifically, the
24 types of judge.

25 So, for the sake of thoroughness, search

1 warrants were re-secured for the same data by a
2 higher level court, in this case being a general
3 sessions judge, to kind of circumvent that issue
4 later on down the road.

5 Q So, same data, just a different search warrant,
6 correct?

7 A Yes, ma'am.

8 Q And what did you do with those cell -- well, let
9 me back up. Those cell records, do those contain
10 location data as well?

11 A Yes, ma'am.

12 Q And cell phone tower data?

13 A Yes, ma'am.

14 Q What did you do with that?

15 A So, during the course of my duties, I
16 contacted what we refer to -- everybody knows what
17 the FBI is. There is a unit called CAST. That's
18 the cellular analysis surveilling team. Those are
19 the FBI special agents that specialize in mapping,
20 reviewing, and producing which is referred to as a
21 road map of the location data based off of what
22 you provide from them on a visual representation.
23 So they produce a map of where that phone, in
24 relation to cell tower connections, where they may
25 be.

1 I contacted, at that point, a then-FBI
2 assistant special agent in charge, Clay Simmons, at
3 that point to -- basically issued him those records
4 and to author such a map.

5 Q Okay. And did he draft a report?

6 A Yes, ma'am, he did.

7 Q Okay. Did he do the final report?

8 A The final report was completed by the North
9 Charleston Police Department task force agent,
10 Detective Jerome Desheers.

11 Q Why is that?

12 A At that point, Special Agent Simmons had
13 retired at that point, and given for the sake of
14 the investigation Jerome Desheers was going to be
15 the, I guess, the representative for the FBI for
16 this area that would perform any further searches
17 on behalf of law enforcement's request.

18 Q And as to those records, who was the provider?

19 A The provider was identified -- for the
20 [REDACTED]-7985, that's Sprint. And for the target
21 number [REDACTED] -- excuse me, [REDACTED]-4172 is going to be
22 T-Mobile.

23 Q Okay. Both of them have stores within Charleston
24 County?

25 A Yes, ma'am.

1 Q Location's within Charleston County?

2 A Yes, ma'am.

3 Q Did you review any surveillance video in this
4 case?

5 A Yes, ma'am, I did.

6 Q And what -- did it yield anything?

7 A So from the onset of the investigation, it
8 takes a lot of ground work for a case, what's
9 referred to as footwork in this case. And I
10 enlisted the help of several detectives in our
11 investigative division to assist in that effort
12 for a canvas for video. And that canvas was
13 conducted by several detectives, which included
14 Detective Duby, as well as Detective Galka and
15 Detective Jackson.

16 Multiple segments of video from both North
17 Charleston and Charleston's jurisdictions within the
18 vicinity of the crime scene was pulled for review, and
19 a review of those segments of video did not yield
20 anything of investigative significance.

21 Q Were there any particular reasons why?

22 A So, through a review of the video
23 surveillance, you've got to understand that this
24 did take place at nighttime, and you're also
25 dependent on the quality of video which a business

1 provides which routinely is not the most high-end
2 system.

3 Given the quality of the video, the time
4 of day, the position of the camera, they were not
5 afforded advantageous angles to capture anything
6 of significance on my review of that video
7 surveillance.

8 MS. BALDWIN: Court's indulgence.

9 THE COURT: Yes, ma'am.

10 MS. BALDWIN: I have no questions at this
11 time. Please answer anything for the defense.

12 THE COURT: You may proceed.

13 MR. WILLIAMS: May it please the Court,
14 Your Honor?

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. WILLIAMS:

18 Q Good afternoon. Is it Agent Richardson?

19 A Yes, sir.

20 Q Good afternoon. So you sat in here for some of
21 the other witnesses' testimony, right?

22 A Yes. As the case agent, yes, sir.

23 Q Here's what I'm getting at. I don't want to
24 repeat a bunch of things. I've asked other people, so
25 you know where I'm going with some of this. You saw

1 Detective Duby-Gritzuk, Detective Wolfesen all testify,
2 right?

3 A That's correct.

4 Q So I'm going to go over some of those same things
5 and I think it will go a little quicker. I think you
6 talked about video and that you weren't able to find
7 anything of any value through the police department
8 search for video evidence; is that right?

9 A That is correct.

10 Q I believe you also didn't just look for video of,
11 you know, what had happened at the apartment complex,
12 you also were looking for interactions between Al
13 Young and the individual shot, David Alston, right?

14 A Yes, sir.

15 Q You never found any of that, right?

16 A No, sir.

17 Q Did you see any text messages back and forth
18 between David Alston and Algernard Young fighting,
19 arguing?

20 A No, sir.

21 Q Any common analysis between cell phones or calling
22 each other?

23 A Not anything that sticks out to me, no sir.

24 Q Remind me, clearly your role is with GBI?

25 A I'm a special agent with the GBI's region 2

1 field office in Columbus, Georgia.

2 Q And you've had cell phone analysis?

3 A In my time at the City of Charleston, I have
4 gone through, I guess, basic user understanding of
5 cell phone analysis, as well as a continued
6 understanding through multiple cases that I've
7 worked with cell phones to include my current
8 occupation which also includes the same details.

9 Q Okay. So you understand what commonality analysis
10 is?

11 A For the most part, yes, sir.

12 Q You take one person's phone and you take another
13 phone and you look at the record and see if they
14 called each other, right?

15 A Yes, sir.

16 Q You didn't see that between Al Young and David
17 Alston?

18 A Not anything that stood out to me, no, sir.

19 Q I want to go back to the number of apartments that
20 were -- I guess I want to say not been talked to. But
21 you-all went to a lot of different doors. Knocked on
22 doors in the apartment area. Did you find any
23 information about individuals seeing people there?

24 A So we initially had information that came in
25 that there was a potential witness in the complex

1 and that's what initiated that effort for a
2 follow-up in the area to see if there was anybody
3 that could have seen anything or had anything of
4 any investigative value. Several apartments were
5 -- and you understand in the time frame in which
6 we were knocking on doors was mid to late day.
7 Most people are going to be at work. Okay?

8 So our canvas was somewhat successful in
9 speaking to some individuals, but, ultimately, it did
10 not yield anything of any super importance in which to
11 further the investigation.

12 Q And when we talk about investigative value, that's
13 information that tends to prove or disprove the
14 offense or information of the events. Is that fair to
15 say?

16 A It would be anybody that heard, saw, smelled
17 anything. Anything with any sense or anything
18 that could be classified as a witness statement,
19 yes, sir.

20 Q And your assessment of that value at times,
21 understanding resources are a factor, but the value of
22 that information leads you to take follow-up, meaning
23 you follow up on more valuable information that may
24 add to the case. Is that fair to say?

25 A Of course, yes, sir.

1 Q So you have somebody like -- I think you said
2 Mario. You have information from one person. You go
3 out. You call, figure out where he lives, go to his
4 house. If he's not there, you come back. That type
5 of follow-up, right?

6 A Yes, sir. That and, to kind of add to that,
7 getting statements. Also corroborate their
8 statements as well, because there's -- you know,
9 they give investigative leads in what they can say
10 and sometimes that needs to be corroborated or
11 backed by such things as video surveillance or
12 additional interviews with other subjects.

13 Q And so when you get important information, is it
14 safe to say it's part of a good investigation to do
15 the appropriate follow-up?

16 A True.

17 Q And Brandon Myers gave, I guess it's Sergeant
18 Duby-Gritzuk, some important information. Fair to
19 say?

20 A He gave some relevant information, sure.

21 Q So what did you-all do to follow up on that?

22 A Well, at that point in time in the
23 investigation, we were looking at the evidence we
24 had presented in front of us; SLED'S submissions
25 and the items of evidence that we wanted to

1 submit, further cell phone analysis reviews,
2 additional reviews with family members at that
3 point.

4 Q So you thought that evidence was comparatively
5 more valuable than the evidence from Brandon Myers?

6 A Yes, sir.

7 MR. KENT: Your Honor, may I approach?

8 I believe that allows me to get it in.

9 THE COURT: I'm not going to argue anything
10 solicited to the bench. I need to make sure it's on
11 the record.

12 MR. KENT: I just wanted to get into the
13 statement that Brandon --

14 THE COURT: I need to take it up in
15 camera.

16 MR. KENT: Okay, that's fine.

17 THE COURT: He's still not going to be
18 able to repeat what he said. It's hearsay.

19 MR. KENT: Well, I think at this point --

20 THE COURT: If you want to talk about
21 what he said, you call him as a witness.

22 MR. KENT: I think it goes to the quality
23 of the investigation at this point, Judge.

24 THE COURT: Hearsay. I'll take it in
25 camera.

1 MR. KENT: Judge, I can accept that. I
2 won't ask.

3 THE COURT: No, I don't want you saying
4 it in his own way. I need a proffer in order
5 to ask him the questions. And we can do it last
6 if you want. You can ask those questions last.

7 MR. KENT: I don't want to interrupt
8 him.

9 BY MR. KENT:

10 Q So to get back to information that was given by
11 Brandon Myers, and without getting into what was said,
12 you-all decided not to follow up on that?

13 A We had other leads that we are pursuing that
14 we deemed more importance.

15 Q Did you ever go back and check on them if those
16 leads were done?

17 A No, sir.

18 Q Do you know what a geofence warrant is?

19 A Absolutely. Yes, sir.

20 Q How does a geofence search warrant work?

21 A So layman's terms, a geofence search warrant,
22 how that operates is that a consumer-based --
23 everyone goes through it, but many providers such
24 as Yahoo use the same thing. It's for, in terms
25 of business, identifying a demographic area

1 through customer searches. So you have your cell
2 phone and your search for gray shoes, what you
3 notice is, on our phone after that search, you
4 keep seeing searches for gray shoes on your phone.
5 And what that is, that's cellular-based data
6 that's retained by a given company for the purpose
7 of sales purposes later on.

8 And what that data reveals through your
9 device is potential phone number and phone information
10 data that can be sought after by law enforcement from
11 such a company.

12 Q Those companies store the location of that data.
13 Not that you were searching for something, but where
14 you were, your location and when that search occurred.

15 A Cell phones are a very scary thing, yes,
16 sir.

17 Q Plus, it's not your cell phone. It's Google,
18 right? It's a third party holding that data?

19 A That's correct.

20 Q So if you are searching for something, or your
21 phone, in the background, is wanting to know where you
22 are in a Google map, Google is storing that
23 information whether you know it or not. Fair to
24 say?

25 A Depending the settings on your phone, yes,

1 sir.

2 Q And so a geofence warrant says to Google, I want
3 to know all of the phones that were using Google from,
4 say, 1:15 to 1:45 a.m. on November 16th of 2019.

5 A It's a little bit more complicated than that,
6 but, yes.

7 Q Tell me what it does.

8 A So, geofence search warrants are a very
9 labor-intensive action to take. My experience
10 with Google is that it comes in two stages. Okay?
11 The stage one search warrant, what you do is, you
12 get in GPS location. I want to search here, this
13 date and time within these boundaries. Okay? You
14 provide that to that service provider and they
15 initiate a search for that area for that target
16 information. That target information is
17 encrypted. It needs to be imbedded. It needs to
18 be reviewed.

19 And in doing that, you have to go find a
20 target number of interest, and then initiate a thing
21 called a stage-two search warrant. And in that
22 phase -- within that encrypted data, okay -- as to
23 not, kind of, get into the convoluted things of it --
24 it does a search for that account information which is
25 to be -- which can be used as an investigative lead.

1 Not evidence because you still have to follow up with
2 it at that point.

3 And it should be noted that with the
4 Google geofence there was case law that was being
5 reviewed at that time. In 2023, that's when that
6 case law actually came out in the state of
7 Virginia. So it was not seen as an investigative
8 step in this case for that reason, because it was
9 under review at that point.

10 Q So you're trying to say people weren't doing
11 geofence warrants in 2019?

12 A I was not, no, sir.

13 Q Other people may have been?

14 A May have.

15 Q And you didn't do any in this case?

16 A I did not.

17 Q You're telling me it was just a lot of work. Fair
18 to say?

19 A No. It was, we knew we had a cell phone
20 number in which to look at and I didn't want to
21 look at a pool of information and violate the
22 expectation of privacy of many people in order to
23 find something I know I already had in front of
24 me.

25 Q So basically you made up your mind. You had it

1 made up. And you didn't look at anything else like a
2 geofence warrant?

3 A Geofence is not going to be very helpful in
4 this case.

5 Q Because you already made up your mind, right?

6 A No, because we had evidence to suggest that
7 the defendant, his cell phone, was of interest.

8 Q So there were -- he had three cell phones, right?

9 A Yes, sir.

10 Q And Apple iPhone 5 or an S and a 6, right?

11 A An Apple iPhone 5 and Apple iPhone 6.

12 Q And then also an Android and an Accutel phone.

13 A Relative, yes.

14 Q The iPhone 5 and iPhone 6 were keeping GPS data,
15 right?

16 A If they had a cellular connection.

17 Q Are you aware of the GPS data that came off those
18 phones?

19 A Yes, sir.

20 Q And that GPS data -- not talking about towers that
21 they are connected to, very definitely CAST, right?

22 A Yes, sir.

23 Q GPS data that gives you longitude, latitude down
24 to the yard, foot, of where somebody might have been,
25 right?

1 A Yes, sir. It's called WIFI location device
2 data.

3 Q Did you review the -- let me call it GPS data, the
4 WIFI device data that showed where the two iPhones
5 were?

6 A Yes, sir.

7 Q They were in North Charleston at the time of the
8 shooting, right?

9 A Accurate to the street, yes, sir.

10 Q So the two phones that you got from the
11 defendant -- and I don't think you said this in your
12 direct, but the two phones that you got from this
13 defendant were showing that he was at Acabee or
14 Sorenttrue, the house that was searched, around 1:30 at
15 the time of the shooting, right?

16 A Right. But it also should be noted, and kind
17 of add to, the third cell phone that the defendant
18 had.

19 Q And you did not do any analysis on that. That was
20 CAST, right?

21 A Yes, sir.

22 Q So do you have somebody you would defer to on
23 that? Not your area of expertise?

24 A I get the report. That's about it.

25 Q Again, somebody else's statement and not your area

1 of expertise?

2 A Sure.

3 Q Let me ask you about these search warrants, and I
4 guess we'll talk a little bit about CAST too.

5 So how many search warrants did you get
6 before you realized the law was different and you had
7 to redo them.

8 A According to my memory, off the top of my
9 head, we renewed the search warrants that we
10 initially got.

11 Q What do you mean by renewed?

12 A So what I mean by renewed is the search
13 warrants that I got signed by a judge before this
14 case law was put into effect, I was able to pass
15 along, and in the insistence of the investigation,
16 Detective Tanya Duby took those same warrants and
17 then proceeded to meet with the general sessions
18 judge who has higher authority to issue and
19 authorized such a search for the same data.

20 Q What you say "renewed," renewed seems to me that
21 you took the first one that you presented. You didn't
22 do that. You rewrote it, right?

23 A It's the exact same warrant. It's a
24 different affiant and different judge.

25 Q Right. But different piece of paper, different

1 return. The return was filled out for the first ones,
2 right?

3 A Oh, absolutely. Yes, sir. It is.

4 Q What are the dates -- what are the separation of
5 dates between those two times?

6 A I have to refer to my report. What I can see
7 from my report would be July 19th of 2020.

8 Q That was the first one. When was the second
9 one?

10 A That was the second one, sorry. You need the
11 initial --

12 Q Yeah, I just want to know the time that elapsed
13 between the two warrants, I guess.

14 A I have -- excuse me. The device downloads
15 were going to be November 19th.

16 Q So, late November?

17 A Yes. Around that time, because that would
18 have been of importance.

19 Q Let's just go with mid-November, seven months.

20 A I got it right here. Sorry. November
21 18th.

22 Q So seven months more or less?

23 A More or less, yes, sir.

24 Q So let me ask you this: You are, sort of,
25 generally familiar with cell phone companies. Is it

1 safe to say that their technology constantly
2 evolves?

3 A Of course.

4 Q Did you compare the data that you received from
5 the cell phone companies from the first warrant with
6 the data you received from the second warrant?

7 A I have -- looking at it, I reviewed it and it
8 did not change.

9 Q Did you compare the two?

10 A Very briefly.

11 Q So you get what's called CDR, call detail records.

12 A Sure.

13 Q Were all of the columns the exact same?

14 A I can't off the top of my head recall at this
15 point.

16 Q And a lot of CDR records, call data records,
17 include longitude and latitude data about the location
18 of a tower; is the correct?

19 A This service tower in relation to the call,
20 incoming and outbound calls.

21 Q So do you know what you've reviewed if the
22 longitude and latitude data for the towers was the
23 same? Because towers are being built all the time,
24 fair to say?

25 A Yeah, added on to. Yes, sir.

1 Q Correct. So let's say in November, a tower was
2 one place, but then in July they built three more, do
3 you know -- if the records reflected in November and
4 July, if those records were the same or different?

5 A Those records would have remained the same
6 because cell phone companies retain data for a
7 certain amount of time. In this case, T-Mobile
8 retains it for a year.

9 Q Did you do any comparison of the records to
10 confirm that?

11 A No, sir. Because there's a letter of
12 authenticity from T-mobile for that reason, to
13 ensure that the data they provided was the same,
14 sort of, data we received previously.

15 Q So based on the information you obtained, which
16 set of data did you send to CAST agents?

17 A We sent the initial data and we followed up
18 with a second set of data at that point.

19 Q Do you have those records with you today?

20 A No, sir, I don't. I don't. No, sir.

21 Q I want to talk a little bit more about search
22 warrants then. You talked about getting search
23 warrants, I guess, through the iPhone 5 and the iPhone
24 6, right?

25 A Yes, sir.

1 Q And you talked about getting a search warrant for
2 the flip phone, the Accutel.

3 A Yes, sir.

4 Q And you executed those search warrants?

5 A Yes, sir.

6 Q I think it's come up in this trial before and
7 you've been in here. But text messages are a critical
8 tool to your investigation. Is that fair to say?

9 A It can be a part of it depending upon if it
10 was used.

11 Q Correct. But you would want to look.

12 A Sure.

13 Q That's why you do search warrants?

14 A Yes, sir.

15 Q To ascertain the contents in it.

16 A Uh-huh.

17 Q So you obtained search warrants for those three
18 devices?

19 A Yes, sir.

20 Q Has anybody shown you those reports at all in this
21 case?

22 A I do not have them in front of me.

23 Q I mean, when you testified, nobody gave them to
24 you, right?

25 A No, sir.

1 Q And what other search warrants or devices were
2 done? What other electronic devices did you do?

3 A Let's see. For devices or cellular provider?

4 Q Let's just go with devices, so the phones
5 themselves?

6 A I did do a search warrant for Miss Latia
7 Alston's phone.

8 Q For her phone number?

9 A For phone records.

10 Q Why didn't you do a subpoena for her phone if
11 you're doing the phone records?

12 A Because at the time that I interviewed Latia
13 Alston, you got to understand she was burying a
14 husband at that point in time, and I had no reason
15 to believe her to be a suspect in the
16 investigation. And by getting the cell phone
17 records from the cell phone company, I felt that
18 more prudent as that could offer the information
19 that I was seeking to begin with.

20 Q Let's get back to what the search warrant is,
21 though. And I think you were here when I asked the
22 other witnesses about this.

23 Search warrants are for probable cause to
24 find evidence of a crime, right?

25 A Yes, sir.

1 Q And you obtained a search warrant for Latia
2 Alston's third-party provider records, meaning it
3 takes T-Mobile -- or T-Mobile to tell you about her
4 phone, right?

5 A Yes, sir.

6 Q So, obviously, in that context, you told a judge,
7 I think on two occasions at this point, that you
8 expected to find evidence of a crime in those records.

9 A Evidence in relation to a crime, but not
10 evidence of a crime she committed. And what I
11 mean by that is, Miss Latia Alston is the wife to
12 the victim in this case, David Alston.

13 We were hoping to see if there was any
14 information, maybe, perhaps that would have been
15 missed through our thorough investigation. We did not
16 know at that point in time that David had called
17 Miss Latia, or if he had texted Miss Latia prior to
18 this unfortunate incident happening. And for those
19 reasons, we wanted to confirm if that was not the
20 case.

21 Q To confirm what exactly?

22 A To confirm if there was any communication or
23 no communication between Latia Alston and the
24 decedent, Mr. Alston.

25 Q Did you get cell -- off of the provider records,

1 did you get text message content?

2 A No.

3 Q So you wouldn't know the content of communications
4 from the records you got, right?

5 A Well, you could see phone calls, incoming and
6 outgoing phone calls. T-Mobile does not maintain
7 text message records.

8 Q So when you say you went to get the communications
9 between her and other people, it would have been a lot
10 easier to just get it from her phone and the text
11 messages, right?

12 A So when we interview her actually at 180
13 Lockwood Boulevard, she actually produced her cell
14 phone, in the assistance of the investigation,
15 providing phone numbers that we could use. So she
16 offered that ability.

17 Q And you didn't do that?

18 A We did.

19 Q So let's get back to devices that you searched.
20 We talked about the two iPhones and the Accutel flip
21 phone.

22 A Yes, sir.

23 Q What other device did you have that you searched
24 or didn't search, I guess?

25 A We had --

1 Q How about David Alston?

2 A Yeah, David Alston's two cell phones. Those
3 were picked up. I obtained search warrants and
4 those cell phones were dropped off at the
5 Charleston County Sheriff's Office with the United
6 States Secret Service Task Force, and that would
7 be Deputy Paul McManigal.

8 Q Do you have copies of those warrants with you?

9 A No, I do not.

10 Q Are you sure those were searched?

11 A I don't have it in front of me.

12 Q Did you maybe not have searched them and you don't
13 remember?

14 A I don't know if we had the ability to even
15 get into them now that I remember because with
16 actually one, when we spoke to Miss Alston, we
17 were actually hoping to see if she knew the
18 passcode to some of them.

19 Q So you said you searched them, but you're not
20 sure?

21 A I'm not certain.

22 Q We talked about the importance of text messages
23 and your respect for Miss Alston, but obviously you're
24 not going to offend anybody looking at David Alston's
25 phone, right, or searching that?

1 A No. But we did get his cell phone records to
2 review them so we could see relatively phone
3 information. I would be nice, but cell phone
4 records can produce some information.

5 Q Again, not the content of the text messages, but
6 just the existence of the communication. Meaning, it
7 will show a text went in, but it won't show what was
8 said.

9 A Right.

10 Q And could have found these text messages if you
11 had done a search warrant on his phone.

12 A If we could have gotten into it.

13 Q So you have gotten in -- you got in all the other
14 iPhones at the time, but not those two?

15 A Yeah. That's why we had to reach out to the
16 Charleston County Sheriff's Office to assist with
17 that. They had GrayKey software in order to -- as
18 to not, kind of, talk over your heads -- some
19 software to brute force into a cell phone if you
20 do not have a passcode.

21 Q And your testimony right now is that you had done
22 that with David Alston's phone, you ended up calling
23 McManigal?

24 A Those cell phones were submitted to the
25 sheriff's office by Detective Tonya Duby-Gritzuk.

1 Q And I guess you wrote a lengthy report in this
2 case, right?

3 A Yes, sir.

4 Q Did you indicate anywhere in your report that you
5 couldn't access it or that nobody could use brute
6 force to access David Alston's phone?

7 A No, sir.

8 Q So that's just off your recollection?

9 A That's off my recollection. I don't see a
10 report where I document that. No, sir.

11 Q So let's get back to, I guess, the device. I know
12 there's a lot of them. We talked about the
13 defendant's devices, which you made the effort to
14 access the iPhones and the flip phone. We talked
15 about Latia Alston's. What about Gladys Singleton's?
16 She gave consent and that was searched, right?

17 A Yes, sir.

18 Q And a lot of that -- I don't know if you were here
19 the first day, but a lot of that evidence was brought
20 in to trial, right?

21 A I wasn't here the first day in the trial.
22 It's a long drive from Atlanta.

23 Q So that phone was served, but not Latia Alston's
24 and not David Alston's, as far as you know.

25 A Latia Alston's cell phone records were

1 searched.

2 Q And now on cell phone records, when I say records,
3 we're talking about subscriber records, provider
4 records?

5 A Yes, sir.

6 Q Did you do that for David Alston?

7 A I don't believe -- I can't remember off the
8 top of my head if that was the case or not. We
9 had communication from Miss Singleton. We could
10 see that he had called her. And specifically, in
11 speaking with Miss Latia, she provided the two
12 phone numbers which he would have used at that
13 point.

14 Q So, basically, David Alston was found. His body
15 was located. There was two phones on him. You-all
16 didn't do anything with them. You can't get into the
17 phone. You're not sure if you're going to try. You
18 don't get any kind of tower records.

19 A I would not define it as not doing anything
20 with them. They were dropped off at the sheriff's
21 office for brute force extraction, which may or
22 may not be successful. It just depends on the
23 device and the software.

24 Q Do you recall if you gave the GPS location data
25 from the two iPhones to the CAST expert?

1 A Let me refer to my report real quick. The
2 information for the [REDACTED]-4172 number, I know
3 for certain was provided.

4 Q You can't tell if the other two iPhones were
5 submitted to the expert in this case?

6 A I think the [REDACTED]-4172, off the top of my
7 head, is all I can see in my report that was
8 submitted.

9 Q So just gave them one of the three; is that right?

10 A Sorry?

11 Q You just gave them one of the three?

12 A Yes, sir, the most relevant phone.

13 Q So as far as some other things in this case, I
14 want to make sure we're covering everything. There
15 was clothing located at the house; is that right?

16 A I was not at the house at the time of the
17 search, but it's my understanding some clothing,
18 yes, was recovered.

19 Q Was that submitted to SLED to determine whether
20 there was gunshot residue on the clothing?

21 A So when I refer to my report, I have a SLED
22 request. What a SLED request is, is a request on
23 behalf of an agency to test items of evidence in
24 relation to the crime. And the guidelines for
25 some of that is that it has to be a certain

1 amount. You understand SLED, due to their
2 workload, cannot take a lot of evidence. You have
3 to send things of priority off to an agency to
4 exam.

5 And, in this case, I did complete a SLED
6 request form, yes, sir.

7 Q Did you request a DNA testing as well?

8 A I requested GSR, firearms examination -- I'm
9 sorry. GSR is gunshot residue, as well as some
10 clothing items and projectile fragments. That's
11 in my report.

12 Q How about DNA off of clothing to see if the blood
13 came from the victim?

14 A I don't have it noted in here, but that would
15 have been one of the purposes to send. Or maybe,
16 perhaps, GSR. I can't recall off the top of my
17 head.

18 Q Well, whether you requested it or not, do you
19 recall any DNA coming back from the clothing?

20 A Did I find any DNA?

21 Q Well, did SLED or anybody else in the
22 investigation that you supervise?

23 A By the time that this lengthy laboratory
24 process which I can't testify to how long the wait
25 is or how they perform the tests, it's typically

1 not next day.

2 By this point, I was actually getting close
3 to my tenure at the Charleston Police Department and I
4 was actually set to leave for promotion purposes. I
5 got promoted at that point to a patrol sergeant and
6 then later left for the Georgia Bureau of
7 Investigation. So any information when it comes to
8 laboratory testing, I am not familiar with.

9 Q Who took over the case for you?

10 A The case would have reassigned to the violent
11 crime unit. Who they would have assigned to the
12 case, I'm uncertain of that.

13 Q Did it assigned to anybody?

14 A I believe it might have been maybe reassigned
15 to Detective Gritzuk, or perhaps the supervisor.
16 I'm not sure. I was gone at that point.

17 Q And that person would have been responsible for
18 requesting DNA testing?

19 A Well, if we want to talk about ownership of a
20 case as a case agent, if something does or does
21 not get done, it's on the case agent. So if
22 something in this case in regards to testing did
23 not get done in my time with the law enforcement
24 agency, it would fall on me.

25 Q Well, you know, to be fair, it didn't get done

1 because you just weren't there to request it, right?

2 A I was not there.

3 Q Had you been there, you probably would have

4 requested it?

5 A Absolutely, yes, sir.

6 Q It didn't happen here.

7 A Not that I can see in my report.

8 Q I don't want to get into what was said, but you

9 talked to Mario Robinson, right? Or Mariel. He goes

10 by Mario.

11 A Yes, sir.

12 Q He talked to you about phone calls with the

13 defendant, with Al Young, right? Had he talked with

14 Al at different times?

15 A Initially, yes, sir.

16 Q Did you ask him to look at his phone or did you

17 ask him to download his phone to confirm anything that

18 he said about the defendant?

19 A We had, through the examination of the

20 defendant's phone, phone number call history

21 records for Mario. So we knew their

22 communication.

23 Q You're confident that Celebrite, which is a

24 download software, gets all of that data?

25 A It can get a good majority of data. It

1 depends on the system, and I can't testify to how
2 the software operates.

3 Q So let's explore that before you -- for your
4 competence. Cellebrite is a software that's used for
5 downloading data off phones, right?

6 A Yes, sir.

7 Q And it's not perfect?

8 A Nothing is.

9 Q It's not fully complete?

10 A Nothing is.

11 Q And it's also a good practice for an analyst to
12 use multiple types of software on a device to make
13 sure that it can cross-reference and get a more
14 complete picture of the device, correct?

15 A We found the information that we were hoping
16 to glean from the investigation from that phone,
17 specifically Celebrite, so we didn't see a need or
18 an effort. And our resources were essentially
19 positioned for Cellebrite software. Had there
20 been another software out there that existed, I'm
21 sure we would have explored it at that point.

22 Q I guess what I was getting at was, if you're
23 missing some data, you may have been able to get that
24 data from Mario's phone, for instance.

25 A The defendant in this case is Algernard

1 Young.

2 Q Right. But I guess what I'm saying is, if he gave
3 you relevant evidence, you may have been able to find
4 it off his phone rather than just relying on the
5 Celebrite data from Algernard Young's phone?

6 A Through the interview of Mario, I got what I
7 need.

8 Q So you just didn't -- you just decided not to do
9 that?

10 A I didn't see the relevance at that point.

11 Q As far as the clothing that was seized at the
12 house, were you able to tell whose clothing it was?

13 A I was not present at the time of the
14 search.

15 Q Do you know Mr. Young has a brother that lives
16 there that's about the same size?

17 A I was not present. Again, that search would
18 have taken place before the time that I was
19 actually case agent. I got assigned that Monday,
20 November 18th.

21 Q Just to get back to some of the basic questions
22 that I asked before. Just to reiterate, at the end of
23 this, you didn't have any eyewitnesses who saw who
24 shot David Alston, is that fair to say?

25 A We just had multiple people that were at the

1 scene, but, no, sir.

2 Q One final question: Did you learn through your
3 investigation that Al Young may have been visiting a
4 junkyard or a salvage yard earlier in the day?

5 A Yes, sir, through the interview with Mario,
6 who say he may or may not have been with Mario --
7 or, excuse me, with the defendant at that time.

8 Q Did you backtrack or check and see if he had gone
9 to that location?

10 A That time frame would have been well before
11 the time frame of the murder. I believe it would
12 have been early to midday at that point.

13 Q So you have no opinion as to whether he would have
14 been handling brake pads, or brakes, or anything like
15 that?

16 A No, sir. That, I would not.

17 Q There was --

18 MR. KENT: May we approach, Your Honor?

19 I just want to proffer that information.

20 THE COURT: Just let me know.

21 MR. KENT: We'll just do that.

22 THE COURT: Ladies and gentlemen, I have
23 a brief matter of law to take up with counsel.
24 During this break, please do not discuss the case
25 and please leave your notepads in your seats. We

1 your testimony with anybody.

2 (A break was taken from 4:00 p.m. to 4:14 p.m.)

3 THE COURT: All right. Are we ready to
4 proceed? Is the State ready to proceed?

5 MS. BALDWIN: Yes, ma'am.

6 THE COURT: Please bring in the jury.

7 (Jury enters the courtroom at 4:36 p.m.)

8 THE BAILIFF: All jurors present, Your
9 Honor.

10 THE COURT: You may be seated.

11 Ladies and gentlemen, we appreciate your
12 patience. We will now resume the testimony of the
13 witness.

14 Mr. Williams, you may proceed.

15 MR. KENT: No further questions. Thank
16 you.

17 THE COURT: Any redirect of the witness?

18 MS. BALDWIN: Briefly, Your Honor.

19 THE COURT: You may proceed.

20 REDIRECT EXAMINATION

21 BY MS. BALDWIN:

22 Q Agent Richardson, there was some mention of some
23 clothing that you did a SLED submission for?

24 A Yes, ma'am.

25 Q And what was that clothing?

1 A Let's see here. Excuse me while I refer to
2 my report.

3 Q That's fine.

4 A They found 14 items of evidence to include
5 GSR, or gunshot residue kits. The Ruger handgun
6 that was owned by Miss Singleton. Clothing that
7 was taken upon the defendant's arrest to include,
8 what I have noted, a vest and a sweater.
9 Subsequent GSR kits taken of the Toyota sedan,
10 fired cartridge casings, basically shell casings
11 from a fired bullet. Lead fragment as a result of
12 the discharge of a bullet. Of course it doesn't
13 maintain its integrity. GSR kit for the decedent
14 Mr. Alston. I got Nike shoes, a baseball cap, a
15 black t-shirt, and several projectile fragments
16 that were obtained following the autopsy of the
17 decedent, and that's Mr. Alston.

18 Q So, specifically though, it was a vest and a
19 sweater that were taken from Mr. Young when he was
20 arrested, correct?

21 A Yes, ma'am.

22 Q And when was he arrested?

23 A That would have been that night of November
24 16th of 2019.

25 Q Are you familiar with what time?

1 A Not off the top of my head, no, ma'am.

2 Q Was it immediately after the incident occurred?

3 A It was following the interview with Detective
4 Sergeant Paul Krasowski.

5 Q Okay. And are you aware of any other clothing
6 that was photographed or collected as part of the
7 search warrant?

8 A There would have been, to my understanding of
9 this case, there was some clothing that was seized
10 pursuant to a search warrant.

11 Q Okay. Do you recall what color that clothing
12 was?

13 A Black.

14 Q And was it wet or dry?

15 A I was not there. I couldn't ascertain if it
16 was wet or dry.

17 Q Okay. And I believe you were asked about
18 submitting some phone numbers on a CAST report. I'm
19 sorry. I said a CAST report. Submitting some for a
20 CAST analysis.

21 A Yes, ma'am.

22 Q Okay. And what phone numbers were those?

23 A It was one. If you'll excuse me, I don't
24 have the numbers in front of me. Target number
25 [REDACTED]-7985, and then also [REDACTED]-4172.

1 Q And those numbers were plotted?

2 A Yes, ma'am.

3 Q And did you have the opportunity to review those,
4 that report?

5 A Yes, ma'am. I believe what was plotted
6 specifically was the [REDACTED]-4172 number, yes,
7 ma'am.

8 Q And do you recall anything regarding where that
9 phone number was pinging at the time of the
10 incident?

11 MR. KENT: Your Honor, object to the
12 hearsay.

13 THE COURT: Please approach. What part
14 of his answer is hearsay?

15 MR. KENT: She's asking him to testify to
16 the content of the cast report that shows where
17 the phone was pinging. He didn't do that.

18 THE COURT: Did he create that report?

19 MS. BALDWIN: He did not.

20 THE COURT: Then he can't testify about
21 it.

22 All right. Sustained. Sustained,
23 hearsay, lack of foundation.

24 MS. BALDWIN: Court's indulgence.

25 THE COURT: Yes, ma'am.

1 BY MS. BALDWIN:

2 Q Agent Richardson, if any clothing had been washed,
3 would there have been -- would you have submitted it
4 for analysis?

5 A No, ma'am.

6 MS. BALDWIN: No further questions.

7 THE COURT: Any exception -- well, I
8 guess, is he remaining with us or does he need to
9 be excused?

10 MS. BALDWIN: He is remaining with us.

11 THE COURT: Okay. Sir, you may step
12 down.

13 THE WITNESS: Thank you.

14 THE COURT: You can call your next
15 witness.

16 MS. BALDWIN: Thank you. The State calls
17 Luke Spratt.

18 THE CLERK: Please raise your right hand.
19 Do you swear or affirm the testimony you shall
20 give the Court and the jury in the trial of this
21 case the truth, the whole truth, and nothing but
22 the truth so help you God?

23 THE WITNESS: I do.

24 THE CLERK: Please be seated. Please
25 state your full name spelling your last name

1 directly into the microphone.

2 THE WITNESS: Luke Spratt, S-p-r-a-t-t.

3 THE COURT: You may proceed.

4 WHEREUPON:

5 LUKE SPRATT,

6 after having been sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. BALDWIN:

9 Q Is it CSI Spratt? Is that what I should call you?

10 A Sure.

11 Q Where do you work?

12 A I work for the Charleston Police
13 Department.

14 Q And I think we, kind of, covered this, but what is
15 your job there?

16 A I'm a master crime scene investigator and
17 IBIS specialist.

18 Q And how long have you worked there?

19 A Eight years.

20 THE COURT: Could you give us the acronym
21 that you used there?

22 THE WITNESS: Yes, ma'am. IBIS is the
23 Integrated Ballistic Identification System.

24 THE COURT: Thank you. You may
25 continue.

1 BY MS. BALDWIN:

2 Q So what are your duties?

3 A So we respond to crime scenes throughout the
4 city of Charleston, document them through
5 photography, process for evidence, collect
6 evidence for laboratory analysis.

7 Q Did you respond to a crime scene at 78 Ashley Hall
8 Plantation Road on November 16th of 2019?

9 A I did.

10 Q And what did you do when you arrived?

11 A I met with crime scene investigator Miller
12 who was the first on scene for crime scene
13 investigations. He requested assistance with the
14 scene. And then I took over the duties of
15 sketching and measuring the scene, as well as some
16 secondary evidence; searching and fingerprint
17 processing of a vehicle on scene.

18 Q And which vehicle was that that you processed?

19 A The victim's vehicle is a Chrysler 300.

20 Q Okay. Were there any results from that?

21 A No, I did not obtain any fingerprints from
22 the exterior of the vehicle.

23 Q Is that common or uncommon?

24 A It just depends. There's a lot of factors,
25 obviously who touched it. Fingerprints are left

1 from secreting oils, and some people don't secrete
2 oils as much as others. Some surfaces can be
3 prohibitive to that. Whether conditions, things
4 like that.

5 Q You mentioned weather conditions. What were the
6 weather conditions that evening?

7 A I believe it rained earlier. Some of the
8 surfaces around were wet. The parking lot was
9 wet. At that time, it was not raining when I was
10 there, but windy overcast.

11 Q Okay. Did you do anything else at the scene?

12 A I was called to another area, it's another
13 apartment complex entrance to collect a GSR kit.

14 Q And who did you collect that from?

15 A Algernard Young.

16 Q Describe for the jury the process of collecting a
17 GSR kit.

18 A Sure. So we purchase a premade kit that our
19 State lab requests that we use. Inside the kit
20 are two round cylinders. We open that cylinder.
21 Inside is an adhesive surface. So we take one for
22 the left hand, one for the right hand, and that
23 adhesive surface is dabbed around an
24 individualized surface. They are then put back in
25 the envelope and sealed and submitted for analysis

1 as requested.

2 Q And what did you do with that kit when you were
3 done with it?

4 A It would have been sealed, labeled
5 Mr. Young's name and information, and then it
6 would have been put in our record management and
7 submitted to our evidence section.

8 Q And so, are -- your evidence section is that a
9 secured facility?

10 A Yes, ma'am.

11 Q Did you tamper with that kit in any way?

12 A No.

13 Q What was your next involvement with the case?

14 A Later in the day, I received a signed search
15 warrant for a vehicle that was secured at the
16 crime scene office.

17 Q And what vehicle was that?

18 A The Toyota Camry.

19 Q Do you recall the year?

20 A 1996 Toyota Camry.

21 Q And what was the tag number?

22 A I was South Carolina tag RDN997.

23 Q Was that search done as a result of a search
24 warrant?

25 A Yes.

1 Q Okay. And so what did you do with that?

2 A So, took overall photographs of the vehicle
3 and the conditions that it was secured in at our
4 crime scene office. The exterior and interior of
5 the vehicle. Then searched for the evidence that
6 was described in the search warrant.

7 Q What, if anything, did you observe about the
8 interior for the car?

9 A It was fairly empty. There were a lot of
10 belongings inside. I believe I also noted some
11 damage to the exterior and interior being an older
12 vehicle.

13 Q Was there anything unusual about the emptiness of
14 it.

15 A We see varying levels of, you know, amounts
16 of stuff in people's cars. It's not super
17 uncommon for it to be empty.

18 Q Okay. I'm going to put some photos up on the
19 screen in front of you. These have all already been
20 admitted. First of all is State's 30. Just as I'm
21 putting them up, just walk us through.

22 A Yes.

23 Q What is this?

24 A This is a photo card. So we take this before
25 we start any scene or secondary scene just to

1 identify the time that it was started, you know,
2 whose doing it and location and that kind of
3 thing.

4 Q And State's 31?

5 A So this is the passenger side of that Toyota
6 Camry secured in our crime scene office bay at
7 that time.

8 Q State's 32?

9 A This is, kind of, a front angle towards the
10 hood on the passenger side of the vehicle, same
11 vehicle.

12 Q 33?

13 A This is front hood on driver's side of the
14 vehicle.

15 Q 34.

16 A This is the front fender area of the vehicle
17 on the driver's side.

18 Q And 35?

19 A This is the rear driver's side and the trunk
20 area of the vehicle.

21 Q So basically you're just going around the car
22 taking pictures?

23 A Correct. We have to fully document the
24 entire car, its condition all around.

25 Q State's 36?

1 A So this is then starting the interior of the
2 vehicle. This is the inside of the front driver
3 side door panel.

4 Q And 37?

5 A And this is the inside of the vehicle through
6 the front driver area.

7 Q 38?

8 A Just a slightly lower shot to include the
9 floor board of the front driver area.

10 Q 39?

11 A This is the back seat from the passenger's
12 side of the vehicle.

13 Q 40?

14 A This is the inside of the front driver -- or
15 sorry. Front passenger side of the vehicle and
16 the floor board there.

17 Q And then 41?

18 A So this is paperwork that was found inside
19 the vehicle. So this is an insurance
20 identification card for the vehicle.

21 Q And does it say who owns the insurance?

22 A Robert Lee McWhite.

23 Q And State's 42?

24 A This is a South Carolina DMV registration for
25 the vehicle, also in the name of Mr. McWhite.

1 Q Okay. What did you do after photographing the
2 vehicle?

3 A When I searched through for evidence that was
4 requested, in this case it was documented such as
5 any blood stains, clothing, phones, electronic
6 devices, firearms, accessories and GSR. I was
7 requested to do GSR on the vehicle. I realized
8 the same kit. So it has two stubs inside, so they
9 were collected from two areas of the driver area,
10 which is the steering wheel and the gear shift of
11 the vehicle.

12 Q Okay.

13 A Sorry. And the driver's side door.

14 Q And the driver's side door. Why did you swab
15 those particular areas?

16 A So with the kit, I would have usually been
17 given the info that, obviously, the driver of the
18 vehicle is the interest in that case. We also are
19 looking for the most probative areas, so someone
20 that would have driven that vehicle would have
21 touched the steering wheel, the gear shift, and
22 the driver door.

23 Q And does that GSR collection from the car, does
24 that differ from collection from a suspect, from a
25 person?

1 A No. It's the same cylinder adhesive. We
2 just label them where they were collected on the
3 surface versus the first one. You just dab across
4 the surface to collect any particles.

5 Q Okay. Let me show you what has been marked as
6 State's exhibits 54 and 55. Can you tell me what
7 those are?

8 A These are three separate GSR kits. So one
9 would be the one I collected for Mr. Young and one
10 is from the Toyota Camry and the third one that
11 I'm not involved in.

12 Q So once again, the ones -- what did you do with
13 the one you collected from the car?

14 A It's the same process. It gets turned in to
15 our evidence section. They're logged in and given
16 to evidence personnel.

17 Q Did you have any -- what else did you do with the
18 car?

19 A Lastly, I use an alternate light source to
20 look for any blood stains in the vehicle as
21 outlined in the search warrant. So using an
22 alternate light source can help us visualize on
23 surfaces, possible blood stains. So I did find
24 two areas of interest. Those were then tested
25 with a field test, a chemical test, the test for

1 presumptive blood, but they both tested negative
2 so nothing was collected from them.

3 Q Did you find any firearms or firearm accessories
4 in the car?

5 A I did not.

6 Q Okay. What was your next involvement in this
7 case?

8 A On December 4th, I responded to the MUSC
9 pathology department to collect evidence from the
10 autopsy of Mr. Alston.

11 Q Did you obtain some projectiles then?

12 A I did.

13 Q Okay. From the autopsy?

14 A Yes.

15 Q And what did you do with those?

16 A They were weighed and measured, approximate
17 measurements, and then packaged and sealed and
18 submitted to our evidence unit as well.

19 Q Did you submit them using the same protocol as you
20 did with any other evidence?

21 A Yes.

22 Q I'm going to show you what has been marked as
23 State's I believe State's 59.

24 A Okay.

25 Q And are those the projectiles found at autopsy?

1 A Yes. These are projectile and fragments
2 there were collected from autopsy.

3 Q Okay, great.

4 MS. BALDWIN: Court's indulgence.

5 THE COURT: Yes, ma'am.

6 BY MS. BALDWIN:

7 Q Do you recall what time in the morning on the 16th
8 that car was secured, that Camry?

9 A It would have been taken directly from the
10 scene to our crime scene office and then secured
11 by one of us in the bay area. I don't have the
12 specific record of that time. It went directly
13 from the scene. We used Jennings Tow Company.
14 They would have been escorted by an officer to our
15 crime scene office and secured in the bay.

16 Q Okay.

17 MS. BALDWIN: I have no further questions
18 at this time.

19 THE COURT: Any questions for the
20 witness?

21 MR. KENT: Yes, ma'am.

22 THE COURT: You may proceed.

23 MR. KENT: Thank you.

24 THE COURT: You're welcome.

25 CROSS-EXAMINATION

1 BY MR. KENT:

2 Q Good afternoon.

3 A Hello.

4 Q So just some follow-up questions on what Miss
5 Baldwin just asked you. I want to start out with the
6 Camry. You talked about that you used a white light?

7 A An alternate light source.

8 Q Alternate light to look for blood stains?

9 A So we're looking at the stains. And, in this
10 case, blood stains was what was being looked for.
11 All the light sources can just help us visualize
12 any sort of stain.

13 Q And that would get you a pretty small level if
14 there were drops of blood or transfers or spots of
15 blood?

16 A Yes, it could. Anything that's still visible
17 by, you know, the human eye.

18 Q Is it safe to say -- you testified you didn't find
19 any kind of blood or blood transfer inside the
20 vehicle?

21 A I did not.

22 Q I want to ask you about next about GSR in general.
23 And obviously, you have to have some training to
24 understand where and how and what to look for to test
25 for GSR, is that fair to say?

1 A We are trained how to collect the evidence
2 for GSR.

3 Q Can you explain, at least to the extent you
4 understand, how GSR can be transferred?

5 A So GSR is gunshot residue. All that is very
6 small particles of different chemicals that are
7 left behind after a gun is fired. So the
8 particle -- that adhesive is there to just collect
9 those particles, just like really small particles
10 of dirt or things like that.

11 Q I guess using the dirt analogy, it's a little
12 fragile. It can be washed off. It can be rubbed off.
13 You know, it's going to adhere to different surfaces.

14 A It's a residue. It's very small. I mean,
15 it's smaller than dirt.

16 Q And at least one of your, sort of, better
17 practices, I would say, is to obtain GSR as soon as
18 possible after an item is expired or something similar
19 to that. Is that fair to say?

20 A So, SLED's requirement is that it's done
21 within six hours of an incident.

22 Q And that has to do with the fact that it can be
23 lost over time?

24 A Correct.

25 Q But there's a difference between, perhaps,

1 somebody who is moving around, sweating, touching
2 things with their hands, if they have it on their
3 hands, and how long it might last on a preserved
4 service such as a table or the interior of a car. Is
5 that fair to say?

6 A That's correct. So that time line effects --
7 that time line is for a living, moving person. It
8 can last on a surface a lot longer than that if
9 that surface is not disturbed.

10 Q And you don't have any opinion when you take a GSR
11 testing where the GSR may have came from?

12 A No, I wouldn't involved in that.

13 Q But you don't know whether it could have come from
14 touching a surface that had it on it, from touching
15 another person that had it on them, none of that is
16 part of your investigation or investigation?

17 A I wouldn't be able to inquire where something
18 came from before I got there.

19 Q So you don't know in this case -- well, I'll pass
20 that.

21 I want to ask you a little bit how you
22 swabbed for DNA in this case. I believe -- did you
23 swab one individual or two?

24 A I did not do any DNA in this.

25 Q I mean for -- I'm sorry. I said swab. Did you

1 test for gunshot residue? Did you test that at the
2 pathologist's office?

3 A I did not do any GSR testing. I collected
4 the GSR kit from Mr. Young in the vehicle.

5 Q So, I'm getting my words backwards.

6 You collected from the defendant Algernard
7 Young, correct?

8 A Yes.

9 Q And where was that?

10 A So that was still on scene. At the point, he
11 was detained on scene.

12 Q Could you tell at that point, or were able to tell
13 if anyone had touched his hands, law enforcement or
14 anyone else frisking him or cuffing him?

15 A I'm not aware. All I know is that he was
16 there and detained at that point.

17 Q Was he handcuffed?

18 A I don't recall specifically. I believe so,
19 if I were to use the word "detained."

20 Q And then when you collect -- or attempt to collect
21 GSR, what is the item you use?

22 A It's a little cylinder that they use on their
23 microscope system, so it kind of looks like a
24 small little pill bottle and then the top twists
25 off, and then underneath the twist top is a round

1 area that's adhesive.

2 Q And when you used that adhesive, where did you
3 check? When you say the hands, was it the front,
4 back, fingers, thumbs, was is it?

5 A So each cylendar, one is for the right hand
6 and one is for the left. So each one specifically
7 to that hand is done on the front and the back and
8 generally up to about the wrist area, which is
9 usually is where he expect to find a large
10 concentration.

11 Q As far as the vehicle itself, were you aware that
12 they run a K9 by the vehicle to check for firearms or
13 firearm evidence and accessories?

14 A I was not present for anything with the
15 vehicle before it got to our office.

16 Q I'm going to read from your report. Were you
17 aware that a K-9 bomb dog was requested to search the
18 vehicle for any firearm accessories?

19 A I apologize. So that was after the
20 conclusion of my search. When we have a search
21 warrant that's requesting firearms and fired
22 ammunition, a K-9 dog is called after our search
23 is complete.

24 Q And you don't know what those dogs hit on
25 specifically?

1 A I have no expertise in that.

2 Q As far as the fingerprinting, I think you said you
3 fingerprinted the white Chrysler that was at the
4 apartment?

5 A I did.

6 Q Did you fingerprint the red vehicle that was next
7 to it?

8 A I did not.

9 Q Why not?

10 A I was requested to process the victim's
11 vehicle at that point. Didn't have any reason to
12 believe that any of those other vehicles were
13 involved.

14 Q So no concern about whether there was a
15 confrontation, that somebody may have touched a car,
16 or leaned on a car, or done anything that was related
17 to you at all?

18 A That was not in my scope when I was there. I
19 was there to assist.

20 Q Who would have given you guidance on the scope of
21 your assistance?

22 A So, generally, it's between -- a contact that
23 we get from first responders on scene, and then at
24 that point, I would have been, under the direction
25 of CSI Miller who was on scene leading that scene.

1 I was there in assistance to them.

2 Q As far as fingerprints, you fingerprinted that
3 whole crime scene?

4 A I fingerprinted just that vehicle. That's
5 what was requested.

6 Q Okay. You wouldn't have responsible for trying to
7 take fingerprints off shell casings?

8 A No.

9 MR. KENT: No further questions. Thank
10 you.

11 THE COURT: Thank you.

12 Any redirect?

13 MS. BALDWIN: Just very briefly, Your
14 Honor.

15 THE COURT: You may proceed.

16 REDIRECT EXAMINATION

17 BY MS. BALDWIN:

18 Q You said the SLED window is six hours for a
19 person?

20 A Yes, for a living person.

21 Q What time did you swab Mr. Young's hands?

22 A It would be on a GSR kit specifically.

23 Q You can reference your report if you need to.

24 A It's written on the report on that kit, the
25 exact time that it was collected. Let me double

1 check if I wrote it in here as well. Oh, sorry.

2 So, 4:20 in the morning is when I responded.

3 Q 4:20 in the morning?

4 A Right.

5 MS. BALDWIN: No further questions.

6 THE COURT: Any objection to the witness
7 being excused from the State?

8 MS. BALDWIN: None from the State.

9 THE COURT: From the defense?

10 MR. KENT: No, Your Honor.

11 THE COURT: Sir, you're excused.

12 I take it the next witness would take us
13 beyond 5:00.

14 Madame Forelady, ladies and gentlemen,
15 we're going to take advantage of this break in
16 testimony to take our evening recess. During the
17 break, please do not discuss the case in any
18 manner whatsoever. Please do not watch, read or
19 listen to any media accounts about this case. I
20 would ask that you specifically guard yourself on
21 that instruction. I know that you-all are
22 incredibly observant and I'm sure that you
23 recognize that there were television cameras that
24 were here today. Although they are precluded --
25 you don't have to lose any sleep. They cannot

STATE OF SOUTH CAROLINA	)	The Court of General Sessions
	)	Ninth Judicial Circuit
COUNTY OF CHARLESTON	)	2023-GS-10-01947

THE STATE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	Transcript of Record
ALGERNARD D. YOUNG,	)	
	)	
Defendant.	)	
	)	
_____	)	

Charleston, South Carolina
June 8, 2023

B E F O R E:

The Honorable Deadra L. Jefferson

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

Ms. Jessica Baldwin, Esquire
Mr. Timmy Finch, Esquire
Attorneys for the Plaintiff

Mr. Shaun Kent, Esquire
Mr. Nathan Williams, Esquire
Attorneys for the Defendant

Lisa Carter
Circuit Court Reporter

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P-R-O-C-E-E-D-I-N-G-S

Thursday, June 8, 2024

(WHEREAS, this matter was scheduled for a trial, the plaintiff appeared along with their attorney of record. The defendant appeared along with his attorney. The proceedings began at 11:01 a.m.)

THE COURT: Are you ready?

COURT REPORTER: Yes, ma'am.

THE COURT: Is the State ready to proceed?

MS. BALDWIN: Yes, Your Honor.

THE COURT: Is the defense ready to proceed?

MR. KENT: We're ready, Your Honor. I apologize.

THE COURT: No worries. You can get the jury for me please, sir.

(Whereupon, the jury enters the courtroom at 11:03 a.m.)

THE BAILIFF: The jury is present.

THE COURT: You may seated. Good morning, ladies and gentlemen. I hope you all had a pleasant evening. We appreciate your patience with the delay this morning. We'll now proceed with presentation of the State's case, you may call your next witness.

MS. BALDWIN: Thank you, Your Honor. The State calls Tracy Thrower.

1 THE CLERK: Do you swear or affirm the testimony
2 you give shall give the Court and the jury in the
3 trial of this case, is the truth, the whole truth,
4 and nothing but the truth so help you God?

5 MR. THROWER: I do.

6 THE CLERK: Please be seated. Please state your
7 full name and spelling your last name directly in
8 the microphone.

9 MR. THROWER: Tracy Thrower, T-h-r-o-w-e-r,

10 THE COURT: You may proceed.

11 TRACY THROWER, first being
12 duly sworn, testified as follows:

13 **Direct Examination by Ms. Baldwin:**

14 Q. Is it Mr. Thrower, now, that I should address you
15 as?

16 A. Yes, ma'am.

17 Q. And previously did you go by a different title?

18 A. Previously on was a lieutenant, yes, ma'am.

19 Q. Okay. A lieutenant where?

20 A. At the South Carolina Law Enforcement Division in
21 the forensic services building in the Firearm and
22 Tool Mark Analysis Department.

23 Q. Are you retired now?

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

25 Q. And when did you retire?

T. Thrower- Direct Examination by Ms. Baldwin

6

1 A. March 31st.

2 Q. Of this year?

3 A. Yes, ma'am.

4 Q. Congratulations.

5 A. Thank you.

6 Q. So what did your duties entail when with SLED?

7 A. I spent my entire career working in the Firearm
8 and Tool Mark Analysis Department. The latter half
9 of that career, I was the supervisor of the
10 department. In this department I analyzed firearm
11 and firearm related evidence tool marks and tool mark
12 related evidence. I performed muzzle to target
13 distance determination, serial number restoration.
14 Those types of analysis.

15 Q. What kind of educational background does someone
16 need to have to have this sort of career?

17 A. I graduated from Winthrop University with a
18 Bachelor of Science in Biology. I was then hired by
19 SLED where I underwent their course of instruction
20 and firearms and tool mark analysis. It was an
21 approximately about a three year course of
22 instructions that was taught apprenticeship style by
23 court qualified firearm and tool mark examiners. I
24 had to perform extensive reading and studying. I sat
25 side by side with examiners looking through the

1 microscope discussing what we saw, what marks, ah,
2 what the various marks meant, what tool marks could
3 be trusted, and which ones could not. And given
4 numerous oral examination, practical examinations,
5 written examinations. I also went through the
6 specialized techniques and firearm identification
7 course taught by the Federal Bureau of Investigation,
8 the FBI. I completed the Scientifically Defensible
9 Criteria for the Identification of Tool Marks at the
10 Association of Firearm and Tool Mark Examiner's
11 Conference. Taught by Murdoch and Moran. I
12 completed numerous armor courses which are courses
13 taught by firearm manufacturers on how to disassemble
14 and reassemble their firearms, how to identify
15 problems with their guns, how to repair any kind of
16 problems you see with their guns. I've name a few of
17 the courses I've taken.

18 Q. And have you ever testified in court before as an
19 expert?

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

21 Q. About how many times?

22 A. I believe about sixty-nine.

23 MS. BALDWIN: Your Honor, at this time, I'd like
24 to qualify Mr. Thrower as an expert in firearms
25 analysis?

T. Thrower- Direct Examination by Ms. Baldwin

8

1 THE COURT: Any objections or questions?

2 MR. WILLIAMS: No, Your Honor. We agree to that.

3 THE COURT: So admitted without objection.

4 Q. Mr. Thrower, when, as part of your duties, do you
5 do firearms comparisons with casing and projectiles
6 found?

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

8 Q. Okay. And what is that process when you're
9 doing that comparison?

10 A. Essentially, evidence would be submitted. I
11 would open the evidence. I would compare the
12 evidence received with the description of evidence
13 that had been submitted making sure that everything
14 matched. I would photograph the evidence in the
15 containers. I would fill out worksheets describing
16 the evidence. How it was packaged, all the various
17 characteristics. If they take certain measurements.
18 If a gun was submitted, I would also test fire the
19 gun into a bullet recovery tank into a water tank. I
20 would recover the test fired bullets and cartridge
21 cases and mark those as being test fires from that
22 particular gun. And then as, essentially, you use a
23 comparison microscope which is, essentially, two
24 microscopes that sit side by side that are connected
25 to an ocular bridge so when I looked in my eyepieces

1 I can see two objects side by side with just a
2 dividing line between them. You mount the two pieces
3 of evidence and then you can start your comparison.
4 Rotating. Repositioning. Finding the correct light
5 to highlight the markings that we're looking for.

6 Q. And did you compare any items in this case?

7 A. Yes, ma'am, I did.

8 Q. Do you recall what items those were?

9 A. I believe there were, there was one pistol.

10 There were some cartridge cases and some projectiles
11 or bullets and bullet fragments.

12 Q. I'm gonna show you several items, but first I'll
13 show you State's 60 that's been, that's for Id only,
14 can you tell me what this is?

15 A. Okay. First of all, ladies and gentlemen of the
16 jury, as you saw I just checked this firearm both by
17 sight and by feel. This firearm is unloaded. It is
18 safe for me to handle. State's Exhibit 60 is the
19 SLED Item Number 2. It is a Ruger pistol model LC9S
20 9 mm Luger caliber. I believe serial number 451-
21 69540. I think that's the serial number. It's
22 really tough to read in this light.

23 Q. Would it help to have your report in front of
24 you?

25 A. Yes, ma'am.

T. Thrower- Direct Examination by Ms. Baldwin

10

1 Q. The serial number is 451-69540. It also had one
2 magazine and seven unfired 9 mm Luger caliber
3 cartridges.

4 Q. And then I'll show you what's already been
5 admitted as State's 57, if you need any scissors you
6 get those from ---

7 A. Okay. State's Exhibit 57 is SLED Item 4,5,6,7,8
8 and 9. It is six fired 9 mm Luger caliber cartridge
9 cases.

10 Q. And are those items you examined?

11 A. These are the items I examined. As you can see
12 they still bear my ECL with the date I sealed it and
13 my initials.

14 Q. Okay. Then I'll show you what's already been
15 admitted as State's 58 and 59.

16 A. Okay. We have SLED Item Numbers 10, 12, 13 and
17 14, um, SLED Item 10 is a fired lead bullet core as
18 you can see it right here. Twelve is a fire bullets
19 where the core separated from the bullet jacket
20 during analysis. Item 13, SLED Item 13, is a fired
21 bullet jacket. And then there's a jacket fragment
22 and a small piece of lead in here. And then Item 14
23 is a fired bullet.

24 Q. And lastly?

25 A. There was also a bullet core in here that has

1 come out of one of the packages or I can't read
2 without a magnifier.

3 Q. I'll ask them if they have one. And then State's
4 69?

5 A. State's Exhibit 69 with SLED Item 15 which is a
6 fired bullet jacket with a core.

7 Q. And you mentioned as you've gone through all
8 those exhibits, cases, cartridge cases, cores,
9 jackets, can you explain the difference between all
10 of those different terms?

11 A. Absolutely. And unfired cartridge like you see
12 here is a, is a cartridge case with a primer which
13 is the ignition compartment. It has gunpowder inside
14 and then it has a jacketed bullet or projectile. The
15 bullet or projectile portion is made up with a copper
16 jacket which is like an envelope that surrounds a
17 lead bullet core. So a bullet jacket fragment is
18 just a piece of that copper jacket that broke off.
19 The bullet core or a lead fragment is simply the
20 inside of a bullet that came out of the, of the
21 jacket.

22 Q. And did you compare those all -- you compared all
23 those items to the firearm that was sent to you?

24 A. Yes, ma'am. Where appropriate -- I analyzed all
25 this evidence and where appropriate I compared them

T. Thrower- Direct Examination by Ms. Baldwin

12

1 to each other and to test, test fired are bullets and
2 cartridge cases fired by the item, the SLED Item to a
3 Ruger pistol.

4 Q. And what were the results of your testing?

5 A. That the SLED or the State's Exhibit 57, the six
6 fired 9 mm cartridge cases had all been fired by a
7 single firearm. They had been matched to each other.
8 However, they were not fired, they were not fired by
9 the Ruger pistol that was submitted which is State's
10 Exhibit 60 within the projectiles. The jacket
11 portion of Item 12, or actually, the whole Item 12
12 because they were once -- they separated during
13 analysis, they were a single item. The item, SLED
14 Item 13, bullet jacket, this large piece, the Item 14
15 fired bullet and the SLED Item 15, bullet jacket, I
16 matched to each other. They had all been fired, in
17 my opinion, by the same firearm. However, they had
18 not been fired by the Ruger pistol. This pistol did
19 not shoot those bullets. And the rest of the cores,
20 the jacket, the lead pieces were unsuitable for
21 identification or further analysis.

22 Q. So to summarize none of these projectiles were
23 the casings that were sent matched the gun that you
24 tested?

25 A. Correct.

1 MS. BALDWIN: Court's indulgence. I have no
2 further questions at this time.

3 THE COURT: Any cross-examination for the witness?

4 MR. WILLIAMS: Just briefly, Your Honor.

5 THE COURT: You may proceed.

6 Cross-Examination by Mr. Williams:

7 Q. Mr. Thrower, were you given any firearm that did
8 match the casings?

9 A. No, sir. I was not.

10 Q. Were you given any firearm that did match the
11 projectiles, or partial projectiles?

12 A. No, sir.

13 MR. WILLIAMS: Thank you.

14 THE COURT: Any redirect?

15 MS. BALDWIN: No -- no, Your Honor.

16 THE COURT: Any objection to the witness being
17 excused?

18 MS. BALDWIN: None from the State.

19 THE COURT: Any from the defense?

20 MR. WILLIAMS: No, Your Honor.

21 THE COURT: Sir, you're excused. Call your next
22 witness.

23 MR. FINCH: Thank you, Your Honor. The State next
24 calls Taylor Sturkie.

25 THE CLERK: Do you swear or affirm the testimony

T. Sturkie- Direct Examination by Mr. Finch

14

1 you give shall give the Court and the jury in the
2 trial of this case, is the truth, the whole truth,
3 and nothing but the truth so help you God?

4 MR. STURKIE: I do.

5 THE CLERK: Please be seated. Please state your
6 full name and spelling your last name directly in
7 the microphone.

8 MR. STURKIE: Tyler Sturkie, S-t-u-r-k-i-e.

9 THE COURT: You may proceed.

10 MR. KENT: Your Honor, for the record we'll
11 stipulate to Mr. Sturkie's expertise.

12 THE COURT: Thank you. And in what are you
13 offering him as an expert?

14 MR. FINCH: GSR or gunshot residue analysis and
15 identification.

16 THE COURT: His expertise is stipulated to without
17 objection.

18 MR. KENT: Thank you, Your Honor.

19 THE COURT: You're welcome.

20 MR. FINCH: May it please, the Court?

21 TYLER STURKIE, first being
22 duly sworn, testified as follows:

23 Direct Examination by Mr. Finch:

24 Q. Good morning, Mr. Sturkie. If you would tell
25 the jury where it is you're employed?

T. Sturkie- Direct Examination by Mr. Finch

15

1 A. I'm employed at the South Carolina Law
2 Enforcement Division in their Forensic Services
3 Laboratory.

4 Q. And what do you do in the Forensic Services
5 Laboratory?

6 A. I'm a forensic scientist in the Trace Evidence
7 Department.

8 Q. And your focus is GSR?

9 A. One of the disciplines. In the Trace Evidence
10 Department, we do many disciplines, gunshot residue,
11 fire debris, fibers, paints, glass, explosives, and
12 general unknowns, and GSR is one of them.

13 Q. If you would explain to the jury what is GSR?

14 A. GSR or gunshot residue is composed of the burned
15 and unburned particles from the primer, the
16 propellant, and the projectile of a firearm that has
17 been discharged. The particles that I am
18 specifically looking for during my analysis originate
19 from the primer and they are usually round or molten
20 in shape and contain the elements of lead-barium, and
21 antimony.

22 Q. And are there any other items that might produce
23 those three elements?

24 A. Individually, there are a lot of environmental
25 factors out there that produce just lead or just

1 barium just antimony. And there have been some
2 research that show that some other types of
3 environmental factors produce two of those three.
4 And there are some such as fireworks and brake dust
5 and brake pad linings that also produce what we
6 consider as characteristic gunshot residue which is a
7 particle that contains all three of those elements.
8 However, with GSR when we are specifically looking
9 for the particles that originate from a primer, from
10 a discharged firearm, these are exclusively lead-
11 barium and antimony. They do have some elements
12 within the spectrum and acquisitions as well.
13 However, they are generally a molten shape from a
14 high heat in pressure that undergo during the firearm
15 being discharged. And so the particles, themselves,
16 will contain those three elements with other limiting
17 elements as well.

18 Q. So when you have suspected GSR, a GSR kit comes
19 in, how do you analyze that to determine what it is
20 you're looking at?

21 A. Sure. So we analyze GSR using a scanning
22 electron microscope with an X-ray detector. The
23 microscope, itself, is an electron microscope. So
24 you may be used to seeing a light microscope or you
25 look through oculars and see a specimen at a

1 magnified lens. However, with a scanning electron
2 microscope the samples are placed into a what we call
3 a chamber and they are placed there and an electron
4 beam will be emitted onto the sample. When the
5 electron beam strikes the sample, characteristic X-
6 rays and secondary electrons become available from
7 the sample, itself. What this allows me as an
8 analyst to do is the secondary electrons allow me to
9 view the particle so I can see its shape and then the
10 X-rays are what the, what the material is made up
11 such as lead-barium and antimony. So I will place
12 these stubs into this scanning electron microscope.
13 I will analyze it. And check its shape and its
14 elemental composition.

15 Q. And were you given any items to analyze in this
16 case?

17 A. Yes, I was.

18 Q. I'm gonna show you what's been marked and
19 previously admitted as State's 54, 55 and 56, if you
20 can identify those items?

21 A. So what I have identified here in this envelope
22 here is SLED'S Lab Number L20-01691 and this is
23 container A. And within container A I've pulled these
24 three items out. These are the same Lab Number L20-
25 01691, and they are Item Numbers 1, Item Number 3,

1 and Item Number 11. And I recognize these as a
2 specific lab number issued by our laboratory and my
3 initials and date upon my receiving of the item for
4 my custody and also I have a SLED seal to show that
5 it has been marked for return.

6 Q. And when those items come in they get marked with
7 a SLED lab number?

8 A. Yes, sir. Oftentimes the submitting agency will
9 have their own police case number. However, when
10 they're entered into our system they become a new
11 case number and a new item number. So there might be
12 some varying in between the numbers, but I'm used to
13 the SLED lab numbers and item numbers so that's how I
14 recognize these.

15 Q. And when those get to you after they've been
16 submitted to SLED, you assure that they're in a
17 tamper proof, in tamper proof container?

18 A. That's correct. I will make sure that the
19 container or the item, itself, is sealed, dated and
20 initialed by whoever did the sealing. And if there
21 is any tampering or any note of tampering, then, no
22 analysis will be performed on it and the investigator
23 will be contacted to try to understand where this
24 could have occurred.

25 Q. And regarding those kits, we heard a little bit

1 about it yesterday, but can you explain for the jury
2 what's involved in those kits as far as the sticky
3 tab?

4 A. Yes, sir. So inside each of these kits here
5 there should be two what we call particle lifts. And
6 the particle lift is a, as mentioned, that is sticky
7 tab, and it's a if you can imagine a roofing nail
8 where it has the kind of the larger head and a
9 smaller steal. The larger head has that sticky tab.
10 It's made of carbon. And so what, what happened is
11 the investigator or officer on scene will take that
12 particle lift and each one has labeled left hand and
13 right hand. So the officer will take the particle
14 lift and, essentially, dab the areas of the hand to
15 include the back, the palm or the front and any
16 webbing or any other part of the fingers as well to
17 try to include the entirety of that hand. Once they
18 get collected then they get placed back in here.
19 There's also a GSR information form that has
20 pertinent information to include the time of the
21 shooting, the time of the collection, any events that
22 could have occurred between those two times. And as
23 an analyst or the technician for the case, we will
24 inventory it and use all this information prior to
25 analysis.

1 Q. And with that you said that lifts are dabbed on
2 the hand, do you know when it comes to you, how much
3 of any area has been dabbed with that little sticky
4 tab?

5 A. I don't know, personally. The officer and
6 investigators, the one who takes the particle lift.
7 So it is assumed via the particle lift being labeled
8 left hand, right hand that it has been used on the
9 entire surface of what it is labeled as. The only
10 thing I know for sure is if there are items that are
11 sent in to us such as clothing or other inanimate
12 objects, we will take the particle list ourselves.
13 And in that case, whatever that area is labeled as is
14 what is for sure by our laboratory collected.

15 Q. In this case, you received those three items and
16 all those lifts were done by Charleston Police
17 Department?

18 A. I believe so. Yes, sir.

19 Q. And the presence of gunshot residue, what does
20 that tend to indicate from a scientific perspective?

21 A. So for an individual or a living person, when I
22 find the presence of gunshot residue, I can identify
23 one of three things: Either the individual fired a
24 weapon, the individual was in the vicinity when the
25 weapon was fired, or that the individual touched an

1 object that previously had GSR on it. Unfortunately,
2 I cannot identify which of those three is more
3 plausible than the other, other than that GSR is a
4 presence or absence analysis that is not
5 quantitative.

6 Q. And by quantitative, you mean you're not
7 necessarily looking at how much is there, but whether
8 it's there or not?

9 A. Correct.

10 Q. In my analysis, I will collect and notate the
11 number of particles that are present. However, for
12 the purpose of reporting and interpretation of the
13 results since so much is limited by the
14 interpretation of it we, typically, do not quantitate
15 and place the number of particles found in the actual
16 report.

17 Q. In this case, you, referring to those items, you
18 analyzed Item Number 1, and what was that item?

19 A. Item Number 1 is a, a one GSR kit from Algernard
20 Young.

21 Q. And from your understand that was from the hands?

22 A. Correct. Yes.

23 Q. And did you -- did you find any results regarding
24 GSR from that kit?

25 A. I did. Yes, sir. The results for the GSR kit

1 from Algernard Young were that particles
2 characteristic of gunshot primer residue were found.

3 Q. And then there was another kit, Item Number 3,
4 what was that?

5 A. Item 3, is one GSR kit from I had labeled as
6 Toyota Camry SC RDN 997.

7 Q. And any results from your analysis from that kit?

8 A. Yes, sir. The results for the Toyota Camry were
9 that particles characteristic of gunshot primer
10 residue were found.

11 Q. And finally Item 11?

12 A. Item 11, is one GSR kit from David Fidel Alston.
13 And the results for it or for that part or for that
14 GSR kit, excuse me, where that particles
15 characteristic of gunshot primer residue were found.

16 Q. Let's get back to just talking about GSR in
17 general, how would you characterize GSR? Is it
18 something that stays around for a long time or what
19 are the parameters the SLED uses?

20 A. Sure. So we have certain parameters for
21 different types of objects. For a deceased
22 individual, we do not have a timeframe in which an
23 officer can collect the particle lift from the
24 deceased individual and that's simply because the
25 individual has stopped moving. With living

1 individuals, we have a timeframe of up to six hours
2 from the time of shooting to the time of collection
3 that we will analyze the kits. Reason being is
4 because once GSR is potentially deposited onto the
5 hands of an individual as time goes on the individual
6 may be moving their hands, wiping their hands, there
7 are environmental factors such as sweat, rain, and
8 all these factors could remove any potential GSR that
9 is there to begin with. Studies show that beyond six
10 hours we cannot attribute any GSR found to an exact
11 scenario or scene. So, therefore, we stop analysis
12 or will not do analysis if the kit has been collected
13 beyond six hours for living or, excuse me, for a
14 deceased individual since that individual is not
15 actively moving their hands. There is no timeframe.
16 Environmental factors can occur, however, those are
17 usually notated. And then for inanimate objects such
18 as clothing, vehicles, those also do not have any
19 timeframe due to the fact that they, themselves,
20 cannot actively remove any particles that could have
21 been deposited.

22 Q. And when GSR gets on an item, and in this case
23 what was analyzed from Toyota Camry, how might that
24 happen? Are there different scenarios from ---

25 A. There are. So for, for inanimate objects they,

1 obviously, cannot be the ones to fire the weapon so
2 we go to the other two options. And that is that,
3 that item was in the vicinity when a weapon was
4 discharged or that another object with GSR on it came
5 into contact with this object through transfer.

6 Q. And I just want to go back to the other items you
7 said can contain combination of the ingredients, if
8 you will, for GSR. What is it about the analysis
9 that allows you to rule something in or out of being
10 GSR as opposed to something else?

11 A. Yes, sir. So when we do our automated or when we
12 do our analysis, we begin by doing an automated
13 analysis. And what this is, is in the electron
14 microscope and the X-ray software we set it up to
15 where the system will analyze the entirety of that
16 particle lift. And as it collects and finds
17 particles it will take a quick image of the particle
18 and it will take a quick X-ray spectrum to show what
19 elements are present. And this is done on a
20 microsecond scale. Oftentimes, we have hundreds up
21 to 10s of 1000s of particles that are found on these
22 particle lifts. And so they can take anywhere from
23 an hour to six hours on one particle lift. That's
24 done by the automated analysis. When a particle will
25 gets found to reiterate it will flag it as whatever

1 elements are in that particle. And then I, as the
2 analyst, will go back to the software and I will look
3 at the elements that were flagged as either lead-
4 barium or antimony, and that can be in any
5 combination. That can be by themselves as just a
6 lead particle, a consistent particle of just lead-
7 barium, or the characteristic particle of lead-barium
8 and antimony. I will go to the software and I will
9 relocate to the particle that the automated software
10 performed and I will take another image of the
11 particle and I will take another X-ray spectrum of
12 that particle. And the reason I do this is to
13 confirm that shape of the particle and to confirm its
14 elemental composition. If those particles are, in
15 fact, round or molten shape and they contain the
16 elements of lead-barium and antimony without any
17 other excluding elements, then I will mark that
18 feature and report it as a particle of GSR

19 Q. And in this case, did you mark items as GSR for
20 Items 1, 3 and 11?

21 A. Yes, sir. According to the results just based
22 off the report, I would have found at least two of
23 these particles of GSR in each of these items.

24 Q. Does a -- and you said the GSR is expelled on
25 firing of a gun, could it be expelled or GSR from a

1 gun if it's not fired?

2 A. It depends. When a firearm is discharged gunshot
3 residue will be expelled from any opening of that
4 gun. If we take a semi automatic pistol, for
5 example, when the trigger is pulled the slide will
6 rack back and the opening, the cartridge case will be
7 emitted. That opening, GSR will be expelled from it
8 as well as the muzzle. GSR can also follow the
9 bullet as well up to a certain amount. However, in
10 any opening in that weapon GSR can be emitted or the
11 deposited. The gun has to be fired in order for GSR
12 to be produced. Given the nature of firearms, in
13 general, if they had been fired in the past, they are
14 likely to have GSR on the firearm, itself. But in
15 order for GSR to be produced it has to be fired from
16 the weapon.

17 Q. And if a weapon has been cleaned after it's been
18 fired, would you expect GSR to be wiped away as
19 fragile as it is?

20 A. It depends on how well the gun or firearm would
21 have been cleaned. It is very fragile, but it also
22 doesn't get deteriorated or dissolved in any way.
23 These lead-barium and antimony on the periodic table
24 they are heavy elements so the particles themselves
25 contain heavy elements by nature. However, they are

1 fragile in the sense of they can be transferred
2 easily from one object or one person to another.

3 Q. Just to go back, would you, again -- so by
4 classifying these as our particles of GSR on these
5 items, do that also include ruling out brake dust or
6 fireworks or something else?

7 A. It does. When we do that automated analysis, all
8 of the particles that are flagged are characteristic,
9 consistent, or associated with gunshot residue.
10 Because of factors in past research that show these
11 three elements can be found in fireworks and they can
12 also be found in brake pad linings, we have the
13 automated analysis to show that if there is any type
14 of inconsistency with a higher amount of a separate
15 elements it will be flagged and we will also confirm
16 that particle as well. Another reason why we do the
17 secondary verification is to confirm that there are
18 no extraneous elements that are often found in
19 fireworks and brake pan linings.

20 MR. FINCH: Thank you. That's all the questions I
21 have at this time. Please answer any questions from
22 the defense.

23 THE COURT: You may proceed.

24 MR. KENT: Thank you, Your Honor. May it please,
25 the Court?

1 Cross-Examination by Mr. Kent:

2 Q. Agent Sturkie, is it agent? What do you call ---

3 A. Tyler is fine.

4 Q. I'm not gonna do that. I'm gonna give yo more
5 respect that. But you are an agent, correct?

6 A. Yes, sir.

7 Q. So that we begin and when you came in I
8 stipulated to your expertise?

9 A. Yes, sir.

10 Q. And so let's make this clear, I am not attacking
11 your expertise, you are the expert ---

12 A. Understood.

13 Q. --- this is more of a fact to gather efficient
14 for me so at any point in time I disrespect your
15 expertise, I transfer to you, okay, so I don't want
16 you think that I'm doing that.

17 A. Understood.

18 Q. Number two, you see Madam Court Reporter is
19 taking down the words that you're saying so let's
20 make sure that we're responding affirmative that lead
21 with words because she can't take down head shakes
22 and things of that nature.

23 A. Yes, sir.

24 Q. And you don't strike me as this type of person,
25 but if for any reason this gets contentious, which I

1 don't see it happening, she can't take down the fact
2 that we're talking over one another. Is that fair?

3 A. Yes, sir.

4 Q. And again, I'm not an expert so I tried to do
5 some research to try to understand a little bit about
6 gunshot residue and things that you guys do.

7 A. Okay.

8 Q. And some of the things that y'all would do when
9 doing this stuff in your training, I'm sure you guys
10 look at like you go to seminars?

11 A. Yes, sir.

12 Q. I think you look at studies?

13 A. We do.

14 Q. You look at journals, you look at things, just
15 all types of stuff to just get better at your job?

16 A. Yes, sir.

17 Q. We always confidently try to stay up to date with
18 the latest trends within gunshot residue.

19 Q. Because it involves? Everything involves?

20 A. Yes, sir.

21 Q. All right. So first I want to make sure I
22 understand completely gunshot residue and so forth.
23 I think the solicitor was asking you questions of
24 gunshot residue is, basically, metal?

25 A. Yes. It's lead, antimony, and barium and it's

1 potentially, basically, a metal that comes from
2 inside of a gun when a projectile is fired and all
3 this stuff combined together is gunshot residue?

4 A. That is correct.

5 Q. And it's like a consistency of flour, if I'm not
6 mistaken?

7 A. The behavior of it, some can use that visual as
8 flour, baking flour. However, you cannot see GSR
9 with the naked eye. That is the only difference in
10 that analogy. But as far as the transferability of
11 it, baking flour is an example.

12 Q. And I want to talk first about collection of GSR.

13 A. Okay.

14 Q. And when we talk about collections and I know
15 this is not what you do you. Just get it from an
16 officer. You're not the one out there collecting
17 GSR?

18 A. That's correct.

19 Q. And when we look at the studies, remember I told
20 you I looked at studies and research and did some
21 stuff, when we looked at studies, the collection of
22 GSR is very important?

23 A. Yes, sir. It is.

24 Q. And because when we're collecting GSR what we
25 don't want is one of the words you use, is we don't

1 want transference, right? Was that the right word?

2 A. Yes, sir.

3 Q. And transfer is a word, GSR transfer from one
4 person or one body or one tangible piece of property
5 to something else, we don't want that?

6 A. That's correct.

7 Q. And one of the things that the studies suggest is
8 that when we're doing gunshot residue and we're
9 checking for gunshot residue, we want to make sure
10 that we do it as close to the scene as possible?

11 A. Yes, sir. Just for tidying as well.

12 Q. And we -- and I think the study I was reading is
13 you want to be careful because things like handcuffs
14 potentially have gunshot residue on them?

15 A. They can. Yes, sir.

16 Q. And I read a study where they were talking about
17 officers, when they do gunshot residue, and you may
18 be familiar with it, when the studies, when they
19 talked about things that they look at, when officers
20 are collecting gunshot residue, and they did a study
21 with all of the officers and when they cleaned their
22 guns beforehand and they still potentially had
23 gunshot residue on them, do you know what I'm talking
24 about?

25 A. Yes, sir. Do you mind -- do you have ---

1 Q. Yeah. I know you're smarter than I am.

2 A. Yes, sir. I believe I am familiar with this.

3 This is a an article from the Forensic Science
4 International Gunshot Residue Contamination of the
5 Hands of Police Officers Following the Start of
6 Shift Handling of their Firearm.

7 Q. So that's something you are familiar with?

8 A. I believe so. Yes, sir.

9 Q. And you'd agree with me they talked about the
10 danger of transference in that?

11

12 A. Yes, sir. There is always a possibility of the
13 danger of transfer for GSR within officers just
14 simply because they carry a firearm and firearms ---

15 Q. And ---

16 A. --- routinely have -- it's okay. Firearms
17 routinely have gunshot residue on them just from
18 their nature. So as far as administering these kits
19 I, you know, I do not do them --

20 Q. You don't ---

21 A. --- and I don't know the, the habits of certain
22 officers who do these collections. They are aware
23 that gunshot residue is transferred. And so we hope
24 that practice is taken into effect when at collecting
25 these kits.

1 Q. And what that study and one of the studies were
2 shocked about is the high level of transference or
3 high level of gunshot residue that officers had on
4 their hands at the start of their shift. Are you
5 aware of that?

6 A. Just from briefly looking over this, the abstract
7 which is kind of a quick summary of the entire
8 article, one of these sentences if you don't mind me
9 reading it?

10 Q. Please! Please! Please!

11 A. It's states that of the 17 officers who washed
12 their hands after securing the firearm, a single
13 three component particle was recovered from the hands
14 of one officer. So this shows that of all of the 17
15 officers while washing their hands the only particle
16 that was found, and this labels it has three
17 component which is what we have been or have been
18 describing as a characteristic gunshot residue
19 particle. One single one was found out of all of
20 these officers.

21 Q. And if you were to read further it also mentioned
22 that, it was very interesting, that six of the
23 officers had a hundred character particles on their
24 hands which they were shocked by that these officers
25 at the beginning of their watch had a lot of

1 particles on their hand, do you see that? Take your
2 time.

3 A. Okay. So for the sake of reading the entire
4 article, I, I ---

5 Q. Give me to two seconds. I want to print one for
6 the prosecutor so he had one.

7 A. Okay.

8 Q. He asked me for one if that's okay. And I
9 apologize, I cut you off and I said I wasn't going to
10 do that, but go ahead.

11 Q. No! No! That's quite all right. I was -- I was
12 going to state that for the sake of taking the time
13 to read this entire article, with what the statement
14 you had, with the statement you had just said I
15 cannot disagree with it so I will continue with, with
16 your statement.

17 Q. And so what we, whether we call it an article
18 it's a study?

19 A. A study. Yes, sir. Yes.

20 Q. And there's a difference between a study and an
21 article?

22 A. Yes, sir. I -- I state article because it's a
23 forensic science article, a journal that produced
24 this article. But the article does state that it is
25 a study.

1 Q. And you'd agree with me what the study did was it
2 was looking at gunshot residue on officers in the
3 beginning of their watch and when the officers come
4 on to duty, when they get their firearms, go into
5 their firearms, load their firearms, they were
6 shocked at how much gunshot residue they still had on
7 their hands?

8 A. Yes, sir.

9 Q. And they were like some of these officers had up
10 to hundred particles of gunshot residue on their hand
11 at the beginning of their shift, I think it was six?

12 A. Yes, sir. This -- this last sentence in of what
13 you have printed here ---

14 Q. Yes, sir.

15 A. --- the -- there is a parenthesis that states six
16 officers each having more than one hundred
17 characteristic particles present.

18 Q. And so -- and I'm not getting in or out of it,
19 but one of the things when you answered this
20 question, we have to be careful on how we collect
21 gunshot residue because of the possibility of the
22 word you kept using transference?

23 A. Yes, sir.

24 Q. Because it is possible that easy as an officer is
25 going to collect gunshot residue from somebody who

1 possibly has hundred particles on their hand,

2 there's a possibility for transference?

3 A. Absolutely.

4 Q. And that's what that study says and that's what

5 you know in your experience?

6 A. Yes, sir.

7 Q. And how long have you been doing this, agent?

8 A. Nine years.

9 Q. And in the article it talked about when we're
10 collecting gunshot residue because gunshot residue
11 could be in the back of the squad cars?

12 A. There have been studies that show gunshot residue
13 is possible to be in the back of a squad car as well.

14 Q. And, of course, we talked about the handcuffs?

15 A. Well -- yes, sir. Yeah.

16 Q. And we talked about environmental factors, things
17 that somebody touches?

18 A. Yes, sir.

19 Q. Like if somebody is waiting on law enforcement or
20 leaning behind or next to a car, because you can get
21 transference from animate objects? Things that move?

22 A. Yes, sir.

23 Q. Okay. And those are things we all should be
24 careful of?

25 A. Yes, sir.

1 Q. And agent, going back to studies again, you are -
2 - you and the solicitor was having a great
3 conversation about different things that can cause
4 false positives, might be a good way of saying this,
5 are false positives a good way of saying this?

6 A. Yes, sir. For specific things regarding GSR,
7 there are several studies that show that other
8 environmental or factors can have particles of lead-
9 barium and antimony as well.

10 Q. And one of those studies, of course, the big one
11 came back because it was like in the 2000s. It was
12 like, I think, it was -- the big one was this Italian
13 study back in the 2000s on other things that can
14 cause false positives such as brake pads?

15 A. Yes, sir.

16 Q. And what that study was it was looking at the
17 components of older model cars with brake pads so
18 that they could give us the positives of lead,
19 antimony, and barium. Maybe not all three, but it
20 could give us those, at least two of them.

21 Q. If it's -- if it's the same study I am thinking
22 of, yes. There are -- that particular study showed
23 that there were brake pad linings where they
24 collected the dust from used brake pads and new brake
25 pads that contained particles either individually of

1 lead-barium and antimony, two of those three and
2 there were, in fact, some particles that contain all
3 three of the elements.

4 Q. And I'm not trying to -- that study was pretty
5 clear too. It said, we're not too worried about it
6 nowadays because they've changed the way the brake
7 pads would be. These are really older model brake
8 pads which would show ---

9 A. Yes, sir.

10 Q. --- is that fair? Just to be fair it's not
11 showing and that's what it was a 2000 study so it's
12 not -- we're not worried about 2022 Aston Martin?

13 A. Sure. I'm not familiar with brake pads and the,
14 you know, the make of them and how they've progressed
15 since 2000 or so. However, in the science field of
16 GSR because the study has been out it has to be made
17 known of while we're analyzing the particles to
18 exclude any GSR particle that could have been from a
19 brake pad versus a firearm.

20 Q. And when that study looked at those vehicles that
21 were 2000 or a little bit older, vehicles that are in
22 junkyards or salvage yard, those older model vehicles
23 ---

24 A. Yes, sir.

25 Q. They said the things that we should be looking at

1 in our report is it's possible that it can exist and
2 the things that we should look for potentially is
3 like iron. Like the prevalence of iron is sometimes
4 an indicator as if we're looking at older model brake
5 pads or things that can be positive and that could
6 possibly be false positive, not false positive, but
7 it could be something else?

8 A. In regards to the element iron, when brake pads
9 were tested and this is a separate article from the
10 another brake lining, a separate study from the brake
11 linings study that I am familiar with, however,
12 typically, when iron is found it is found in a major
13 composition within the actual spectrum. And during
14 my analysis of GSR if we find a major amount of iron
15 those specific particles get excluded as GSR due to
16 this specific study.

17 Q. You would agree with me that we found iron in
18 this case?

19 A. No, sir.

20 Q. And I might be completely wrong on what that did
21 and that's the page from your report and I put a red
22 circle on ---

23 A. Yes, sir. Yep.

24 Q. And please explain that. And I can be completely
25 wrong. I circle where it says iron present ---

1 A. Yes, sir.

2 Q. --- and it gives some numbers.

3 A. May I explain this entire page?

4 Q. Please do.

5 A. When referring to the automated analysis, I
6 mentioned that any particle that is found will have a
7 quick image taken of it, and a quick X-ray spectrum.
8 This X-ray spectrum just includes what elements are
9 present. And if it contains any elements such as
10 iron it will get put into a specific category. We
11 have a number of categories within the actual
12 automated analysis. What we're specifically looking
13 for and concerned with are any elements associated
14 with gunshot residue so lead-barium and antimony.
15 What the defense has shown me here is a page from my
16 report that list special categories or specific
17 categories that are found during the automated
18 analysis. And one of these that is circled is
19 labeled iron. In this specific category, all of
20 these iron and there were 274 in this specific sample
21 which was Algernard Young's left hand. This
22 particular group would be completely iron. So this
23 iron that you circled here it's ---

24 Q. It's ---

25 A. --- just a spectrum of solely iron. It's a

1 particle. It contains no other element other than
2 iron. If we were to go up to the top of the page,
3 there are elements labeled barium antimony. I would
4 have gone back to those specific particles to check
5 and make sure its elemental composition contained
6 lead and barium. It could have also contained iron
7 and other elements. Since it did not, they were not
8 -- they were excluded as GSR.

9 Q. But I'm not confused it's got an iron in there,
10 right? I didn't make that up?

11 A. For the sake of iron, itself, yes, sir. Iron as
12 a individual particle is found on the left hand
13 there.

14 Q. Do you know if firing was also found on the right
15 hand? You have your report.

16 A. I do have my your report and it is not uncommon
17 for iron and other elements to be found as just
18 simply particles on the hands of individuals whether
19 it's a victim, a suspect, an inanimate object, iron,
20 I do not know where it would come from just as a
21 single particle of iron. However, it is not uncommon
22 to see a common metal found such as iron or aluminum
23 or other irons or, excuse me, other metals found
24 within the periodic table on samples of individuals.

25 Q. And again, you're the expert, I am not. You'd

1 agree with me that the studies, the Italian studies,
2 and all the studies that we've talked about talks
3 about the presence of iron when looking at brake
4 pads, I didn't make that up, correct?

5 A. You did not make that up. But they, what they
6 are doing in those specific studies is comparing the
7 iron found in any particles that would be considered
8 characteristic of GSR. So they are looking for the
9 iron that is in a particle that also contains lead-
10 barium and antimony which is what I do during my
11 manual analysis to confirm whether or not iron is
12 present in an amount that would exclude that specific
13 particle.

14 Q. And it says an amount, but the article or the
15 study that I read is one of the big things, it says,
16 "the presence of iron should be viewed with caution
17 as these particles can be associated with brake
18 pads." I didn't make that up, correct?

19 A. Can you repeat that one more time? I'm sorry.

20 Q. "The presents of iron should be viewed with
21 caution as these particles can be associated with the
22 brake pads." And yet, I'm just reading from this ---

23 A. Yes.

24 Q. Okay. Thank you. Now, I want to get into --
25 there's been questions about canines and bomb

1 sniffing dogs and things of that nature, you deal
2 with those types of dogs, I don't?

3 A. I do not.

4 Q. You don't deal with those dogs? But usually
5 those dogs, those firearm dogs, or whatever can come
6 in and they can alert if there's a firearm present?

7 A. My understanding there are canines who can do
8 that.

9 Q. And those are the dogs we use for bomb dogs?
10 Those are the really good?

11 A. Yes, sir.

12 MR. FINCH: Objection, Your Honor.

13 THE COURT: Bases?

14 MR. FINCH: Personally knowledge. Fountain.

15 THE COURT: Lack of fountain. Sustained. Outside
16 of the witness's expertise.

17 Q. Looking at when you get this case, you have no
18 clue -- nobody sent you a synopsis of what anybody
19 thinks happened?

20 A. Often times a police incident report can be
21 included into the submission of evidence. However,
22 due to the number of cases we analyze in the Trace
23 Evidence Department it is more imperative that we
24 take the evidence and begin our analysis. If there
25 is something of importance that is during the

1 incident, it's usually conveyed during the submission
2 so we are aware of it. But other than that, I
3 typically do not know the, the incident itself.

4 Q. And you don't know who was in a vehicle, who was
5 not in a vehicle?

6 A. That's correct. I do not.

7 Q. You don't know if somebody was in a vehicle at a
8 separate point in time with somebody else, you don't
9 know any of that, you just test this item?

10 A. Correct.

11 Q. And when I talked to you earlier you would agree
12 there studies that talked about officers having a
13 hundred particles of gunshot residue on their hands?

14 A. According to that study, yes, sir.

15 Q. And you've seen people with hundreds of the
16 particles of gunshot residue?

17 A. We have done in house studies of individuals who
18 have fired the weapons and then cleaned and it, the
19 results are vary. There can be one to two particles.
20 There could be hundreds of articles. It depends on a
21 lot of factors.

22 Q. And the State talked to you about the report that
23 you've garnered in this case?

24 A. Yes, sir.

25 Q. And in the report that you garnered in this case

1 you just talked about the presence or non-presence of
2 gunshot residue in the case?

3 A. Yes, sir.

4 Q. And I think one of the big things and you also
5 reports you put a big disclaimer at the beginning of
6 everything, nobody is saying anybody fired a firearm
7 or something generic like that, we're just saying
8 that the presence of gunshot residue, we don't know
9 what it means, we're just telling you it there?

10 A. We found it. It's either that the individual
11 fired the weapon; was in the vicinity when it was
12 fired; or touched an object that had GSR on it.

13 Q. Isn't that -- and I guess that's under the
14 umbrella, the third one, it also transfers, it could
15 have transferred to him as
16 well?

17 A. Correct. Yeah. Touching the object that
18 previously had GSR would, would be considered the
19 transfer.

20 Q. The transfer. And as we go through those steps
21 in your report, and it say presence or non-presence,
22 but you are able to testify about how many particles
23 you observed?

24 A. I can. Yes, sir.

25 Q. Okay. I know you weren't asked that question.

1 But we're able to testify about how many particles we
2 actually observed?

3 A. Yes, sir. If ---

4 Q. You have the report in front of you.

5 A. If I'm allowed to look at my notes ---

6 Q. Please.

7 A. --- and you ask, I can certainly give you the
8 exact number of particles that I were able to find.

9 Q. I'm asking.

10 A. Absolutely. Which I ---

11 Q. Let's go -- let's first start with the victim and
12 I -- let's start with the victims right hand.

13 A. The victims right hand, I confirmed three
14 particles of GSR.

15 Q. Just three?

16 A. Three particles.

17 A. Not a 103 particles on the victims right hand?

18 A. Yes, sir.

19 Q. Okay. And then on the victim left hand?

20 A. I found two particles.

21 Q. Not hundred just 2 on the victim's left hand?

22 A. Correct.

23 Q. Now, you're not saying the victim had a firearm?
24 You don't know?

25 A. No, sir.

1 Q. You don't know if the victim fired a firearm?

2 A. No, sir.

3 Q. You don't know any of this stuff. All you can
4 say is that the presence of gunshot residue and those
5 three factors that I talked to you about, they either
6 fired one, handled one, or recently in contact with
7 transference, is what they can call it?

8 A. Yes, sir. May I? With the victims, recently we
9 have sent out a customer notice where SLED will no
10 longer analyze the victim kits of a victim of a
11 gunshot wounds simply because if an individual has
12 received a gunshot wound it is known that they were
13 in the vicinity of a weapon being discharged. And so
14 the presence of GSR cannot state whether or not that
15 individual had a weapon. It was self defense. We --
16 as GSR alone as a factor I cannot determine any of
17 that. So with victims we do expect to find GSR.
18 However, again, it's simply presence or absence and
19 with victims, generally, we do find a positive result
20 for GSR and in this case the victim was also
21 positive.

22 Q. And there are a lot of variables that go in
23 there, how close the wound? How close the gunshot
24 was?

25 A. There are variables, yes, sir. There are

1 extenuating circumstances where we will analyze the
2 victim. But this -- that was just a general
3 statement.

4 Q. And we don't know if the victims hands are down
5 or the victims hands are up or if it's a head shot or
6 if it's leg shot, that's all types of things that go
7 into it?

8 A. Correct.

9 Q. All we ---

10 A. By GSR alone I cannot ---

11 Q. All ---

12 A. --- give any of those answers.

13 Q. All you're testifying to today is that gunshot
14 residue, three particles on the right hand, two
15 particles on the left hand?

16 A. Yes, sir.

17 Q. So let's talk about the vehicle then. Do you
18 have that in front of you?

19 A. Yes, sir, I do.

20 Q. And you found gunshot residue on the interior
21 front driver door?

22 A. Yes, sir. I found two particles.

23 Q. Two particles. And then the steering wheel and
24 gear shaft?

25 A. Two particles again.

1 Q. Again, we don't know who was driving the vehicle?

2 A. No, sir.

3 Q. You don't know who was in it earlier?

4 A. Not by the GSR analysis.

5 Q. And I think it's interesting that you mentioned
6 about a vehicle is gunshot residue in an inanimate,
7 inanimate object last, it can last forever?

8 A. It could. Yes, sir.

9 Q. And so we don't know when the gunshot residue got
10 there?

11 A. That correct. With inanimate objects there is no
12 timeframe. There is a statement in the report, I
13 believe the last sentence of Item 3, states that no
14 timeframe can be placed upon these specific results
15 due to it being an inanimate object.

16 Q. And when we talk about transference, it's
17 possible to come and touch an inanimate object and
18 get gunshot residue on it?

19 A. Yes, sir.

20 Q. Even if the gunshot residue has been there for
21 months, years, or whatever, we can touch it?

22 A. Yes, sir.

23 Q. And ---

24 A. As long as it has not been removed.

25 Q. Removed ---

1 A. --- or disturbed in any way, yes.

2 Q. Now, finally, I want to get into Algernard Young.

3 A. Okay.

4 Q. We have particles they said, oh, it's positive
5 for gunshot residue, but I want to talk about
6 amounts.

7 A. Yes, sir.

8 Q. How many on the left hand?

9 A. On the left hand there were two.

10 Q. Two. Not a hundred?

11 A. Two.

12 Q. And that's -- well, that's less than three.

13 THE COURT: Let me interrupt you for a second, Mr.
14 Kent. Ladies and gentlemen, we're gonna take a brief,
15 brief comfort break at your request. During the
16 break please do not discuss the case and please leave
17 your notepads in your seats. If you'll go with the
18 bailiff's please.

19 (Whereupon, the jury exits the courtroom at 12:04
20 p.m.)

21 THE COURT: You may be seated. I assume someone
22 needed a comfort break. We should be out for less
23 than five minutes. Sir, you can stretch your legs if
24 you need to. Do you need go to the restroom or
25 anything?

1 MR. STURKIE: I do not. No, ma'am.

2 THE COURT: Okay.

3 (Whereupon, the Court takes a short recess)

4 THE COURT: Is the State ready to proceed?

5 MS. BALDWIN: Yes, Your Honor.

6 THE COURT: Is the defense ready to proceed?

7 MR. KENT: Yes, Your Honor.

8 THE COURT: All right. Please bring in the jury.

9 They should be right behind you.

10 (Whereupon, the jury enters the courtroom at 12:20
11 p.m.)

12 THE COURT: You may be seated. Ladies and
13 gentlemen, we'll now resume resume the witness's
14 testimony. Mr. Kent, you may proceed with your
15 ready.

16 MR. KENT: Thank you so much, Your Honor.

17 THE COURT: You're welcome.

18 **Conti. Cross-Examination by Mr. Kent:**

19 Q. Agent, I want to make sure and I might to go back
20 to question that what we were talking about ---

21 A. Yes, sir.

22 Q. I think you were going through, when we took a
23 break, you were going through the particles that were
24 found on different, ah, the amount of particles are
25 found on places that you tested?

1 A. Yes, sir.

2 Q. And we had done the victim, Mr. Alston.

3 A. Yes, sir.

4 Q. We had done the vehicle?

5 A. Yes, sir.

6 Q. And now we're talking about Algernard Young?

7 A. Yes.

8 Q. And I think you had already talked about -- well,
9 let's just go through that. Let's do it again. How
10 many particles did you find on the left hand?

11 A. Two.

12 Q. Two particles. Not 102?

13 A. Two.

14 Q. Okay. And then how many particles did you find
15 on the right hand?

16 A. One.

17 Q. For a total of how many particles?

18 A. For a total of three particles.

19 Q. And that was in the report that you provided?

20 A. Yes, sir.

21 Q. And again, to recap -- first, you had no reason
22 to disagree with the studies I gave you? This ain't
23 some crazy trick or something. These are studies
24 that you're familiar with?

25 A. Yes, sir. The studies here, there are a lot of

1 studies that do brake pads and then there are a lot
2 of studies that do the other study that you showed me
3 that the police transferability of it. I do want to
4 point out in this copy that you gave you ---

5 Q. Yeah.

6 A. --- there are some sections that are, it's not
7 all inclusive. There's some...that show that it
8 continues on. So for that fact I'm going based off
9 of what Mr. Kent is questioning for me so, yes.

10 Q. But there's no reason to doubt this isn't a study
11 ---

12 A. No ---

13 Q. --- meaning in ---

14 A. No, sir.

15 Q. --- South Carolina?

16 A. Correct.

17 Q. This is a common study that you guys have looked
18 at and this isn't something that just came up.
19 You're familiar with these studies?

20 A. Yes, sir.

21 Q. Okay. And to recap, we talked about gunshot
22 residue?

23 A. Yes.

24 Q. We talked about transference?

25 A. Yes, sir.

1 Q. We talked about the need for when we're doing
2 collections for officers to do things in a very
3 secure way. How you collect studies ---

4 A. Yes, sir.

5 Q. --- when you collect gunshot residue?

6 A. Correct.

7 Q. You don't collect the gunshot residue?

8 A. I do not.

9 Q. We talked about the fact that sometimes that
10 gunshot residue can get on handcuffs?

11 A. Yes, sir.

12 Q. We talked about the studies that talked about at
13 the beginning of officers go on shift, there's been
14 studies that they were surprised that these officers
15 could have a hundred particles on their hand at the
16 beginning of their shift from loading a firearm,
17 grabbing their firearm, all these other things?

18 A. Yes, sir.

19 Q. We talked about the fact that gunshot residue
20 sometimes is in the back of vehicles?

21 A. Yes, sir.

22 Q. We talked about the fact that when analyzing
23 gunshot residue, you are not saying for this record
24 that someone fired a firearm?

25 A. That is correct.

1 Q. You are saying that there are three potential
2 things that can happen?

3 A. Yes, sir.

4 Q. Someone could have fired a firearm?

5 A. Correct.

6 Q. Someone could have been in the presence of a
7 firearm that was fired?

8 A. Yes, sir.

9 Q. And that can be transferred? I think you called
10 transferred or transference. I think you called it
11 something different.

12 A. Transference is fine.

13 Q. It can be transferred from one person to another
14 person?

15 A. Yes, sir.

16 Q. Gunshot residue has the consistency of flour?

17 A. The physical behavior of a flour.

18 Q. And we talked about the two studies that I gave
19 you and questioned you about. The one about the
20 brake pad study and the other about the transference?

21 A. Yes, sir.

22 Q. And, then, finally I was the one who asked you
23 the questions about how many particles were found on
24 everything tested?

25 A. You did. Yes, sir.

1 Q. And there's gunshot residue, I think, was five
2 total particles that was found upon the victim?

3 A. Yes, sir. That's correct.

4 Q. Make sure I finish up this one. On the victim
5 there are five total particles found?

6 A. Yes, sir.

7 Q. On the vehicle there's four total particles
8 found?

9 A. Yes, sir.

10 Q. And Mr. Young there are three total particles
11 found, one on his right hand and two on his left
12 hand?

13 A. Yes, sir.

14 Q. Thank you so much. Thank you for taking time.
15 Well, let me again, have I given you the opportunity
16 to answer all of my questions?

17 A. Yes, sir.

18 Q. Is there anything you need to add to supplement
19 any questions that I asked? I didn't cut you off or
20 anything like that?

21 A. No, sir. You did not cut me off.

22 Q. All right. Agent, thank you ---

23 A. Your article is up here as well.

24 Q. Okay.

25 MR. KENT: Thank you for your time. I very much

1 appreciate it, sir.

2 THE COURT: Any redirect of the witness?

3 MR. FINCH: Yes, Your Honor.

4 THE COURT: You may proceed.

5 MR. FINCH: Thank you, ma'ma. May it please, the
6 Court?

7 THE COURT: Yes, sir.

8 Redirect Examination by Mr. Finch:

9 Q. Agent Sturkie, you testified you're aware and
10 SLED is aware of the reports that Mr. Kent was
11 referencing?

12 A. Yes, sir. We are.

13 Q. And, accordingly, your analysis research and
14 investigation is tailored around any information that
15 may have been raised in those articles years ago?

16 A. Yes, sir.

17 Q. And so now the science is better than it was
18 years ago?

19 A. Yes, sir.

20 Q. And you look at all these things with those
21 articles in mind and with other research in mind to
22 rule in certain items and rule out certain items ---

23 MR. KENT: Objection.

24 THE COURT: Bases?

25 MR. KENT: He's leading, Your Honor.

1 THE COURT: Sustained. Leading.

2 Q. With that information, what do you do as part of
3 your analysis and creating your reports?

4 A. Given research in the past and in the present and
5 as research involves on the practice of gunshot
6 residue, we take into effect everything to make sure
7 we are not, we're doing the job, our job the best
8 that we can and we don't give any, lack of better
9 term, false positives as we mentioned earlier. And
10 so throughout the course the analysis when I find a
11 gunshot residue particle given the population that is
12 found, given the particle itself it is determined
13 that those particles when I have issued them in my
14 report that those particles originated from a primer
15 in a cartridge case that had been fired by a weapon.
16 How that gunshot residue got there or how it became
17 there or, excuse me, how it got there, one of those
18 three things. An individual fired the weapon, were
19 in the vicinity, or touched an object.

20 Q. And regarding one of those studies, Mr. Kent had
21 referenced officers handling firearms prior to shift
22 potential?

23 A. Yes, sir.

24 Q. However, if, if an officer hadn't been handling
25 his firearm would you expect to find GSR on his

1 hands?

2 A. On the officers hands?

3 Q. On the officers hands?

4 A. It -- it depends. Again, the officer carries a
5 firearm so it's not uncommon for an individual who
6 carries a firearm or to even have one on their person
7 to contain GSR on their hands. But that's at that
8 given time. There are a lot of factors that go on to
9 determine whether or not GSR would be present.

10 Q. But if it had been over a six hour period on a
11 living person that's active, you would not expect to
12 find GSR?

13 A. I would expect -- I don't know what I would
14 expect the results to be for beyond six hours. I
15 would just expect that if there were GSR to begin
16 with and we were to find it, I could not attribute it
17 to a certain event.

18 Q. And, then again, the number of particles not
19 indicative up to, if found is not indicative to
20 changing the result as to whether somebody fired it,
21 was in the vicinity, or touched something that was in
22 the vicinity?

23 A. That's correct. With studies we have done in
24 house at SLED and studies done nationwide, worldwide
25 There have been studies to show that an individual

1 who fires a weapon could have as few as one particle
2 or as many as hundreds of particles And the same as
3 transferred. The more you transfer the more likely
4 you are to remove from an object and to gain on
5 another object.

6 Q. And I think Mr. Kent use a visual that if you
7 touch something here that had GSR on it, it could
8 transfer to his hand?

9 A. Yes, sir.

10 Q. But if a lot of people, if were doing this, over
11 and over and over and over again, it's less likely --
12 would it be less or more likely to find GSR after a
13 lot of hands brushing, brushing and touching a
14 certain item?

15 A. No. More contact and more transfer that apply to
16 an object that has GSR the more likely it is to be
17 removed from that object.

18 Q. As -- as an expert in GSR analysis and
19 understanding transfer and things like that, if, I'm
20 gonna opposed two hypothetical, if somebody was
21 operating a vehicle, for instance, and later got out
22 of that vehicle and somehow picked up, even
23 transferred GSR on their hands, but never got back in
24 that vehicle, would they be able to transfer the GSR
25 was from their hands back into that vehicle without

1 touching it?

2 A. If they never got into that vehicle?

3 Q. Correct.

4 A. If an object, such in this case, as an
5 individual's hands did not touch the vehicle without
6 GSR, then I would not expect GSR to be on the vehicle
7 from the victim or from that individuals hands. And
8 I'm sorry if that's confusing. I couldn't quite
9 follow it.

10 Q. And conversely, if somebody had GSR on their
11 hands and got into a vehicle, could they leave GSR on
12 a steering wheel or shift?

13 A. If GSR is on those hands, yes, sir.

14 MR. FINCH: Nothing further.

15 THE COURT: Any objection to the witness being
16 excused from the State.

17 MS. BALDWIN: None from the State.

18 THE COURT: From the defense?

19 MR. KENT: None on behalf of the defendant, Your
20 Honor.

21 THE COURT: Thank you, sir. You're excused. Have
22 you already put their lunch in the room or are
23 waiting still waiting for it to come upstairs?

24 THE CLERK: It's upstairs.

25 THE COURT: Madam Forelady, ladies and gentlemen,

1 THE COURT: The witness will come forward and be
2 sworn.

3 THE CLERK: Do you swear or affirm the testimony
4 you give shall give the Court and the jury in the
5 trial of this case, is the truth, the whole truth,
6 and nothing but the truth so help you God?

7 MR. DESHEER: Yes, ma'am.

8 THE CLERK: Please be seated. Please state your
9 full name and spelling your last name directly in
10 the microphone.

11 MR. DESHEER: Yes, ma'am. My name is Jerome
12 Desheers, and it's D-e-s-h-e-e-r-s.

13 THE COURT: You may proceed?

14 MR. FINCH: Thank you, Your Honor.

15 THE COURT: You're welcome.

16 MR. FINCH: May it please, the Court?

17 THE COURT: Yes, sir.

18 JEROME DESHEERS, first being
19 duly sworn, testified as follows:

20 Direct Examination by Mr. Finch:

21 Q. Good afternoon, detective, if you would tell the
22 jury where it is that you're employed?

23 A. I'm currently employed by the North Charleston
24 Police Department here in South Carolina.

25 Q. And what do you do for North Charleston Police

1 Department?

2 A. So I'm assigned to the Detective Bureau and I'm
3 also attached to the FBI here in Charleston on the
4 Violent Crime Task Force as well as in the FBI the
5 Cellular Analysis Survey Team or CAST is what we call
6 it.

7 Q. And as a member of the -- well, let me back up,
8 how long have you been with North Charleston?

9 A. Over 15 years at this point.

10 Q. And how long have you been working with the FBI,
11 part of this CAST, now?

12 A. So I been on the FBI Task Force now for nine
13 years and I've been with the CAST Unit for two years.

14 Q. And as part of that attachment to the CAST unit,
15 Did you receive any special training?

16 A. Yes. So to get onto the CAST Unit there's a
17 series of trainings that you are required. The first
18 is a week of what they called Basic Course which is
19 it's open to anybody in law enforcement and then you
20 get selected to move on. The second -- the second
21 phase is called the Advance Course which is still
22 working with the records, you just a little bit
23 working on your own with case examples. And then if
24 you get selected to move on through the process you
25 go to a course, it's called a CIRRA, the Critical

1 Incident Right Assessment which is a graded portion.
2 And in this three day class it is, essentially, you
3 are given a case or a series of cases that you have
4 to work through completely, turn it in, and then
5 members of the CAST Unit will grade and see if you
6 move on to the next portion which is the
7 certification process. The certification process
8 last four weeks. The first two weeks of that is
9 speaking with cell providers, their Custodian of
10 Records, and the engineers that work on the network
11 for each provider, um, Verizon, T-Mobile, AT&T and
12 then Cellular, ah, Cellular One which we don't have
13 in this state. But your second week of that course
14 is actually getting instruction from the Florida
15 Institute of Technology on Cell Theory and the
16 network. So the cellular network is what we what we
17 learn. And then we move on to the final phase of
18 certification which is another two weeks which is
19 where we learn how to use equipment that measures the
20 cellular network. And then we have a week where we
21 go through court and prosecution testimony.

22 Q. And how long have you had these certifications?

23 A. So I completed my certification process in
24 September of 2021. I've been working -- I started
25 the process back in 2016.

1 Q. Have you testified in South Carolina court's
2 before?

3 A. I have. I've tested -- I've testified here in
4 Charleston County and GSC Court. I've also testified
5 twice in the Florence Division of the United States
6 Federal Court. And also Colquitt County Circuit
7 Court in Georgia.

8 Q. Have you've been qualified as an expert to
9 testify in this Courts before?

10 A. Yes, I have.

11 Q. And what was that expertise?

12 A. In cell site analysis.

13 MR. FINCH: Your Honor, at this time, the State
14 would offer Detective Desheers as an expert in cell
15 site analysis?

16 THE COURT: Any objections or questions?

17 MR. WILLIAMS: No, Your Honor. We agree.

18 THE COURT: So admitted without objection. You
19 may proceed.

20 MR. FINCH: Thank you, Your Honor.

21 THE COURT: You're welcome.

22 Q. Detective Desheers, obviously, you said that you
23 worked for North Charleston Police Department and
24 we're talking about a Charleston Police Department
25 case, how did you become involved in this case?

1 A. So a request was put into the FBI as CAST Unit to
2 assist with the records in this case. It began back
3 when the, at 2020 when the records were initially
4 obtained. And it started with another CAST agent,
5 Clay Simmons, who has since retired. And then the
6 request is forwarded to me to complete these, this
7 mapping for trial.

8 Q. And as far as this CAST analysis tell us what is
9 the general of how it works so that the jury can
10 understand? Just tell us how one would go about
11 mapping cellular locations?

12 A. Okay. So what we get is the original set of
13 call detail records. We e call them CDRs for short.
14 They come directly, it will go to the investigator
15 and they forward that email or those original records
16 from the company to us. And what we do is we look
17 inside of those call detail records for particular
18 pieces of information. So they will contain the date
19 and timestamp of when a call was originated and then
20 ended. And then it will also include, at the very
21 least, the beginning cell site which is the cell
22 tower and antenna that was used to start that call.
23 And we take another list it's called, they call it a
24 tower list that is also provided through the each
25 cell phone, cell phone provider. And we're matching

1 up the call from the call detail records with that
2 tower information that it originated from, and we are
3 just comparing that to the tower list to see exactly
4 where that tower is, and the direction that specific
5 antenna faces that was used, and then we can put
6 that onto a map visual representation.

7 Q. You mentioned cell, cell towers and then
8 antennas, what's the difference between those two
9 items?

10 A. So a cell tower would be the actual physical
11 structure. And on the cell tower there are generally
12 three sets of antennas that face in a circle, 120
13 degrees. So each tower should have or generally
14 would have coverage 360, 360 degrees around the
15 tower. But it's each antenna is only kind of
16 responsible, if you will, for 1/3 of that, of that
17 360 degrees which we call the sector. And that's
18 where we, that's where the antenna information comes
19 into play to determine which side of that tower the
20 phone was using.

21 Q. And so I'm understanding it correctly, there's a
22 tower and then antennas and that's 360 degrees and
23 then the individual antennas will pick up 1/3 of that
24 coverage area?

25 A. That's correct.

1 Q. And you mentioned a tower list, does that include
2 antennas on that, essentially, which way they're
3 facing?

4 A. That's correct. So part of the information that
5 comes with the tower list is not only the location,
6 the GPS coordinates of that tower where those
7 antennas sit, it also will tell us the orientation or
8 the Azimuth in which the antenna is facing. And for
9 example, if we have a it's going to list 60 degrees,
10 so what we do is we take that 60 degrees being the
11 Azimuth or the center of that sector, and then to make
12 our 300 or 120 degree wedge, we just add 60 to one
13 side and subtract it from the other side, so we'll
14 have a an arc or a wedge that is 0 to 120 degrees.

15 Q. And in doing that you, you refer to this Azimuth,
16 so are we using -- when folks do this with a CAST
17 analysis so you're using some sort of true north or
18 defined zero degrees so each time you use a degree we
19 know which way it's facing?

20 A. Right. So the -- the -- what we're face -- what
21 we're using is true north. So zero degrees, true,
22 it's true north and then that, that measurement
23 that's listed as the Azimuth is based off with that
24 true north setting. So 60 degrees is, is, in,
25 actuality, 60 degrees from due north.

1 Q. And the tower list, how is that, as you mentioned
2 that's done by providers, how is that kept?

3 A. So there's -- so each provider has a database
4 that they update regularly and that's held within the
5 each provider that is then in turn provided to or
6 accessible by in the CAC, and that's where we go and
7 pull the list. So what happens is when they send
8 records they may send a tower list with those
9 records, but the tower list that sent is from the
10 time that they're sending it, not necessarily time
11 period of the records that we're looking at. So we
12 have to go in and manually pull the correct tower
13 list in case there was changes in the network.

14 Q. And that is accessible to FBI CAST members to be
15 able to get this list, to plot a tower that's been
16 identified?

17 A. That's correct.

18 Q. And do each of the towers have their own number
19 identification? How do we know which ones which?

20 A. Yes. So each antenna has a unique ID. So the ID
21 number is not going to be seen anywhere across the
22 network for that provider. And each provider has
23 their own identifiers and the way that they make
24 those identifiers is unique to each individual
25 provider as well.

1 Q. And again, when you're plotting any cellular
2 location, you're starting with the CDRs, to call data
3 records?

4 A. Correct.

5 Q. And those are maintained by the providers?

6 A. That's correct.

7 Q. And then they're provided to you via law
8 enforcement that has engaged you in their
9 investigation, is that correct?

10 A. That's correct.

11 Q. And again, did you receive some records in this
12 case?

13 A. I did.

14 Q. And I'm gonna show you what's been marked for ID
15 purposes at this point is State's 63, can you
16 identify that?

17 A. Yes. So this is the disc that has the call
18 detail records that I used to perform this, this
19 report?

20 Q. And how do you know that that's the same disc?

21 A. So I looked at, on the disc is my initials
22 showing where I looked at the files that were on this
23 disk for the records that prosecution requested.

24 MR. FINCH: Your Honor, at this time the State
25 would move the admission of State's 63 into evidence?

1 THE COURT: Any exception?

2 MR. WILLIAMS: None, Your Honor.

3 THE COURT: Marked and admitted without objection.

4 (Whereupon, the Defendant's Cell Phone Records has
5 been marked and entered into evidence as State's
6 Exhibit No 63.)

7 Q. So the next step with those records is yours --
8 is that when you plot cell sites?

9 A. Yes. So once the records come to me, we use a
10 program, it's it's from Gladiator Forensics. It's
11 called ESPA. And that program is where we ingest the
12 call detail records, the tower list. And then, we
13 create our map visual representation of those
14 records. And then from our training in the
15 experience that we have on CAST we actually go
16 through and look to make sure that what is being put
17 on the map is consistent with what the records are
18 actually displaying. Just in case there was some
19 error in the, in the program, we just want to make
20 sure that we visually inspect what we put up. We
21 also go through a peer review process where a
22 separate program is used do that the peer review does
23 not consist of using the same program that the
24 original map was created by and then another CAST
25 member is also visually inspecting the records and

1 the map to make sure it's correct.

2 Q. So if I understand, you create a report and it's
3 in a map format that plots these for reference?

4 A. Correct.

5 Q. And did you produce the report in this case?

6 A. I did.

7 Q. I'm gonna show you what's been marked for ID
8 purposes at this point it's State's 66, can you
9 identify this document?

10 A. Yes.

11 Q. And what is that?

12 A. So this is the copy of the report that I produced
13 for this trial.

14 MR. FINCH: Your Honor, at this time the State
15 would move for the admission of State's 66 into
16 evidence?

17 THE COURT: Any exception?

18 MR. KENT: None, Your Honor.

19 THE COURT: Marked and admitted without without
20 objection.

21 MR. FINCH: Thank you, Your Honor.

22 (Whereupon, the Cellphone Mapping Data For
23 Defendant's Phone has been marked and entered into
24 evidence as State's Exhibit No. 66)

25 MR. FINCH: Permission to publish?

1 THE COURT: You may proceed?

2 MR. FINCH: Thank you, Your Honor.

3 THE COURT: You're welcome.

4 Q. I'm going to, and I apologize, I'm going to zoom
5 out here, I'm going to -- that's going to appear in
6 front of you on the monitor, this is several pages.
7 I just want to go through each page. If you need to
8 refer to anything, that is a touchscreen so you just
9 go ahead and touch that. Should you need to clear
10 anything there's a button on the top right. It'll
11 come on the screen and you can do anything manual on
12 your report. All right. So, obviously, we're looking
13 at here it looks like the cover of the report?

14 A. Yes. This is our cover page. Here we notate the
15 case number that is assigned, so Charleston Police
16 Department's case number, and then the records or the
17 phone numbers for the records that were analyzed.
18 Here, there are three records, um, three phone
19 numbers showing. The first one it's difficult to see
20 on the screen, but the first one is actually ---

21 MR. KENT: Your Honor, I'mma raise a a quick
22 objection. May we approach.

23 (Whereupon, a bench conference was held off the
24 record)

25 THE COURT: All right. You good?

1 MR. WILLIAMS: Yes.

2 THE COURT: Is the objection withdrawn?

3 MR. WILLIAMS: It is, Your Honor.

4 THE COURT: Thank you. You may proceed.

5 Q. This is the cover page, here, is that correct?

6 A. That's correct.

7 Q. And then going into the next page, I have -- tell
8 us what this is?

9 A. So the introduction page it's, so, Paragraph 1 is
10 the background so it gives the details that we're
11 looking at in the case so three phone numbers, and
12 the date of November 16, 2019. And there's an
13 incident, this homicide that occurred at 78 Ashley
14 Hall Plantation Road in Charleston. The second
15 paragraph is the methodology used. So this is where
16 it explains that we take the call detail records and
17 we put that information to our program, and then we
18 compare that with the cell site locations, and that's
19 how we come to the conclusion which is the map that
20 was produced.

21 Q. Let's look at the next page. What does this tell
22 us?

23 A. So this is a slide that shows how a cell, a cell
24 phone works with the actual network. So,
25 essentially, what a cell phone is doing it is

1 constantly measuring its environment looking for the
2 clearest, strongest signals that, that it finds so
3 that it knows which antenna to use when it's ready to
4 make a phone call. And this is something that goes,
5 that goes on continuously in your phone and it's
6 constantly measuring the signals around it, and it's
7 creating a list within, inside of, inside of itself,
8 the phone, of saying, hey, this is my, um, this is
9 the best tower I like. And then I see this tower.
10 And it just gives the signals strength and everything
11 to make what they call a neighbor list. So as you
12 move your phone will not lose connectivity with the
13 network.

14 Q. So generally, is the phone -- how's it choosing,
15 essentially, which antenna to reach out to or ping
16 off of?

17 A. So it chooses the strongest, clearest signal.
18 Typically line of sight but not, necessarily,
19 closest. So a close tower may be blocked, let's say
20 by a building or some sort of structure and there's a
21 antenna or a cell tower that's a little further away,
22 but that signal is stronger so that's the signal that
23 the phone is going to choose to use when it starts a
24 transaction with the network.

25 Q. And what is this page telling us?

1 A. So this slide is showing us the cell site,
2 itself, how it works, and what we've already
3 discussed about the three sectors, and its coverage
4 area.

5 Q. Is this just an example of cell towers?

6 A. Yes, it is.

7 Q. And what's this page telling us?

8 A. So on the left side it just shows the bird's eye
9 view of how a sector or a wedge is displayed. So
10 when we look in this example, the Azimuth and the
11 tower list would be zero, and then that's where we
12 take our 60 degrees on either side to make our sector
13 or wedge. And on the right side it just shows how
14 it's displayed on a map. And then there's a shaded
15 area right here. This shaded area does not identify
16 the location inside that sector that the phone is, it
17 just helps us orient ourselves to the direction that,
18 that sector is facing.

19 Q. Now, on this ---

20 A. So this is an example of what we're going to see
21 text boxes in the map. And what's in -- what this
22 information includes is at the very top we have the
23 cell identifier. So that is the antenna, the
24 specific antenna that is being used to make the
25 transactions. And then we have on the left you're

1 going to see a timestamp. That timestamp is provided
2 in local time. And then the type of, the type of
3 call or direction so we have incoming cause and, then
4 voice whether it's a voice, SMS depending on the
5 provider. And then the number in blue, that's our
6 Azmuth. So that's referenced from the call detail
7 records and the tower list. And then at the very far
8 right we have the number that was in contact with the
9 target phone. And then for November 16th which is the
10 bottom, the time zone for Charleston was five hours
11 from ETC. So we subtracted five hours from the
12 directors that we're providing in ETC.

13 Q. What do we have on this slide?

14 A. So this is an overview showing the T-Mobile and
15 Sprint networks that were active during the time
16 frame of November, 2019. And then there's two
17 markers. One's a red marker that indicates the crime
18 scene location which is 78 Ashley Hall Plantation
19 Road. And then there's a orangish marker that
20 indicates the residence of Algernard Young that was
21 provided from the, from the case. And that's 2347
22 Soretrue Avenue in North Charleston.

23 Q. And then on this page, tell us what we're seeing
24 here?

25 A. So this is the start of the analysis. So from

1 November 15, 2019 from 12 a.m. to 7:43 p.m., we just
2 show starting up here ---

3 THE COURT: You should just be able to touch the
4 screen. You can write directly on it.

5 A. Okay. There it goes.

6 THE COURT: Yeah.

7 A. All right. So the initial set of records for
8 November 15th showed the, ah, both the Sprint phone
9 ending in 7985. And then the Verizon phone ending
10 and 4172. Up in the area of, um, this is
11 Summerville, Dorchester Road, Ladson Road, Old
12 Trolley Road in that area. And then we just see it
13 throughout the early afternoon. It came down into
14 North Charleston the south end of North Charleston.
15 Close to the residents at [REDACTED] Sorenttrue. It's as
16 Algernard Young's residents. We have a 3:14 call up
17 here in the central area of North Charleston up by
18 Ashley Phosphate area, and then it went back down
19 south. So we see at 6:31 there's a call that is down
20 towards the south end of North Charleston.

21 Q. And there some -- those phone numbers at the top,
22 were you getting any information about what does
23 phone numbers were?

24 A. So, yes. The -- the information for both phone
25 numbers the one ending in 7985 and 4172 were used by

1 Algernard Young.

2 Q. What are we looking at here on this, now, it say
3 Page 10 page?

4 A. So we now just have the records or. or
5 transactions that we can map for phone number ending
6 in 4172. And these are towers that are located
7 downtown on the Peninsula of Charleston. And this
8 goes from 7:56 p.m. to 9:35 p.m. And by 9:35 we're
9 actually using, so at the end of the records, we're
10 using this middle tower here which would put the
11 phone in the downtown area.

12 Q. Now, next page is Page 11 here on this report the
13 upper right hand corner, what's the timeframe for
14 that?

15 A. So it's starting November 15, 2019 at 11 p.m. and
16 going through November 16th at 12:47 a.m.

17 Q. And that's looks like just for the [REDACTED]-4172
18 number?

19 A That's correct.

20 Q. And then what -- where are -- where's that phone?
21 What towers is that phone using according to the
22 report?

23 A. So this -- this is showing usage in the West
24 Ashley area. And then we see that the red marker
25 indicating the crime scene, it's in the center of

1 this tower and this tower. And to use these two
2 towers, there, that phone is definitely going to be
3 within the coverage area here. But we do see
4 movement back to 12:07 a.m. So it shows that there
5 is some travel with this phone, but it's staying in
6 the West Ashley area.

7 Q. You say some traveling in which direction, is
8 that toward the towers we're looking at?

9 A. Yes. So at 12:06 we have usage here on Route 7,
10 Cosgrove area. And that 12:07, we're using there's a
11 tower here, that is outside of, I guess, that'd be
12 east of Cosgrove. And then at 12:08 we do see, we do
13 see it getting closer to this tower 6146-1. So it
14 does appear that there was some movement in and
15 around that area of the crime scene.

16 Q. And, now, Page 12 is referenced at the top right
17 hand corner here....

18 A. So Page 12 is November 16, 2019 between 12:55
19 a.m. and 1:33 a.m. And then I also noted that the
20 incident date and time was November 16, 2019 at
21 approximately 1:30 a.m. Here the phone starts off in
22 the area of North Charleston which is around the
23 residence about Algernard Young. And then by 1:13
24 a.m. it is using this tower that is closer, closest
25 to the crime scene between 1:13 and 1:32 a.m.

1 Q. So about 19 or 20 minutes in the using the tower
2 closest to the crime scene?

3 A. That's correct.

4 Q. And those incoming and outgoing calls are being
5 made or received by that phone?

6 A. Yes. That's correct. The phone ending and 4172.

7 Q. And then looks like 1:35 to 2 a.m. also on the
8 16th, what does -- what does this show us?

9 A. So this shows, again, travel out of the West
10 Ashley area at 1:35 beginning; and, then at 2 a.m.
11 we're ending or the phone ends up back in the area of
12 Algernard Young's residents, the south end in North
13 Charleston. There is an arrow here in the center of
14 the map that depicts the direction of travel that is
15 most likely, that was most likely taken based on the
16 cell phone tower usage. And we can see that by
17 timestamps that each tower is being used going from
18 West Ashley into North Charleston.

19 Q. Then let's go ahead and look at this next one,
20 Page 14, again, it looks like just records for [REDACTED]-
21 4172, at least, on this page. And let's -- which
22 towers are being used and where are their locations
23 from this report?

24 A. So it's starting at 2:14, if we notice here
25 there's a 60 degree Azimuth, I just covered that. But

1 we see the 60 degree Azimuth so that's this northern
2 part of this tower. And then at 2:39 it is now using
3 this tower that faces the crime scene; 2:41 there's
4 two usages using this tower here, but it's -- but the
5 phone is back in the West Ashley area. And then at
6 6:48, I'm sorry, 3:03 to 3:20 a.m. the device is back
7 in the area of North Charleston, back in the area
8 around Algernard Young's residents. And then 6:48 to
9 6:50 there's some transactions that put it down in
10 the area of Charleston, South Carolina and that tower
11 is over off of Laughlin Boulevard.

12 Q. Is it, um, where's that in relation to the
13 Charleston Police Department Headquarters?

14 A. So that tower actually sits right outside of the
15 Charleston City Police Department.

16 Q. Okay. And then at the ended of the report, on the
17 front of this ---

18 MR. FINCH: I beg the Court's indulgence?

19 THE COURT: Mmm, hmm.

20 Q. So going by your report, at the time of the
21 reporting commission of this crime, what did your
22 report tell us about the usage of the phone [REDACTED]-4172?

23 A. So during the timeframe of the crime the phone
24 was in an area that is covered by the tower or it's
25 been sector used that covers or would, would cover

1 the crime scene. So the phone was in that area
2 around 78 Ashley Hall Plantation.

3 Q. And it's receiving calls as well as making calls?

4 A. That's correct. So the phone was being used by
5 outgoing/ incoming.

6 Q. And ---

7 MR. FINCH: I don't have any further questions at
8 this time. If you would please answer any questions
9 from the defense.

10 THE COURT: You may proceed?

11 MR. WILLIAMS: Thank you.

12 THE COURT: You're welcome.

13 **Cross-Examination by Mr. Williams:**

14 Q. Afternoon, it is Sergeant?

15 A. It's just detective now.

16 Q. Were you sergeant before?

17 A. Never sergeant.

18 Q. Good afternoon. So I want to ask you first about
19 information you get in a case where you're working,
20 at least, as a, as an expert in cell phones. And I
21 think you testified that the information comes to you
22 from investigators with a case?

23 A. That's correct.

24 Q. So you don't have any independent role in
25 deciding what phones or I could say what information

1 you're given in a case?

2 A. No. When we get the request we do ask for the
3 original set of records so we are basing on our
4 requests back to the investigator, the requester, to
5 send us the original set of records, nothing that was
6 worked on previously.

7 Q. And so they would have given you in this case
8 from what you testified to today, two phones alleged
9 to have been, I guess, possessed at some point in
10 time by Algernard Young, is that right?

11 A. That's correct.

12 Q. The 4172 and 7985?

13 A. That's correct

14 Q. So in your training and your expertise you're
15 familiar with GPS data that's kept in phones, is that
16 right?

17 A. Yes.

18 Q. Explain that to the jury?

19 A. So the phone, itself, has processes in it that
20 will record GPS points. This information comes from
21 different apps or different functions of the phone
22 outside of what the call detail records of the
23 cellular network is actually given directions to.

24 Q. You talked a little bit about this on your direct
25 that the tower data puts a device when it's being

1 utilized in an area of a tower, is that fair to say?

2 A. Yes. That's correct.

3 Q. And that area can be or is wholly dependent upon
4 a distance between two towers?

5 A. Not wholly dependent. The tower coverage or
6 antenna coverage varies based on other factors other
7 than the location of neighboring cell sites.

8 Q. So what would those backgrounds be?

9 A. So what a phone company is doing, and we'll start
10 with the actual tower, itself. So a cell phone
11 company does not want to spend extra money on putting
12 cell sites or cell towers too many in a particular
13 area. So they will measure the coverage area of
14 existing cell towers and then make a determination on
15 where it's best suited for an additional tower. And
16 then other factors that will affect it, the signal,
17 itself, there's going to be buildings, structures,
18 even foliage on trees can affect the way that a cell
19 network or the signals, the radio frequency signals
20 travel for that coverage area. And there's different
21 measurement processes that take place that assist the
22 companies with putting those towers up.

23 Q. But, certainly, in your experience and your
24 expertise, significant obstructions are things like
25 mountains, large buildings, right?

1 A. Yes. Mountains, depending on the structure, so a
2 house built of wood and drywall is gonna be much
3 different than let's say the Navy Hospital that's
4 full of concrete and glass.

5 Q. Let's, let's talk about West Ashley for a second,
6 then, specifically, the area around the crime scene.
7 There's not any kind of mountains or significant
8 structure there that would interfere with
9 significantly, at least, cell tower or access to
10 devices?

11 A. That's correct. And the network, so in a densely
12 populated area, and this is the point of the
13 geographic overview that was shown, is we see where
14 there's densely populated areas. There's a lot more
15 towers so all those green dots, a lot of them
16 appeared in North Charleston and Charleston and
17 Summerville. But when you get out to Francis Marion
18 where there's not a lot of coverage or not a lot of
19 population density, there's a lot fewer towers.

20 Q. And so to get back to the area, the area that
21 tower tends to cover is the, there may be some
22 overlap, but if there's two towers, one is gonna
23 cover half the distance. The other -- the other half
24 may be some overlap, but there's a strong clear
25 signal to the phone and it's gonna choose whichever

1 one's strongest, fair?

2 A. Yeah. The phone will definitely choose what
3 strongest. The overlap, so when we look at, ah, in
4 this reference, so where we just have these arcs
5 showing where the, I'm sorry, the sector showing that
6 coverage area, the overlap we put it like 70%. So if
7 we were just to manually draw these lines those lines
8 or 70% of the distance from the tower that we're
9 measuring to the next tower of the next closest
10 tower. But it does not define what the actual radio
11 frequency coverage is for that tower.

12 Q. So let's say you have two towers, two miles
13 apart, theoretically, one would reach a mile, the
14 other would reach a mile with some overlap, give or
15 take?

16 A. That'd be a good example, yes.

17 Q. And so if a phone is accessing a tower, one of
18 those two towers, it's arguably within a mile of that
19 tower, fair?

20 A. It could be, yes.

21 Q. Anywhere in that mile could be 10 feet away?
22 Could be 9/10 of a mile away?

23 A. Yes. And you're saying for the tower that's
24 being used?

25 Q. Right.

1 A. Yes. So we can't -- and we can't like determine
2 based on these records where exactly like what street
3 or the distance from the tower, that's not what the
4 call detail records provide. It just provides that
5 it was in the coverage area of that tower so, yes.

6 Q. So now tell the jury how GPS is more specific
7 than that?

8 A. So we gotta be cautious with specific on GPS. So
9 you giving in cell phone dumps and even let's say a
10 GPS ping of a phone from the provider, you get a
11 coordinate. But there's also an error radius that is
12 provided from the cell providers. They provide a
13 radius. It could be 3500 meters. It could be 6000
14 meters. It could be 5 meters. And same thing with
15 the phone dumps, you have to look at the area radius
16 that it's given. And then you actually have to look,
17 in the phone dumps you actually have to look at the
18 source information that that GPS was, that GPS
19 coordinate came from.

20 Q. But GPS gives longitude, latitude literally can
21 be mapped to the address, is it fair to say?

22 A. Yes. But keep in mind the error rate that comes
23 along with that GPS.

24 Q. Do you know the error rate on an iPhone?

25 A. It varies. I mean, it's not the -- it's not

1 phone specific. It's the source that is gathering
2 that GPS information.

3 Q. Did -- I should ask you this, you can absolutely
4 map GPS coordinates, correct?

5 A. Yes, you can.

6 Q. And you could have mapped it on the exhibit that
7 was put in, correct?

8 A. Yes. I could have.

9 Q. Were you given GPS coordinates from Algernard
10 Young's two iPhone?

11 A. No. I was not.

12 Q. So let's get back to who provide you information.
13 Who gave you the records in this case or I should say
14 who didn't give you the iPhone records in this case?

15 A. So the call detail records that I obtained came
16 from CPD or Charleston City Sergeant Terzo (ph) is
17 who I requested the original records from to go along
18 with the request that was made to CAST.

19 Q. Did you even see the GPS records in the case?

20 A. No. I did not.

21 Q. Would it surprise you if Al Young's GPS
22 coordinates put him on one of his iPhones near his
23 home at the time the shooting occurred or I should
24 say on Sorenttrue Avenue?

25 MR. FINCH: Objection, Your Honor. No personal

1 knowledge or foundation.

2 THE COURT: Please rephrase the question.

3 Sustained.

4 Q. You haven't seen any of the GPS coordinates from
5 Al Young's iPhones, correct?

6 A. Correct.

7 Q. But you were given tower data off of one of them,
8 correct?

9 A. So the tower data comes from the call detail
10 records from the provider not the actual cell phone.

11 Q. So they -- so they gave you the tower data about
12 one iPhone, but didn't give you the corresponding GPS
13 data from that same device?

14 A. So I ---

15 MR. FINCH: Objection, Your Honor.

16 THE COURT: Bases?

17 MR. FINCH: He's already ---

18 THE COURT: Overruled.

19 A. So the records that I have I don't know what type
20 of phone was used so I can't say if it was from an
21 iPhone or not. I know the phone number that was
22 assigned to those records and the two ending and 7985
23 and 4172.

24 Q. And along those same lines, do you know
25 approximately how many search warrants were done per

1 service provider records in this case whether that be
2 T-Mobile, Sprint or other providers?

3 A. I was informed that there were two sets of search
4 warrants that were completed.

5 Q. So two sets, but two sets of how many? How many
6 search warrants were in each set?

7 A. As far as like two sets for each phone number.

8 Q. Okay. But ---

9 A. I'm not -- sorry ---

10 Q. I'm asking is, do you know if other search
11 warrants were done for records that you weren't
12 provided?

13 A. I do not know.

14 Q. So there could have been several other cell
15 phones that were searched, but you weren't given
16 those records, fair to say?

17 A. Yes. That's correct.

18 Q. And that would have been a decision by the
19 investigators in the case?

20 A. That's correct.

21 Q. The next thing I want to ask you about is,
22 nothing in your records tells you where an individual
23 is, fair to say?

24 A. Other than the location of a cell tower and the
25 sector that's being used, ah, it gives it, it narrows

1 it down to the specific area that that antenna
2 covers.

3 Q. Okay.

4 A. So I can tell you that at around 1:30 that the
5 phone ending and 4172 was in the West Ashley area. I
6 can 100% certainly tell you that it was not in Texas
7 or it was not in Summerville.

8 Q. And I think the nature of my question was, you
9 can tell that a device is there, but you don't know
10 who is using the device?

11 A. That's correct.

12 Q. So you can't -- you can only say that a phone
13 number or a device using a certain phone number being
14 off of a SIM card, a device using that phone number
15 was in an area, but you don't know anything about who
16 may or may not have been using it?

17 A. That's correct.

18 Q. I want to go back to the exhibit that y'all put
19 up. It's Sate's Exhibit 66, can you go to Page 12.

20 THE COURT: Can you say what exhibit number you're
21 referring to?

22 MR. WILLIAMS: Number 66, Your Honor, Page 12.

23 THE COURT: Thank you.

24 Q. Just so we're clear on this, each of those green
25 dots are the cell towers, correct?

1 A. That's correct.

2 Q. And I think your testimony before was I think
3 this goes hand-in-hand with the business of cell
4 towers and cell phones. Spread, for instance, wants
5 the phone to access the clearest strongest signals so
6 that the best service is provided to customers,
7 right?

8 A. So the phone is actually making the decision to
9 pick that clear strongest signal.

10 Q. And without obstructions for the most part that
11 would be the closest geographic tower?

12 A. Without, yes. Without any obstructions in a
13 vacuum it would be the closest tower.

14 Q. And you know this area, right, like you know West
15 Ashley?

16 A. Yes.

17 Q. So this, this tower over off of, it's gonna be
18 over off of 61, this is Magwood, right? There's a
19 Home Depot, Lowe's, Chick-fil-A is over there?

20 A. Yes. That's where, right off the interstate.
21 Right off of I-26, yep.

22 Q. So I'd call it the Chick-fil-A tower. There's
23 another tower further up, up 61 passed Magwood, do
24 you know about how far apart those towers are?

25 A. We can look at the scale so I would say ---

1 Q. About an inch and a half?

2 A. Let's multiply that. Can you tell -- what's the
3 -- there you go ---

4 Q. Half inch? Five hundred meters?

5 A. So approximately 1500 meters apart.

6 Q. Fifteen hundred meters between the two towers?

7 A. That's correct.

8 Q. So the middle ground, I guess, 750 meters?

9 A. That's correct.

10 Q. Half mile?

11 A. I -- I --

12 Q. But 1500 meters is, I think, there's maybe 1600
13 meters in a mile, does that sound right, or less?

14 A. I wish -- I wish I could tell you. I wish I knew
15 off the top of my head.

16 Q. So the, again, the device is going to choose the
17 strongest clearest signal which tends to be the
18 closest tower, correct?

19 A. That's correct.

20 Q. And looking at this map, the Chick-fil-A tower
21 looks like it's less than an inch and the 61 tower
22 looks like it's more than an inch, right?

23 A. That's correct.

24 Q. So the closest tower to that device is the tower,
25 um, at the Chick-fil-A, I'm gonna call it the Chick-

1 fil-A tower again, right?

2 A. Right.

3 Q. Sorry, it's the other way around, the device is
4 using the tower at the top of the screen?

5 A. That's correct.

6 Q. And the tower that's closest to the crime scene,
7 is the Chick-fil-A tower, right?

8 A. That's correct. So one of the things that we
9 also need to look at is if we can pull the tower list
10 and identify what tower it is. We know, like I
11 mentioned earlier, that cell networks will or
12 cellular providers they base their network off of
13 population density. Across from Glenn McConnell is a
14 major hospital. And we have a mall and another
15 densely populated area. There's a shopping center
16 right here. So those things have to come in effect
17 because not every tower covers the same, has the same
18 coverage area.

19 Q. Well, let's go back to this map, though.

20 A. Yeah.

21 Q. Clearly the phone is accessing a tower that would
22 not ordinarily provide service to the crime scene
23 based on the distance between those two, right?

24 A. That is incorrect.

25 Q. The phone is using a tower that's further away

1 from the crime scene than the one that's closest to
2 the crime scene, right?

3 A. Yes. In distance, yes. But it does not mean
4 that that is the tower that has to be used for ---

5 Q. You could have found out -- you could have found
6 out the relative power of those towers, correct?

7 MR. FINCH: Objection, Your Honor.

8 THE COURT: Bases?

9 MR. FINCH: Lack of foundation. Personal
10 knowledge.

11 THE COURT: You have to establish the foundation
12 for that question, Mr. Williams.

13 Q. Tell the jury what a drive test is?

14 A. So a drive test is basically we take antennas
15 that are connected to receiver which is a giant
16 computer and you drive around every - so we would hit
17 every single street and every, every place that we
18 can drive, and the antennas are constantly measuring
19 all the different technologies that are on each tower
20 that you drive.

21 Q. Where did you do get your certification training?

22 A. So that was done by Gladiator which is the ---

23 Q. Where -- where were you did your certification
24 training?

25 A. Oh, for the drive test equipment? That was in

1 Phoenix, Arizona.

2 Q. So in Phoenix you did drive testing, right?

3 A. That's correct.

4 Q. You know how to do it?

5 A. That's correct.

6 Q. You can tell exactly how strong a tower is, how
7 far the signal goes, and what the strength is to a
8 much better detail with this, correct?

9 A. At the time of the drive test.

10 Q. And you didn't do it in this case?

11 A. I did not. And the reason why I did not do it in
12 this case is because drive tests are specific to the
13 exact time that you're doing it. So for me to do an
14 accurate drive test I would have to have done this
15 back in 2019 or at the very least in November of 2020
16 to get the most accurate reading of the towers here.

17 Q. Back up a little bit. The case was assigned to
18 another CAST agent, correct?

19 A. That's correct.

20 Q. FBI Agent Clay Simmons?

21 A. That's correct.

22 Q. You had assess?

23 A. Yes. And he retired as a supervisor.

24 Q. Provides training to people like you in this
25 area, correct?

1 A. That's correct.

2 Q. He could have done a drivers test at the time,
3 correct?

4 A. Yes. That's correct.

5 Q. So if this jury wanted to know the exact strength
6 of those towers that you've testified to you all
7 could have done it at the time, correct?

8 A. Back when the case, when the records were
9 originally received, yes, it could have been done.

10 Q. And And nobody did it?

11 A. No.

12 Q. And if we had that information, we would know
13 exactly how far apart those towers are and where the
14 phone was at the time it was accessing those towers?

15 A. You wouldn't be able to determine exactly where
16 the phone was. It just tells you the coverage area
17 of each particular tower.

18 Q. But now you're guessing at it without that, not
19 that information based on population areas despite
20 the fact that it looks, obvious from this map, that
21 if the phone was at the place of the crime scene at
22 that time it would have been hitting the closest
23 tower and it wasn't, right?

24 A. So -- no, you can't -- you can't base it on just
25 what we have here. So there's -- if you can -- can

1 you zoom out on this map?

2 Q. Yeah.

3 A. So if we look at this part of the map we see a
4 bunch of green dots. Now, if you were to go and
5 check that area of North Charleston you're not going
6 to see tall towers and antennas around that area.
7 There's things they call it small cells or Omni cells
8 that have a very low coverage area and that is for
9 the purpose of providing service to small specific
10 area. And in this case we have small cells in the
11 neighborhood because of how densely populated those
12 neighborhoods are and a lot of T-Mobile and Verizon
13 customers. So when we look at this tower, the Chick-
14 fil-A tower, one of the things that we're looking at
15 is determining on where that tower is located, what's
16 around it, and then we can go and look at the tower
17 list and identify, you know, is it a small cell? And
18 the coverage area is not going to be -- it's not
19 going to give us a distance of that coverage area,
20 but we can see the different types of cell, cell
21 towers. This one off a 526, the one that's being
22 used, that was being used quite frequently throughout
23 this map, ah, all the slides that I did because it's
24 a major, it's a bigger tower. It's made for, it was
25 put up for overall coverage area versus the smaller

1 cell outside of this shopping center.

2 Q. Let me go back to, I guess, my line of
3 questioning. Towers, devices tend to use the closest
4 strongest signal, correct?

5 A. That's correct.

6 Q. And if the phone was at the crime scene you would
7 have expected to use the closest tower which was the
8 Chick-fil-A tower, correct?

9 A. No. Again, the closest tower does not equate to
10 the strongest single tower.

11 Q. So even though you don't know the relative
12 strength of the towers, you just think one is
13 stronger than the other?

14 A. Based on my training and experience and talking
15 with engineers from the each provider, yes. Verizon
16 being one of those providers.

17 Q. How much stronger is one tower than the other in
18 this picture?

19 A. I couldn't tell you the -- I cannot tell you the
20 single strength for each tower in this picture.

21 Q. And to go back to this, you're not saying that
22 the phone was at the crime scene, you're simply
23 saying it was somewhere in the West Ashley area and
24 arguably within, I guess, three quarters of a mile,
25 is that where we are on the strength of the tower,

1 now or I don't know where we left it, but how far
2 out does the strength of that tower go, in your
3 opinion?

4 MR. FINCH: Objection, Your Honor.

5 THE COURT: Bases?

6 MR. FINCH: Lack of foundation. Lack of personal
7 knowledge as to this tower.

8 THE COURT: You need to lay the foundation for his
9 knowledge of that particular tower. The objection
10 sustained.

11 Q. Detective, you testified that you thought one
12 tower was stronger than the other and that would
13 justify some of these measurements. You said you
14 didn't know how strong the towers were, necessarily.
15 What I'm trying to figure out that is, if you think
16 there's a relative strength, what do you think the
17 distances are from those towers where they would
18 receive or get reception from a phone?

19 A. I -- can't tell you what the, the distance is.
20 This -- this tower could cover well within where this
21 antenna is. But to answer your question, I -- I
22 cannot tell you, no, that the phone -- I cannot tell
23 you that the phone was at the crime scene. I can
24 tell you it was within the coverage area of this
25 tower.

1 Q. So could have been all the way up where the the
2 tower, itself, is within 10 feet of it?

3 A. That's correct.

4 MR. WILLIAMS: Nothing else. Thank you.

5 THE COURT: Any redirect?

6 MR. FINCH: Just briefly. Thank you, Your Honor.

7 THE COURT: You're welcome.

8 **Redirect Examination by Mr. Finch:**

9 Q. I just want to refer back to this page and
10 exhibit you're just going over with Mr. Williams.
11 You referenced these towers up here by North
12 Charleston and what's this yellow flag for?

13 A. So that, again, is the marker for Algernard
14 Young's residents, [REDACTED] Sorentrue Avenue in North
15 Charleston.

16 Q. And according to your report and the call data
17 records, um, that phone in use was not pinging off
18 any towers close to Sorentrue, correct?

19 A. Correct. During the 1:13 and 1:32 timeframe,
20 correct.

21 Q. Correct.

22 A. Yes, sir.

23 Q. And again, just to clarify, it's your testimony
24 that it's the cell phone choose the tower?

25 A. Yes. That's correct.

1 Q. And it's going to choose the strongest signal?

2 A. Strongest clearest signal.

3 Q. Not necessarily the closest?

4 A. That's correct.

5 MR. FINCH: Thank you. No further questions.

6 THE COURT: Any objection to the witness being
7 excused from State?

8 MR. FINCH: No, Your Honor.

9 THE COURT: From the defense?

10 MR. WILLIAMS: No, Your Honor.

11 THE COURT: Sir, you're excused.

12 MR. DESHEER: Thank you, ma'am.

13 THE COURT: You're welcome. Thank you.

14 MR. DESHEER: Thank you.

15 THE COURT: The State may call it's next witness.

16 MS. BALDWIN: Your Honor, may we approach briefly?

17 THE COURT: Sure.

18 (Whereupon, a bench conference was held off the
19 record)

20 THE COURT: Madam Forelady, ladies and gentlemen,
21 we're going to take a brief comfort break. During
22 the break please do not discuss the case and please
23 leave your notepads in your seats. We appreciate
24 your patience.

25 (Whereupon, the jury exits the courtroom at 2:42