

VOLUME I OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Aug 08 2025

SC Court of Appeals

Appeal from Florence County

Honorable H. Steven DeBerry IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MEASHA JAQUETTA SHAWNIC JOYNER,

APPELLANT

APPELLATE CASE NO. 2024-000274

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**STATE’S EXHIBIT #2 (EMAILED PHOTO), DEFENSE EXHIBIT #1 (VIDEO),
AND DEFENSE EXHIBIT #8 (SCHILTZ VIDEO)**

1 STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
2 COUNTY OF FLORENCE) 2019-GS-21-01040
3)
4)
5 State Of South Carolina) TRANSCRIPT OF RECORD
6 vs.)
7 Measha Jaquetta Shawnic Joyner) Florence, South Carolina
8) December 4-8, 2023
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B E F O R E:

THE HONORABLE STEVEN H. DEBERRY, IV.

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

TODD TUCKER, DEPUTY SOLICITOR
Attorney for the State

Rose Mary Parham, ESQ.
Attorney for the Defendant

KESHIA REED
Official Court Reporter

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22	Deandra Whitehead				
23	Mr. Tucker	300		325	
24	Ms. Parham		311		
25					

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	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
1					
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12	Mr. Tucker	368		388	
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16	Mr. Tucker	391		412	
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20	Mr. Tucker	415		462	
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1		<u>I N D E X</u>			
2	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
3	Jennifer Bartman				
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1		<u>E X H I B I T S</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>	
3	S-1	9-1-1 Call		93	
4	S-2	Map		101	
5	S-3	Photo		220	
6	S-4	Photo		220	
7	S-5	Photo		220	
8	S-6	Photo		220	
9	S-7	Photo		220	
10	S-8	Photo		220	
11	S-9	Photo		220	
12	S-10	Photo		220	
13	S-11	Photo		220	
14	S-12	Photo		220	
15	S-13	Photo		220	
16	S-14	Photo		220	
17	S-15	Photo		220	
18	S-16	Photo		220	
19	S-17	Photo		220	
20	S-18	Photo		220	
21	S-19	Photo		220	
22	S-20	Photo		220	
23	S-21	Photo		220	
24	S-22	Photo		220	
25	S-23	Photo		220	

1	<u>I N D E X</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
3	S-24	Photo		220
4	S-25	Photo		220
5	S-26	Photo		220
6	S-27	Photo		220
7	S-28	Photo		220
8	S-29	Photo		220
9	S-30	Photo		220
10	S-31	Photo		220
11	S-32	Photo		220
12	S-33	Photo		220
13	S-34	Photo		220
14	S-35	Photo		220
15	S-36	Photo		220
16	S-37	Photo		220
17	S-38	Photo		220
18	S-39	Photo		220
19	S-40	Photo		220
20	S-41	Photo		220
21	S-42	Photo		220
22	S-43	Photo		220
23	S-44	Photo		220
24	S-45	Photo		220
25	S-46	Photo		220

<u>E X H I B I T S</u>				
	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1				
2				
3	S-47	Photo		220
4	S-48	Photo		220
5	S-49	Photo		220
6	S-50	Photo		220
7	S-51	Photo		220
8	S-52	Photo		220
9	S-53	Photo		220
10	S-54	Photo		220
11	S-55	Photo		220
12	S-56	Photo		220
13	S-57	Photo		220
14	S-58	Photo		220
15	S-59	Photo		220
16	S-60	Photo		220
17	S-61	Photo		220
18	S-62	Photo		220
19	S-63	Body Diagram		
20	S-64	CAD Report	94	
21	S-65	Photo		213
22	S-66	Photo		213
23	S-67	Photo		213
24	S-68	Photo		213
25	S-69	Photo		213

<u>E X H I B I T S</u>				
	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1				
2				
3	S-70	Photo		214
4	S-71	Photo		214
5	S-72	Photo		214
6	S-73	Photo		214
7	S-74	Photo		214
8	S-75	Photo		214
9	S-76	Photo		214
10	S-77	Photo		214
11	S-78	Photo		214
12	S-79	Photo		214
13	S-80	Photo		214
14	S-81	Photo		214
15	S-82	Photo		214
16	S-83	Photo		214
17	S-84	Photo		214
18	S-85	Photo		214
19	S-86	Photo		214
20	S-87	Photo		214
21	S-88	Photo		214
22	S-89	Photo		214
23	S-90	Photo		214
24	S-91	Photo		214
25	S-92	Photo		214

	<u>E X H I B I T S</u>			
	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1				
2				
3	S-93	Photo		214
4	S-94	Photo		214
5	S-95	Photo		214
6	S-96	Photo		214
7	S-97	Photo		214
8	S-98	Photo		214
9	S-99	Photo		214
10	S-100	Photo		214
11	S-101	Photo		214
12	S-102	Photo		214
13	S-103	Photo		214
14	S-104	Photo		214
15	S-105	Photo		214
16	S-106	Swab Blood Stain	248	482
17	S-107	SLED	248	482
18	S-108	Federal 9mm Luger	248	497
19	S-109	Remington Bullets	248	498
20	S-110	Shell Casing	249	
21	S-111	Gun		501
22	S-112	Gun		501
23	S-113	Gun		501
24	S-114	Projectile from Autopsy		501
25	S-115	Lab Fired Projectiles		501

1	<u>E X H I B I T S</u>			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
3	S-116	Lab Fired Projectiles		501
4	S-117	Lab Fired Projectiles		501
5	S-118	SLED Lap Report		496
6	S-119	9mm Shell Casing		500
7	S-120	9mm Shell Casing		500
8	S-121	9mm Shell Casing		500
9	S-122	9mm Shell Casing		500
10	S-123	9mm Shell Casing		500
11	S-124	9mm Shell Casing		500
12	S-125	9mm Shell Casing		500
13	S-126	9mm Shell Casing		500
14	S-127	9mm Shell Casing		500
15	S-128	9mm Shell Casing		500
16	S-129	9mm Shell Casing		500
17	S-130	9mm Shell Casing		500
18	S-131	9mm Shell Casing		500
19	S-132	9mm Shell Casing		500
20	S-133	Autopsy Report		524
21				
22				
23				
24				
25				

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
D-1	Thumb Drive		127
D-2	Police Report	130	
D-3	Thumb Drive	342	
D-4	Thumb Drive	342	
D-5	Thumb Drive	342	
D-6	Thumb Drive	342	
D-7	Thumb Drive		564
D-8	Thumb Drive		564
D-9	Thumb Drive		546
D-10	Thumb Drive		553
D-11	Thumb Drive		564
C-1	Note from Jury		677
C-2	Note from Jury		677
C-3	Note from Jury		679

1 THE COURT: All right, recognize the State call
2 your first case.

3 MR. TUCKER: Thank you, your Honor. May it
4 please the Court. At this time the State would call the
5 following indictment for trial 2019-GS-21-1040 State of
6 South Carolina vs. Measha Joyner. Your Honor, that's a
7 five count indictment the first of which is for murder,
8 that Measha Jaquetta Shawnic Joyner did in Florence County
9 on or about March the 24th 2019, unlawfully and
10 intentionally with malice aforethought kill one Jessie
11 Plowden or Chelsea Plowden by means of shooting her in the
12 head with a firearm and that the said Chelsea Plowden did
13 die as a proximate result on or about in Florence County
14 in violation of section 16-3-10 South Carolina code of
15 laws.

16 Count three attempted murder Measha Jaquette
17 Shawnic Joyner did in Florence County on or about March
18 24th 2019, unlawfully and intentionally with malice
19 aforethought either expressed or implied attempt to kill
20 one Gloria Whitehead by means of shooting her with a
21 firearm in violation of section 16-3-29 South Carolina
22 Code of laws. Count four, your Honor that Measha Jaquette
23 Shawnic Joyner did in Florence County on or about
24 March the 24th 2019, unlawfully and intentionally with
25 malice aforethought either express or implied did attempt

1 to kill one Jamares Robinson by means of shooting him with
2 a firearm or shooting at him with a firearm in violation
3 of section 16-3-29 South Carolina code of laws. Count
4 five that Measha Jaquetta Shawnic Joyner did in Florence
5 County on or about March the 24th 2019. And your Honor in
6 looking at this one, the State will not go forward on
7 Count five. Count six possession of a weapon during the
8 commission of a violent crime that Measha Jaquetta Shawnic
9 Joyner did in Florence County on or about March the 24th
10 2019, unlawfully and intentionally having heard actual or
11 constructive possession weapon to handgun, which she used
12 during the commission of a violent crime to wit, murder
13 and attempt murder in violation of 16-23-490 South
14 Carolina code of laws 1976 as amended.

15 THE COURT: Thank you. All right. Ladies and
16 gentlemen, I remind you that you're still under oath.
17 They'll be certain questions that are asked of you about
18 this case. And please understand that you've sworn to
19 tell the truth. And so the first question we will have
20 you is there any member of the jury panel who has any
21 personal knowledge whatsoever or any knowledge whatsoever
22 about the cases that have been called before this court by
23 the State of South Carolina, if that's the case please
24 stand?

25 (WHEREUPON, there are none.)

1 I hope each of you had a good evening. I apologize
2 personally for the delay this morning. We had some
3 technical issues IT problems and that had to be fix before
4 we could start this trial, so I apologize for that. The
5 two alternates who do we have? If the two of you will
6 just make sure those two seats. Anybody can sit anywhere
7 else throughout the trial doesn't matter, okay. If you
8 like to sit in the same place, that's fine, but if not,
9 it's not an issue. At this time we're going to ask the
10 clerk of court to swear you in.

11 (WHEREUPON, the jury is sworn.)

12 THE COURT: All right, ladies and gentlemen, as
13 you know we're about to begin the trial of The State of
14 South Carolina vs. Measha Joyner. Now, before we begin
15 this trial, I want to tell you that this trial might be
16 from what you -- what you may expect, many people don't
17 have a chance to attend actual court sessions as you're
18 doing now. You might think from watching television,
19 movies or reading books that trials are always full of
20 high drama, intense circumstances and riveting action.
21 And while sometimes all those things might be true, other
22 times those things might not be true. This trial is not
23 for entertainment. It is a fundamental part of our
24 democracy. It's a search for what happened in an effort
25 to make sure that justice is done between the parties that

1 they are before this court. And justice is often slow,
2 deliberate and repetitive might be the opposite from what
3 you understand.

4 This courtroom is a place of honor dedicated to
5 the protection, preservation of what many people have
6 called the greatest system of justice that's ever been
7 created. And the attorneys appearing before you are
8 advocates for the parties that they represent, but first
9 and foremost, they're officers of this court. They're
10 sworn to uphold the integrity and fairness of our judicial
11 system and to help you in the search justice. So you
12 should expect them to be professional, competent and
13 ethical in representation of their client's interest. And
14 you're also expected to do the same.

15 So thank you for your accepting this important
16 responsibility of jury service and for your contribution
17 today to our justice system. What I am now telling you is
18 intended to serve as an introduction to the trial of this
19 case. It's merely an explanation of the procedure that we
20 will follow in the trial of this case, so that you can
21 better understand what's happening as we go along.

22 So the defendant is charged by an indictment
23 file in this court and the indictment is simply the charge
24 by which the case is brought into this court. It is not
25 in any sense evidence of any of the allegations that it

1 contains. The defendant's pled not guilty to this
2 indictment. And the State therefore has the burden of
3 proving each and every element of the indictment beyond a
4 reasonable doubt. And it will be your duty, ladies and
5 gentlemen, to decide whether the State has met that burden
6 at the end of this trial.

7 Your purpose as jurors is to defend and
8 determine what the facts are in this case. You're the
9 sole judges of the facts. And if at any time I, as a
10 trial judge, make any comment regarding the facts of this
11 case, you must disregard that. You're to determine the
12 facts of this case from the testimony you hear and the
13 other evidence introduced in court. And it's up to you to
14 determine the inferences what you feel are properly drawn
15 or may be properly drawn from the evidence. It's
16 especial important that you perform your duty of
17 determining the facts diligently and conscientiously
18 because ordinarily there's no way to correct an erroneous
19 determination of the facts by a jury. The same law that
20 makes you the judges of the facts makes me the judge of
21 the law.

22 The law is given by the Court is the only law
23 that you can consider. You must accept and follow it even
24 though you might disagree with it. I can't tell you what
25 the facts of this case are. And you can't tell me what

1 the law is or should be in this case. Your job is to take
2 the law as I give it to you and apply it to the facts as
3 you find them from the testimony of the witnesses and any
4 other evidence that's introduced during this trial. And
5 after doing that, you will be in a position to render your
6 verdict.

7 You must decide this case base solely on the
8 evidence presented here in this courtroom. This means
9 that during this trial you can't conduct any independent
10 research about this case, the facts of the evidence, the
11 evidence presented in the case or the people or
12 organizations involved in this case in any way. Please do
13 not try to find out information from any source outside of
14 this courtroom. In our judicial system, it's important
15 that you're not influenced by anything or anyone outside
16 of this courtroom. It's important that you keep an open
17 mind and not decide any issue in this case until all the
18 evidence has been presented, the parties have made their
19 closing arguments and I've instructed you on the law in
20 this case.

21 In determining what the facts are in this case,
22 you must decide whether or not the testimony of witnesses
23 is believable. In deciding whether to believe a witness,
24 you have the right to consider the interest of any
25 witness, the bias of any witness, the prejudice of any

1 witness, the opportunity for that witness to have seen the
2 matters and the things about which the witness is
3 testifying and the way that the witness acts on the
4 witness stand. You have the right to consider anything
5 that's in the record that will help you evaluate the
6 testimony of the witnesses, that means it's your duty to
7 pay close attention to these witnesses, to observe them,
8 to listen to them. And to pay close attention to the
9 attorneys and to the Court, so please pay close attention
10 to the testimony in this case, so that at end of the
11 testimony, after the arguments of counsel and the charge
12 on the law by the Court, you will be in a position to
13 determine what the facts are and then apply those facts to
14 the law as I give it to you.

15 All right. So in just a moment, the Solicitor
16 will make what's called an opening statement. And once
17 the Solicitor will explain to you the issues in this case
18 or at least what the Solicitor thinks the issues are in
19 this case. And also the attorney for the defendant may
20 make an opening statement although she's not required to
21 do so. What the attorneys tell you during their opening
22 statements is not evidence in this case. It's only their
23 contention as to what the issues and the evidence will be.
24 At this time I'd ask if there's any objections to the
25 opening charge from the State?

1 MR. TUCKER: None from the State, your Honor.

2 THE COURT: Any from the defense?

3 MS. PARHAM: No, your Honor.

4 THE COURT: All right, Mr. Tucker.

5 MR. TUCKER: Her name is Chelsea Plowden. At
6 age 23 she had her whole life in front of her until the
7 defendant shot and killed her. Her name was Chelsea
8 Plowden and at age 23 she had hopes and she had dreams
9 until Measha Joyner shot and killed her. Her name was
10 Chelsea Plowden and at age 23 she had family and friends
11 who loved her dearly until the defendant Measha Joyner
12 shot and killed her. But as the evidence will show when
13 Measha Joyner shot and killed Chelsea Plowden, she wasn't
14 threatening her. She wasn't assaulting her. And in fact
15 as the evidence will show at the time that she was shot by
16 the defendant, she wasn't even bothering Measha Joyner.

17 Ladies and gentlemen, this is a case about
18 senseless violence. This is a case about needless
19 tragedy, but ultimately this is a case about a person who
20 made the decision to take a gun and shoot into a crowd of
21 people with no regard for human life.

22 The evening of March the 23rd 2019, was truly a
23 cause for celebration. In fact, it was a birthday
24 celebration. And in fact it actually was double birthday
25 celebration. The family and friends of Carlos Jackson and

1 Deandra Whitehead gathered at the Coit Street Quick Stop,
2 which is located about three blocks from where you folks
3 are sitting right now to celebrate duos birthday. But as
4 you will hear what started out as an evening of
5 celebration ended with tragedy. It seems death is not
6 without a sense of irony because what should have been a
7 celebration of the birth of two people will now be forever
8 remembered for the death of one person and folks that
9 person is the victim in this case Chelsea Plowden.

10 As the evidence will further show, while the
11 party was getting underway about three blocks from where
12 you are sitting right now else where Tanisha Timmons was
13 getting ready for a night out. Now, she had been kind of
14 close to home for a few months. The burdens and demands
15 of a motherhood of a small child kind of kept her from
16 going out. So when she heard about a party at the Coit
17 Street Quick Stop from one of her neighbors Jolica Joyner.
18 She lept at the chance to go. She got into her car,
19 seated next to her was Jolica Joyner and with them went
20 Measha Joyner. With a destination set, they took off and
21 they got to the Coit Street Quick Stop as the party was in
22 full swing.

23 Now, as you will hear, Tanisha Timmons backed
24 her car into the parking lot adjacent to the Quick Stop
25 and she got out. Jolica Joyner got out. Measha Joyner

1 got out. And they went inside where the party was taking
2 place.

3 Now, most of the folks at the party knew each
4 other. They were family and friends of Carlos Jackson and
5 Gloria Whitehead. And they know the Joyner sisters. And
6 in fact you will hear Jolica Joyner actually had a child
7 in common with Carlos Jackson and everything was fine
8 until they got there. And for about an hour afterwards
9 everything was fine. But as they went inside dancing as
10 they started to go outside, there was a commotion near the
11 door leading out into the parking lot. There was a
12 confrontation between parties. The Joyner sisters got
13 into a confrontation as you will hear with the Deandra
14 Whitehead who is the daughter of Gloria Whitehead and a
15 another person.

16 Now, as you will further hear, the confrontation
17 spilled out into the parking lot and it became a physical
18 altercation. Hearing what was going on, Carlos Jackson
19 would have been inside at this point comes outside and to
20 break the parties up, he fired his pistol up into the air.
21 Now, while I wouldn't recommend breaking a fight up or
22 anything else by shooting a gun up into the air. It did
23 seem to have the desired affect because as you will hear
24 they stop fighting. People were able to get them stood up
25 and get them separated.

1 One of those people was Gloria Whitehead. You
2 will hear from her. And she will tell you that when the
3 fight started, when a shot ring out, that they were able
4 to get people out. She was able to get Measha Joyner,
5 Jolica Joyner over to the car that they had come in. The
6 car that belong to Tanisha Timmons. She will also tell
7 you that as soon as she got them over there. She went her
8 to daughter Deandra and told her you need to leave too, so
9 that there's not any other sort of further problems just
10 go ahead and leave, which is the same thing she encouraged
11 the Joyner sisters to do. And as you will hear, that's
12 exactly what Deandra Whitehead did. She got into her
13 vehicle with two other people and they left the Coit
14 Street Quick Stop, if only Measha Joyner had done the
15 same.

16 As you will hear that as soon -- within minutes
17 of Deandra Whitehead and her party's leaving, Measha
18 Joyner got into the backseat of the car that she come in
19 that belong to Tanisha Timmons. Tanisha Timmons got into
20 the driver seat few minutes after that and Jolica Joyner
21 who had still been outside having words with people in the
22 parking lot got into the front passenger seat. And then
23 everyone there who was in the parking and everyone else
24 there at the party soon found out something else. Measha
25 Joyner brought more than her sister to that party. She

1 brought a gun.

2 Now, at this point Measha Joyner could have left
3 peacefully. She chose not to. At this point Measha
4 Joyner could have left quietly she chose not to. And at
5 this point Measha Joyner could have simply just rolled
6 away, but she chose not to. What she chose to do was to
7 roll the back window down and as the car was pulling out,
8 lean out and begin to fire a .9 pistol into a crowd of
9 people.

10 Seconds before that occurred inside the bar or
11 the Quick Stop was the victim Chelsea Plowden who at 23
12 had been in there. She knew everybody as well and was
13 there with friends and family. Now, she come about a few
14 seconds before all of this took place in terms of gun fire
15 that was about to interrupt and simply she came out to see
16 what was going on. Within seconds of coming out into the
17 parking lot, gun fire interrupted. Gloria Whitehead who
18 was standing in proximity to Chelsea Plowden as well as
19 other people turned to look in the direction of the gun
20 fire. And they will tell you, they will get on the stand
21 and point to one person they saw leaning out that back
22 window firing into the direction in which they were
23 standing and that's Measha Joyner.

24 Gloria Whitehead was closest to Chelsea Plowden.
25 And she will tell you that when the shot ring out, when

1 she looked and she saw Measha Joyner firing the gun, she
2 turned and saw Chelsea run. And then unfortunately she
3 almost tripped over Chelsea when Chelsea was hit in the
4 head and fell to the parking lot. She saw what no person
5 should have ever have to see a 23 year-old-person shot in
6 head and fall almost right in front of her.

7 It seems death also whimsical that night because
8 had she waited a couple minutes before she came out, she
9 might have never have been hit. Had she been standing to
10 the left of where she was, she might not have been hit.
11 Had she been standing to the right of where she was, she
12 might not have been hit. But sadly, tragically, she was
13 where he was and she was shot once in the head.

14 Now, as the evidence will show that as soon
15 Measha Joyner started firing into the crowd and people run
16 and Chelsea Plowden was shot, there were other individuals
17 who were standing over where they were. They pulled
18 pistols and started to fire. Two of whom Carlos Jackson
19 had gone inside already, but Jamares Robinson and another
20 individual pulled their pistols and they began to fire at
21 the car that was leaving the parking lot.

22 Now, you will hear from SLED firearms expert who
23 will tell you that these weapons were not the weapons that
24 fired the round that hit Chelsea Plowden. And he will
25 tell you how he knows this because there was a projectile

1 taken from Chelsea Plowden during her autopsy. He will
2 also tell you that he examined firearms later attributed
3 to these two individuals when they turned them into
4 investigators later. Law enforcement who was close by
5 when they got the call they responded as quickly as they
6 could and they got there within minutes. One of the
7 officers tried his best to render first aid as best he
8 could, but sadly despite his best efforts and that of
9 medical personnel at a local hospital, they were not able
10 save Chelsea Plowden due to the extent of her injuries.
11 What they were able to do, they were able to establish a
12 crime scene. They were able to collect evidence. And you
13 will hear the things pain staking efforts that they went
14 through to do just that, but make no mistake when they
15 responded, it was a chaotic scene shots had been fired and
16 one person was hit.

17 Now, the on-call investigator that night was
18 Investigator Stephen Banister who has since left the
19 Florence police department but is here to testify in terms
20 of what he did. And he will tell you that when he was
21 responding, he went straight to the hospital when he found
22 out that Chelsea Plowden had survived at least
23 momentarily and he went there to see what he could learn.
24 And it was there when he talked to Deandra Whitehead who
25 had been informed to turn and come back and she will tell

1 you how that happened, that the name of Measha Joyner
2 surfaced in the investigation at an early stage.

3 Investigator Banister will tell you what he did
4 in terms of following up on the information that he got.
5 And he will tell you about the evidence that he was able
6 to collect in the early stages when he got a search
7 warrant ultimately for where Measha Joyner had been
8 staying with her sister and what he recovered.

9 The investigation progress to the where he was
10 able to get the warrants. And the next day at about one
11 o'clock he was called by Tanisha Timmons. And Tanisha
12 Timmons told him that she will testify here in this
13 courtroom that she found out that someone had actually
14 been hit as she was leaving the parking lot about 12
15 o'clock that day. And she agreed to come down and talk
16 with Investigator Banister. Now, as Investigator Banister
17 will tell you and Tanisha Timmons will tell you she wanted
18 to tell what she knew about what happened. And what she
19 knew was and what she was telling Investigator Banister
20 and what she will tell you folks here during the course of
21 this trial was that as she was pulling out, she heard gun
22 fire and it was loud. And when she turned, she saw Measha
23 Joyner who was sitting behind Jolica Joyner, who is in the
24 front passenger seat. Measha Joyner in the back passenger
25 seat behind her sister leaning out of the window and fire

1 a pistol into a crowd of people. And she was sitting arms
2 length away. And she will tell you how they went home and
3 that the Joyner sisters went to Jolica Joyner's house and
4 the next day she found out what she found out. But she
5 will be able to positively identify Measha Joyner as the
6 person leaning out of the car and firing the pistols.

7 Investigator Banister will also tell you that in
8 the hours following the investigation after he talks to
9 Tanisha Timmons, he is able to find out the individuals
10 who had fired the guns. He was able to obtain guns from
11 these individuals. They were sent to SLED. And you will
12 hear from the SLED fire arms expert who will tell you
13 about the results of the examination and how he is able to
14 rule those pistols out as those having fired the bullet
15 that struck Chelsea Plowden in the head and ultimately led
16 to her death.

17 The defense will argue there was a phantom
18 pistol involved perhaps and that somebody else fired a
19 shot that killed Chelsea Plowden. But as the evidence
20 will show, there was only person who fired the shot that
21 killed Chelsea Plowden. The defense may try to argue that
22 the police didn't do a thorough job in developing
23 evidence, in developing suspects to identify the person
24 who actually shot Chelsea Plowden, but as the evidence
25 will show, law enforcement did their jobs and the evidence

1 pointing to one person and to one person alone the
2 defendant Measha Joyner.

3 Her name was Chelsea Plowden and she had her
4 whole life ahead of her. Her name was Chelsea Plowden and
5 she had hopes and she had dreams. Her name was Chelsea
6 Plowden and she had family and friends who loved her
7 dearly until the defendant, Measha Joyner, shot and killed
8 her.

9 This is case about senseless violence. This is
10 a case about needless tragedy, but ultimately, ladies and
11 gentlemen, this is a case about a person who got a gun and
12 shot into a crowd of people with no regard to human life.
13 And as the cases to an end, the State is confident that
14 you will find this person guilty because she is the person
15 who fired the shot. She is the person who fired the shot.
16 Measha Joyner is the person who fired the shot that killed
17 the victim Chelsea Plowden.

18 THE COURT: Ms. Parham.

19 MS. PARHAM: Thank you. May it please the
20 Court. Mr. Solicitor. Ladies and gentlemen, good
21 morning. I know this is not how many of you planned on
22 spending the first week in December, but we all appreciate
23 you being here today. And your being here on this jury,
24 you're exercising one of the most important rights you
25 have as an American citizen and that's the right to serve

1 on a jury. Our criminal justice system would fail without
2 you because you are the judges without robes we call you.
3 And so your role in this process is to listen to all the
4 evidence that comes off the witness stand or what's
5 admitted into evidence. And then apply the law that the
6 judge gives you at the end of the case and a render a
7 verdict that speaks the truth.

8 The word verdict comes from a Latin word
9 veredicto, which means to speak the truth. And that's in
10 essence what you're suppose to do, consider all the
11 evidence what I say is not evidence, what Mr. Solicitor
12 says is it not evidence, but you're going to hear all that
13 evidence off the witness stand. And you apply the law and
14 you will render a verdict. Each of you were selected by
15 the defense and by the State because we believe that you
16 can do that. We believe that you're fair and impartial
17 jurors. And part of being fair and impartial, it is a
18 hefty duty that you have. And the reason is is because
19 you're not suppose to be motivated by emotion, motivated
20 by -- I'll agree with him this is a case about senseless
21 violence and senseless tragedy no question about that and
22 an innocent life was taken unintentionally. I submit to
23 you that it was a random bullet that killed Chelsea
24 Plowden. And that's heartbreaking, but what I ask of you
25 is to listen to all the evidence.

1 This is an important case. It is an important
2 case for my client because she's innocent. She's also 33
3 years young and she's a scapegoat. And you know what a
4 scapegoat is we've all heard that, but it is a term when
5 people don't accept responsibility for their own actions
6 and they place the blame on someone else and that's Measha
7 Joyner is. And you're going to hear all of this evidence
8 and I look forward to it because remember what he tells
9 you. Remember, how he says there's one gunshot and then a
10 lot of times goes by, remember that because Ms. Whitehead
11 is trying to get everyone to leave and all that. And then
12 he tells you, you know, one shot and then a substantial
13 amount of time. And then my client allegedly shoots --
14 shots out of the car remember that. And then there's
15 other shots going back, that's not what the evidence is
16 going to show, ladies and gentlemen, it's not. And what
17 you're going to see is that the police officers in this
18 case made up their mind and kind of started making their
19 case for the scapegoat Measha. And anything that did not
20 agree with that version or that scenario disappears or
21 doesn't get recorded. You're going to hear about that.
22 You know, they talk about her driver Ms. Timmons who comes
23 in and tells law enforcement you're going to see her go
24 into interview room at the Florence police department and
25 sit down and all of a sudden the tape is going to stop.

1 You're never going to get to hear what she says. And then
2 you're going to see her -- the tape start back and her
3 leave out of the room. Why is that. You need to ask
4 yourself why is that.

5 He said that Gloria Whitehead said that Measha
6 Joyner fired that gun that Gloria Whitehead was standing
7 next to the victim and that my client fired that gun.
8 You're going to hear that Gloria Whitehead told her
9 daughters that Jollica's, sister, fired that gun, that's
10 what you're going to hear that she first said. You're
11 also going to hear that Investigator Banister talk with
12 Ms. Whitehead before he talked to her in the interview
13 room. A day earlier we don't know, earlier. And that
14 statement is not recorded.

15 You're going to hear Jamares Robinson and his
16 friends were interviewed in the Florence police department
17 interview room. There is nowhere there's a video camera.
18 There's no recordings of that or we haven't been given
19 them. Where are they. And the reason is is when
20 statement is inconsistent or doesn't go along with their
21 theory that Measha Joyner did this, then it's not
22 recorded.

23 So what he doesn't tell you is that there are 13
24 shell casings from at least four weapons, at least four
25 weapons. We don't even know how many weapons. There

1 never any gun found on my client. They execute search
2 warrants. They didn't find any gun. And you're going to
3 hear from the ballistics expert a list of about 113 guns
4 that could have fired that slug that was found in Ms.
5 Plowden. It is a horrific act of violence, senseless
6 violence, but their witnesses are not telling the truth.
7 They haven't told the truth. You think Ms. Whitehead told
8 them about all these other people shooting guns. There at
9 least four gunshots, at least. There's at least 13 shell
10 casings. You're not going to hear their witnesses talk
11 about those shooters. They didn't tell it. And half of
12 them we don't even know what they told because they turn
13 off the video or the video missing is gone. Ladies and
14 gentlemen, that is not beyond a reasonable doubt, that is
15 sufficient proof at all to prove my client did anything.
16 And as she sits there today, she is cloaked in innocence,
17 completely innocent. You shouldn't be thinking anything
18 about owe she must have been guilty because she's here
19 because they charged her, that's not what the law is. The
20 law is that everyone is cloaked with innocence unless a
21 jury, a unanimous jury finds them guilty of them guilty of
22 something. And beyond a reasonable doubt is important
23 burden because it protects all of us. It protects all of
24 our family members. And it's the same proof regardless of
25 what kind of court you are in whether it's traffic court,

1 general sessions court, federal court, that is the
2 standard. And they are not going to be able to prove that
3 my client committed murder of anyone. And I'm going to
4 come back before you at the end of this case and ask you
5 to find her not guilty. Thank you.

6 THE COURT: Mr. Tucker.

7 MR. TUCKER: Thank you, your Honor. At this
8 time the State would call Lizzie Robertson to the stand.

9 THE CLERK: If you will please come up to the
10 stand and place your left hand on Bible and raise your
11 right hand. Do you swear or affirm the testimony you give
12 in this case to be the truth, the whole truth, and nothing
13 but the truth so help you God?

14 THE WITNESS: Yes, ma'am.

15 THE CLERK: Please be seated and state your full
16 name for the record.

17 THE WITNESS: Lizzie Robertson.

18 MR. TUCKER: Thank you, your Honor. May it
19 please the Court.

20 WHEREUPON,

21 Lizzie Robertson,
22 after first having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. TUCKER:

25 Q Ms. Robertson, where are you presently employed?

1 A I'm employed with the Florence County 9-1-1 center.

2 Q And in what capacity are you employed there?

3 A I do the quality assurance.

4 Q Now, when we say 9-1-1 is that the 9-1-1?

5 A Yes, sir.

6 Q And what specifically are some of the duties
7 associated with your job there with 9-1-1?

8 A Reviewing the 9-1-1 calls that come into the center.

9 Q Now, are you the person that receives subpoenas and
10 other requests for 9-1-1 calls accompanying documents?

11 A Yes, sir.

12 Q Now, with regards to this particular case, did you
13 receive a request from our office regarding a 9-1-1 call
14 that came in on or about March the 24th regarding a
15 shooting what is known as the Coit Street Quick Stop?

16 A Yes.

17 Q And what in preparation or what did you do response
18 to that request?

19 A So we take the request and pull from the recorders
20 the 9-1-1 calls radio traffic as well as we pulled the CAD
21 report to show the details.

22 Q Now, when you say CAD report, what specifically are
23 you referring to?

24 A That is a computer-aided dispatch report that'll show
25 the time events call for service as well as the officers

1 that responded any notes that are placed in the call.

2 Q And both the 911 calls and the CAD reports are they
3 kept in the ordinary course of business with regards to
4 the 9-1-1 center?

5 A Yes, sir.

6 Q And, again, you are the custodian of those records,
7 are you not?

8 A Yes.

9 MR. TUCKER: And if I may approach, Your Honor?

10 THE COURT: Yes, sir.

11 BY MR. TUCKER:

12 Q And I've shown this to defense counsel and this is
13 what has been marked for identification purposes as
14 State's 1. First, Ms. Robertson, I will ask if you
15 recognize it?

16 A Yes, sir.

17 Q And how do you recognize it?

18 A That's the 9-1-1 call.

19 MR. TUCKER: And your Honor, at this time I
20 would move State's Exhibit 1 into evidence, which is the
21 9-1-1 call.

22 THE COURT: All right. Is there any objection?

23 MS. PARHAM: No, your Honor.

24 THE COURT: All right. State's Exhibit 1 is in
25 evidence.

1 (WHEREUPON, State's Exhibit No. 1 was admitted
2 into evidence.)

3 MR. TUCKER: And your Honor at this time I would
4 request permission to publish the 9-1-1 call for the jury.

5 THE COURT: Okay.

6 (WHEREUPON, 9-1-1 call played for the jury.)

7 BY MR. TUCKER:

8 Q And, Ms. Robertson, that 9-1-1 call was captured in
9 what we refer to as realtime, correct, that was the
10 entirety of it?

11 A Yes.

12 Q And it sound as if the police department got that
13 fairly quickly would you agree?

14 A Yes.

15 Q And with regards to the CAD report -- this hasn't
16 been marked yet.

17 MR. TUCKER: And your Honor, I would ask that
18 this be marked for identification purposes as State's 64 I
19 believe.

20 (WHEREUPON, State's Exhibit No. 64 was marked
21 for the record.)

22 BY MR. TUCKER:

23 Q I'm going to ask if you recognize this, Ms.
24 Robertson?

25 A Yes, sir.

1 Q And how do you recognize it?

2 A This is our CAD report when a call for service.

3 Q Okay. In reference to this particular 9-1-1 call?

4 A Yes, sir.

5 Q Okay. And, Ms. Robertson, other than producing
6 records which we covered here today, did that conclude
7 your involvement with this particular case?

8 A Yes, sir.

9 MR. TUCKER: I believe those are all the
10 questions I have, your Honor.

11 THE COURT: All right. Ms. Parham.

12 MS. PARHAM: Thank you.

13 CROSS-EXAMINATION

14 BY MS. PARHAM:

15 Q How many callers called 9-1-1?

16 A If I remember correctly, I think there was two calls
17 that were in the CAD report.

18 Q Okay. Is the other one reported?

19 A It should be, yes.

20 Q Okay. How many times did you ask the witness his
21 name?

22 A I didn't take the call.

23 Q Oh, you did not take the call?

24 A I'm not a call taker.

25 MS. PARHAM: All right, may we approach, Judge?

1 THE COURT: Yes, ma'am.

2 (WHEREUPON, a bench conference was held in the
3 presence of the jury, but out of the hearing of the
4 jury.)

5 MS. PARHAM: That's all I have, Judge.

6 THE COURT: All right. Is there any redirect?

7 MR. TUCKER: Nothing on redirect, your Honor. I
8 would ask if Ms. Robertson could be released from her
9 subpoena?

10 MS. PARHAM: We might need her again, your
11 Honor, depending on ---

12 THE COURT: All right. Ms. Robertson, you're
13 free to step down go about your business, but please
14 understand you're still under subpoena if we need you
15 again, okay.

16 MS. PARHAM: Thank you, Judge.

17 THE COURT: Mr. Tucker.

18 MR. TUCKER: Your Honor, at this time the State
19 would call Thomas Herman to the stand.

20 THE CLERK: Sir, if you would please place your
21 left hand on the Bible and raise your right hand. Do you
22 swear or affirm the testimony you give in this case to be
23 the truth, the whole truth, and nothing but the truth so
24 help you God?

25 THE WITNESS: I do.

1 THE CLERK: Please be seated and state your full
2 name for the record.

3 THE WITNESS: My name is Thomas Herman.

4 MR. TUCKER: And may it please the Court, your
5 Honor.

6 THE COURT: Yes, sir.

7 WHEREUPON,

8 Thomas Herman,
9 after first having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. TUCKER:

12 Q Mr. Herman, where are you presently employed?

13 A The City of Florence police department.

14 Q And in what capacity are you employed there?

15 A I am corporal in the criminal investigation unit.

16 Q And, Investigator Herman, how long have you been with
17 the Florence police department?

18 A I been just over 11 years.

19 Q And you weren't always an investigator would that be
20 fair to say?

21 A Very fair. I worked patrol.

22 Q And how long were you in the patrol division?

23 A Approximately seven and a half, eight years.

24 Q And do you recall when you were promoted to an
25 investigator?

1 A Yes, sir.

2 Q And when was that?

3 A I want to say it was end of 2019.

4 Q Okay. Now, if my math is correct, then that would
5 have made you working in the patrol division on or about
6 March the 23rd of 24th of 2019?

7 A Yes, sir, that's correct.

8 Q And do you recall being on duty that particular day
9 that we're talking specifically the evening of the 23rd
10 initially, the 24th of March 2019?

11 A Yes, sir, I was on duty as a patrol officer.

12 Q And do you recall being dispatched to what is
13 referred to as the Coit Street Quick Stop at 502 North
14 Coit Street?

15 A Yes, sir.

16 Q And do you recall the nature of the complaint as you
17 received it?

18 A I recall it as a shooting with a victim, but I was
19 actually the original complainant. I had called into
20 dispatch because I actually heard the shots.

21 Q Okay. And so if you heard the shots, that would
22 presume that you were close by?

23 A Yes, sir, just several blocks.

24 Q Okay. And once you heard shots and once you called
25 dispatch, what, if anything, did you do after that?

1 A We left. We were actually on a call that night at
2 just prior to that. And we -- I had a trainee with me as
3 well that night. We left our call and began searching the
4 area trying to locate where those shots were coming from.

5 Q And where you ultimately able to arrive at a
6 conclusion?

7 A Yes, approximately about a minute and a half, a
8 minute later we received a dispatch call that gave us the
9 incident location.

10 Q And did you respond?

11 A We did.

12 Q And what, if anything, did you encounter when you
13 first arrived?

14 A A very chaotic scene. People screaming and we
15 located a victim laying on the ground with a gunshot wound
16 to the head.

17 Q Now, do you recall whether or not you were the very
18 first first responder on scene?

19 A I believe me and my trainee were the first responders
20 on scene.

21 Q And do you recall approximately how long it was
22 before another officer up?

23 A Very brief moment.

24 Q Okay. Now, you describe the scene as being Chaotic.
25 What specially do you mean by that?

1 A It was -- appeared to be a large crowd. A lot of
2 people screaming, yelling. There was multiple people just
3 going all over the place. It was on the corner of --
4 there was a parking lot that everybody was hanging out in.

5 Q And specifically what are your duties as a first
6 responder on a scene like that?

7 A Basically to first secure the scene and to give out
8 every bit of information I have at the moment to the other
9 officers that are responding.

10 Q Now, when you say secure the scene, what specifically
11 do you mean?

12 A Basically in a crime scene we got to make sure that
13 we preserve the evidence and to control any situation and
14 try to locate witnesses stuff like that.

15 Q Now, I want to be sure that I'm clear. At this point
16 you are there as a patrol officer, first responder not as
17 an investigator, is that correct?

18 A Correct.

19 Q And are roles of investigator and patrol officer
20 responding to a scene like that different?

21 A Very different.

22 MR. TUCKER: Now, if I may approach, Your Honor?

23 THE COURT: Yes, sir.

24 BY MR. TUCKER:

25 Q I want to show you what's been marked for

1 identification purposes as State's Exhibit 2.

2 MR. TUCKER: And your Honor have shown this
3 defense counsel.

4 MS. PARHAM: That's right.

5 BY MR. TUCKER:

6 Q And for identification purposes, Investigator Herman,
7 if I hold it up, does that appear to be an overhead map of
8 the Coit Street Quick Stop and the attendant parking lot?

9 A Yes.

10 Q And does it fairly and accurately depict the scene or
11 the location of the scene?

12 A Yes.

13 MR. TUCKER: And your Honor at this time I would
14 move State's Exhibit 2 into evidence.

15 MS. PARHAM: Judge, I didn't object if he had
16 the person who prepared it. I don't think this witness is
17 the witness who prepared it or knows where these things
18 were.

19 THE COURT: Let me see what's on it.

20 MR. TUCKER: I believe he can testify that it's
21 an accurate depiction of the crime scene your Honor that
22 was taken contemporaneous with the investigation and as a
23 fair and accurate depiction which I think is the
24 foundation.

25 MS. PARHAM: I have no objection to it coming

1 in, that is fine.

2 THE COURT: All right. State's 2 is into
3 evidence.

4 (WHEREUPON, State's Exhibit No. 2 was admitted
5 into evidence.)

6 MR. TUCKER: And your Honor I would ask for
7 permission to publish to the jury.

8 THE COURT: Okay.

9 MS. PARHAM: That's State's 2, Judge?

10 THE COURT: Yes, ma'am.

11 BY MR. TUCKER:

12 Q Investigator Herman, I'm going to put this on an
13 easel and I'm going to ask you to step down here in front
14 of the jury please. Now, Investigator Herman, what
15 specifically are we looking at in terms of the location
16 itself. In other words, I'm asking you what street is
17 this and what is this side street?

18 A Okay. This street right here is North Coit Street
19 and this is Sumter Street.

20 Q And are there any kind of larger businesses over in
21 this direction as we're heading in that direction?

22 A Yes, just north of this on the same side is Mike
23 Reichenbach Ford and pretty much the biggest business at
24 the location.

25 Q Okay. Now, if you could describe where you responded

1 and where you were and where you saw what you say with
2 regards to the map please?

3 A Yes, sir, so as we got the call to come in, I believe
4 we come up Darlington Street which is the next street
5 south of Coit Street and turned right on to Sumter Street.
6 And as we come up, we approach on this scene going north
7 and parked right here off the side of the parking lot.

8 Q And did you mention the victim. Where was the victim
9 located on the map there if you could indicate?

10 A The victim was in this general location right here.

11 Q And you mention there were people. Were people kind
12 of around the victim or where were the individuals that
13 you saw located in the parking lot?

14 A When we first arrived on scene, there was a large
15 crowd in this general area surrounding the victim. There
16 was people going through the parking lot and crossing
17 roads. Generally, the majority of the crowd was right
18 here at the entrance of this building and around the
19 victim.

20 Q Okay. And what were your primary responsibilities
21 then at that point?

22 A Well, at first when you arrived on scene first thing
23 you need to do is make sure you're not going to have
24 another incident. We don't want to have another shooter
25 still on scene, so you kind of look around make sure it's

1 secure and safe. And then the next initial thing is to
2 get to the victim and take basically a diagnosis of
3 everything that's going on and give as much information
4 out as going on and what we have.

5 Q And when you looked at the victim could you tell
6 where she was injured on her body?

7 A Not at first, you know, I wasn't focused on it as
8 much, but when I got up to her, everyone was yelling she
9 was shot in the head. But we got up there and, yes, you
10 could see a gunshot wound to the head -- on the side of
11 her head.

12 Q Okay. Now, once you were able to establish that, did
13 other officers respond by this point?

14 A Yes, sir.

15 Q And in terms of what you were able to do from that
16 point forward once you located the victim, what, if
17 anything, did you do after that?

18 A So another officer gave medical attention. And at
19 that time we began going and trying to get witness
20 statements.

21 Q Okay. Were you able to obtain any witness statements
22 at that point?

23 A I was able to get a couple, yes. When I say I, I
24 mean, me and my trainee.

25 Q Okay. Now, when you say statements, is this a verbal

1 statement or were you recording it?

2 A There were verbal statements that were recorded on
3 our body cameras.

4 Q Okay. And ultimately you were able to make the
5 investigator aware of what you were able find out?

6 A Yes.

7 Q Now, were you involved in the establishing of the
8 crime scene in terms of the perimeters of it and locating
9 the shell casings that were found in connection with this
10 case?

11 A Partially, I still have to watch my trainee and keep
12 an eye on him, but, yeah, initially we assisted with the
13 perimeters in searching for any evidence.

14 Q Okay. Now, once you were able to locate items of
15 interest, did you collect them or did -- is there another
16 entity within the police department that comes out and
17 processes the crime scene?

18 A Yeah, that would be crime scene investigators that
19 come out after we initially do everything and then they
20 come out and collect.

21 Q Okay. And do you know who the crime scene
22 investigator was responded to this incident that evening?

23 A Crime scene Investigator Starling.

24 Q And once he arrived, did you have any sort of further
25 involvement with regards to processing the crime scene for

1 possible evidence?

2 A I believe the only thing I did was wrote down tag
3 numbers to vehicles that were in the parking lot.

4 Q Okay. And if I would direct your attention here,
5 would the tag numbers on the cars be denoted by these kind
6 of over blocks with SC what looks to be letter afterwords?

7 A Yes.

8 Q Okay. And so you assisted in that and you were able
9 to convey that to the crime scene investigator as well as
10 the on-call investigator who was ultimately responsible
11 for the investigation?

12 A Yes.

13 Q And besides what you just testified to, did you have
14 any further involvement with this case at all?

15 A That was pretty much what my involvement was.

16 MR. TUCKER: Okay. I believe that's all the
17 questions for this witness.

18 THE COURT: All right. Sir, take the witness.
19 Ms. Parham.

20 MS. PARHAM: Thank you.

21 CROSS-EXAMINATION

22 BY MS. PARHAM:

23 Q Officer, who was your trainee that night?

24 A Last name Sheilds.

25 Q And how long had he been training with you?

1 A I don't know the exact amount of time, but it's only
2 a 12-week program.

3 Q So when you said y'all were at another incident,
4 y'all were at another stop nearby?

5 A Yes, ma'am.

6 Q And you had your body cams on that stop?

7 A We did.

8 Q And so -- and you heard gunshots?

9 A We did.

10 Q Do you remember how many you heard?

11 A I didn't count them, but it was multiple.

12 Q Okay. And who else -- what other officer was at that
13 first stop with your?

14 A I believe it was Coty Thibodeau.

15 Q Thibodeau. And he was wearing his body camera as
16 well?

17 A Not sure about his.

18 Q Okay. And was Thibodeau on the scene of that stop
19 before you?

20 A I don't recall. I can't remember.

21 Q So if his body cam had been running the first scene
22 where you heard the stop -- the shots?

23 A Right, if his started before mine, yeah, it would
24 have been longer, yes, ma'am.

25 Q All right. When you got to this scene, how many

1 people would you say were there?

2 A In estimate?

3 Q Uh-huh.

4 A Proximately maybe 30, 40.

5 Q Okay. And so what did y'all do to try to control the
6 scene and try to preserve and try to get witness
7 statements?

8 A In the beginning?

9 Q Uh-huh.

10 A In the beginning, when I arrived on scene, we first
11 went up to the victim and had to see what we had there.
12 And then at certain points of the -- throughout that whole
13 investigation where there was just people going in and
14 out, so we tried to contain everybody. We had to make
15 everybody back up from the victim first. And then we
16 basically just put crime scene tape up a little later to
17 secure the area and try to contain people inside.

18 Q And so when you say try to contain people inside this
19 building which is the North Coit Quick Stop, that's the
20 building that you're referring to?

21 A And I'm saying inside -- and once we put up the crime
22 scene tape trying to contain inside that, and, yes, we
23 actually ask people to stay inside the building at the
24 time as well.

25 Q Right. And people were constantly from watching your

1 body cam trying to go in and out of the building?

2 A Yes, ma'am.

3 Q And you were saying you need to either stay in or
4 come out or whatever. But is it fair to say that there
5 were a number of people who were milling around the crime
6 scene?

7 A Very much.

8 Q And I believe on your body cam there's multiple
9 references to you telling someone wait, wait, quit walking
10 through a crime scene?

11 A Yes, ma'am.

12 Q You know, you're kicking the shell casings whatever.
13 So is it fair to say that there were a number of people
14 milling around the crime scene?

15 A Very, very fair.

16 Q Okay. And you were trying to control people and keep
17 people inside as best you could of the North Coit Quick
18 Stop?

19 A Yes, ma'am.

20 Q And was the purpose of that to eventually get their
21 names and phone numbers and anything that they saw or
22 heard?

23 A That's part of it, yes, ma'am.

24 Q Okay. And I believe there's some point on your body
25 camera where there's some discussion about who's going to

1 go inside the North Coit Quick Stop and get the names and
2 numbers of all those people in there before they were
3 allowed to leave?

4 A I don't remember that, but if it's on the camera
5 then, yes, ma'am.

6 Q Who did that?

7 A Who did what?

8 Q Who went in and got all the names and numbers of all
9 the people who were in North Coit Quick Stop?

10 A I am not sure.

11 Q Did you do it?

12 A I don't recall me doing it.

13 Q Okay. I didn't see you do it on body camera.

14 A Right.

15 Q And so -- but do you know who did -- who got the
16 names and numbers of the individuals that were in the
17 North Coit Quick Stop?

18 A No, ma'am.

19 Q Okay. Do you recall having a conversation with
20 another officer when you get there about the man wearing
21 the crown on his head may have done the shooting?

22 A Yes, ma'am.

23 Q Okay. And do you know who the guy with the crown on
24 his head was?

25 A I remember after reviewing my body camera a nickname

1 of Stew. I don't know what his full name. I think it was
2 Stew is what it sounded like.

3 Q Correct. And so you had a conversation with another
4 officer about a lady telling you that the dude with the
5 crown on his head may have done the shooting, where did he
6 go and he was still on scene, correct?

7 A Yes.

8 Q In fact, he was walking around the scene. You can
9 see him on your body cam. Stew, the guy with the crown on
10 his head, is walking around the parking lot and walking in
11 and out of the Quick Stop, correct?

12 A Yes, I believe so.

13 Q And so you have somebody high crown head did the
14 shooting and you're like where he is. And they're like,
15 oh, he's right over there. Did you ever go and talk to
16 him?

17 A No, ma'am.

18 Q Okay. Who went and talk to him?

19 A I am not sure.

20 Q All right. Did you see anyone talk to him?

21 A I didn't see anyone.

22 Q But actually on your body cam that is the first
23 mention of who did the shooting as the guy with the crown
24 on his head?

25 A Uh-huh.

1 Q And who goes and talks to him?

2 A I don't know.

3 Q All right. Then there's another conversation that
4 you have on your body cam about Jojo doing the shooting?

5 A Yes, ma'am.

6 Q That would be Jolisa Joyner Measha's sister, correct?

7 A I didn't know who Jojo was.

8 Q Okay. But y'all received information Jojo did the
9 shooting?

10 A Yeah.

11 Q And then you also receive information and to be fair
12 you have information that she had other girls with her or
13 there was a group of people with Jojo?

14 A Right.

15 Q Okay. And then there's also this information that's
16 conveyed to you about a man in a white Mercedes or BMW
17 that drives off shooting?

18 A Yes, ma'am.

19 Q You recall that?

20 A Yes, ma'am, I do.

21 Q Okay. And so who's the person that tells you that a
22 man in a white BMW or a white Mercedes drives off
23 shooting?

24 A I believe that was Jamie Zimmerman.

25 Q Right. And he's the one in your video who's wearing

1 white sweat suit.

2 A Jamie?

3 Q Yeah.

4 A Jamie was a female.

5 Q I'm sorry. You're talking about the officer, female
6 officer.

7 A No, ma'am, I remember Jamie Zimmerman was a female.

8 Q Okay. Well, there's also a man in a white sweat suit
9 that I believe you're talking to. Do you know who that
10 was?

11 A Was that an older gentlemen?

12 Q I believe so.

13 A I spoke to a Jamie Zimmerman and a Frank Jackson.

14 Q Okay. Who else did you talk to that night?

15 A A Kim Young.

16 Q How do you know who spoke with that night? Do you
17 take notes?

18 A Yeah, off my body camera I did.

19 Q Okay. Did you do -- do you also have that look like
20 had a white note pad when you walk around that night?

21 A I got the white note pad to write down the tag
22 numbers. I believe the trainee officer was the one that
23 was doing the writing down for notes.

24 Q Okay. And so what did you learn for your
25 investigation about the silver white Mercedes. You

1 remember what she told you?

2 A Yeah, I remember her saying -- she mention -- when I
3 reviewed the body camera, it was -- she had pulled the
4 officer aside Officer Shields and said she believe that
5 the victim was caught in the cross fire, stated that she
6 believe she was shot by the ones in the parking lot and
7 not the one shooting from a car. And that's when she
8 mentioned -- stated that one of them was in a white or
9 silver Mercedes.

10 Q And what are you reading from right now?

11 A Just notes off what I heard off the body camera.

12 Q Okay. All right. If you could read that again to
13 the jury please?

14 A What I just said here?

15 Q Yes.

16 A Woman asked to speak to Officer Shields saying that
17 would be Jamie Zimmerman. And she said she believe the
18 victim was caught in the cross fire and that she stated
19 that believes that she was shot by the one in the parking
20 lot not the one shooting from the car. Stated one was in
21 a white or silver Mercedes.

22 Q Okay. And do you recall that according to your body
23 cam that there's two cars -- there's obviously shooting in
24 the parking lot, but there's also an allegation of two
25 cars driving off with shooting. And one is a man in a

1 white Mercedes and then there's another car that drove off
2 shooting?

3 A Yes.

4 Q So from your interview, there were two cars that
5 drove off shooting. And do you also remember who's the
6 female officer on scene that you have conversation with?

7 A I believe that was Officer Weatherly.

8 Q Weatherly. That's correct. And do you also remember
9 having a conversation with her where y'all are -- where
10 you're discussing these shell casings? And in fact I
11 believe that you and Officer Weatherly on your body cam
12 are standing in the corner of the parking lot talking
13 about these shell casings. And you and Officer Weatherly
14 are saying it's amazing with all the cars that nothing got
15 hit from these shell casings. You remember that
16 conversation you had with Officer Weatherly?

17 A It didn't pick up on my body camera.

18 Q Well, I could cue it up and see if you remember. You
19 said, well, it's because the witness said that Jojo and
20 her friends were shooting in the air. They drove off
21 shooting in the air. You remember telling that to the
22 officer, the female officer?

23 A I don't remember having a question with Weatherly. I
24 honestly don't.

25 Q Well, let me cue that up. It would be 2745.

1 MR. TUCKER: Your Honor, if she's going to play
2 that, I think she has to admit that into evidence first
3 and lay a foundation for it.

4 MS. PARHAM: I don't believe -- I'm just asking
5 him, so it's a previous recorded statement. If he doesn't
6 remember making it, then I just need to refresh his memory
7 with the recorded statement.

8 THE COURT: All right. Ladies and gentlemen, if
9 you will take a brief recess, we will take care of this
10 situation. Please don't discuss this matter and we'll
11 have you right back out. Thank you so much.

12 (WHEREUPON, the jury retire to the jury room.)

13 THE COURT: All right. I'll give you an
14 opportunity.

15 MR. TUCKER: And, your Honor, just briefly in
16 terms of my objection, I believe if Ms. Parham's arguing
17 under the extrinsic evidence rule, I believe that the
18 foundation would have to be that he denies making the
19 statement and it could be proven through extrinsic
20 evidence or statement. I believe what Investigator Herman
21 testified to was that he doesn't recall. It's on the
22 body-worn camera. He doesn't recall. It's not that he's
23 saying he didn't make a statement and this way to refresh
24 his recollection. It's just under extrinsic evidence he
25 has to say I don't -- I didn't make that statement not I

1 don't recall making that statement. It's possible I did
2 is the inference.

3 THE COURT: I'm going to let him refresh his
4 recollection as to this situation and then we'll continue
5 to question him.

6 MS. PARHAM: And, Judge, I would also offer --
7 I'm going to -- I'll try to -- pieces of his body cam I
8 believe are also admissible is present sense impression.
9 They accurately show the scene that night what it look
10 like, how dark it was, how many cars were in the parking
11 lot. You know, it's hard for this jury to visualize these
12 numbers with things around them, doesn't tell the height
13 of car, some were trucks, you know. I think it really
14 gives a good of what the body cam footage shows. And I
15 can lay a proper foundation for that, what it look like,
16 how dark it was, the height of these vehicles. You know,
17 it's really hard and you can see how many people are
18 milling around and stuff, but, you know, it's hard from
19 looking at this to see the height of these cars and
20 everything. But any way I think it's admissible for a lot
21 of reasons, but I can show a snippet right now.

22 THE COURT: Well, just let me know what you're
23 trying to do. Are you trying to introduce the body
24 camera?

25 MS. PARHAM: Yes, I would try to offer his body

1 camera.

2 THE COURT: All right. Well, what's the State's
3 position?

4 MR. TUCKER: Well, your Honor, as long as
5 Officer Herman can testify, yeah, that's my body-worn
6 camera footage. Certainly, she can play that or she can
7 speed it up and get to the part, but if she's offering it
8 as extrinsic evidence, you know, to rebut their statement.

9 THE COURT: No, I understand. I mean, we're not
10 going to publish the camera to the jury unless it's in
11 evidence.

12 MS. PARHAM: Right.

13 THE COURT: Now, if she wants to lay the
14 foundation and entered it into evidence, is there any part
15 of the body-worn camera that you object to the jury seeing
16 or hearing?

17 MR. TUCKER: Not that I recall your Honor in
18 terms of when I looked at it.

19 THE COURT: All right, well, there's no
20 objection then we'll just let it roll.

21 MR. TUCKER: But I believe that body-worn camera
22 footage is lengthy. I think Investigator Herman is a
23 better part of about an hour so again ---

24 THE COURT: Well, I mean, she doesn't have to
25 play it all. She can play it all.

1 MS. PARHAM: Well, I'm not moving to admit all
2 the body camera because I think the part with the victim
3 having CPR is too prejudicial.

4 MR. TUCKER: Well, your Honor I think if she's
5 going to admit it, she has to admit the whole thing. She
6 can skip to the part where she wants to play for the jury,
7 but certainly I think the whole body-worn camera has to be
8 ---

9 MS. PARHAM: I don't think it has to be -- it's
10 just like any portion can be redacted if it's improperly
11 prejudicial.

12 MR. TUCKER: Well, but that's the door she
13 opening your Honor introducing the born-worn camera as
14 evidence.

15 MS. PARHAM: No, it's not. It's just like any
16 other recording or statement. It's just like autopsy
17 photos. It doesn't mean that just because, you know, all
18 of them come in can be -- CPR on the victim is
19 inflammatory and that's not appropriate for the jury.

20 THE COURT: And there's a brand new case out on
21 that. I think you're right and that is my concern. You
22 know, just blankly playing this entire video for this jury
23 without any of us seeing exactly what the contents are is
24 some what dangerous in my mind, but if there's no
25 objection, then that, you know, if it contains hearsay

1 whatever the situation maybe, it will come in. But if
2 there is ---

3 MS. PARHAM: Well, I would offer these --

4 THE COURT: --- inflammatory part of it. Then
5 what we'll do if you're not intending to publish it to the
6 jury, we'll just make an ordinary ruling that that's not
7 admissible if Mr. Tucker wants me to take a look at it,
8 make a ruling based on the case law and I certainly can do
9 that when the jury is now away.

10 MS. PARHAM: I would -- Judge, what I would do
11 is I would offer portions of the body camera to be
12 admitted for the jury for them to see the way it looked,
13 the way the cars looked in the parking lot. And these
14 conversations that he had about these other suspects.

15 THE COURT: Mr. Tucker.

16 MR. TUCKER: But your Honor the problem with
17 that is that it leaves gaps and it doesn't paint the full
18 picture, that these are the reasons why typically I don't
19 move to admit body-worn camera footage if the officer is
20 here to testify because a lot of times there is background
21 stuff. There's stuff that the -- can't possibly pin out
22 of there. It's irrelevant and has all kind of evidentiary
23 issues. So, again, it's one of the reasons. And it's
24 fraught with all kinds of difficulty even when you try to
25 clip. And then the body-worn camera footage leaves a gap

1 and looks like it's jumping ahead. So there's all kind of
2 issues with it which is why typically if the officer can
3 testify consistently with it, I don't usually introduce
4 them.

5 MS. PARHAM: Judge, I'm okay with offering all
6 of it except for the part with the CPR.

7 THE COURT: All right. And what's the State's
8 position with that?

9 MR. TUCKER: I'm sorry I didn't hear what her
10 exception was.

11 THE COURT: She wants to offer it in totality
12 except for the medical -- the CPR.

13 MR. TUCKER: In terms of the footage of the
14 victim there at the scene is that what she's saying.

15 MS. PARHAM: Well, let me just see if I can clip
16 that. Judge, yeah, I think we could just take the
17 beginning off with the CPR and offer the body cam if
18 that's what they want or we can splice it whatever the
19 State wants, but I think it's important for them to see
20 the way this crime scene looked.

21 THE COURT: So is the CPR at the very beginning
22 of ---

23 MS. PARHAM: It is at the very beginning.

24 THE COURT: All right. Assuming there is a
25 proper foundation laid for the body camera to be

1 introduced into evidence and we get that on the record,
2 and then you introduce that into evidence. And I will
3 allow it with the proper redaction from the CPR footage.
4 Now, Mr. Tucker, also give you the opportunity to object
5 to any other improper parts of that video coming before
6 the jury. If you have any so objections, but certainly I
7 don't know what they are.

8 MR. TUCKER: Yes, your Honor, like I said again,
9 I mean, there's all kinds of, you know, with people
10 yelling. You don't know ---

11 THE COURT: Well, I understand. And it very
12 well may be proper objections that I have to a make ruling
13 on, but if you're not going to make, then it will come in,
14 that is up to you.

15 MR. TUCKER: Yeah, I certainly will at the
16 appropriate time your Honor. It's just that sometimes
17 these things happen, you know, it's ---

18 THE COURT: Well, I think she's intending to
19 offer it right now.

20 MS. PARHAM: Let's just take a break.

21 THE COURT: We'll take about a 10, 15 minute
22 break and see if we can come to an agreement on that and
23 then we'll come back, okay. And, Mr. Herman, you're
24 welcome to step down. You just can't talk to anybody
25 about your testimony. All right, sir. Thank you.

1 (WHEREUPON, a break was taken.)

2 THE COURT: Where do we stand as far as the
3 body-worn camera?

4 MR. TUCKER: And, your Honor, I don't mean to
5 speak for Ms. Parham, but I think the agreement I believe
6 is that she's going to admit the body-worn camera or she
7 lay foundation for it which I have no doubt she could and
8 will admit the body-worn camera footage. As I've
9 indicated, there has to be something physical to goes into
10 evidence like with a 9-1-1 call we played it digitally
11 from my laptop, but we actually had to have a recording, a
12 disk to put into evidence. Likewise here, she has to have
13 something physically to move in. And, of course, again, I
14 believe there was a reference to a CPR, which I got no
15 issues with that. I don't think that's something the jury
16 needs to see. However, we have to make sure that
17 whatever's moved into evidence is what we're intending, so
18 that once it's in evidence, they want to see the whole
19 thing, that doesn't pop up when that was not intended.
20 So, I guess, that is my only caveat. And I believe that
21 rather than play the whole thing and, again, Ms. Parham,
22 correct me if I'm wrong, I think she's going to admit what
23 she wants to admit or move into evidence with what she
24 wants to with regards to the body-worn. And then rather
25 than play the whole thing she's going to jump to the point

1 where I think that she's trying to get from Officer Herman
2 I believe if I'm mistaken ask her to correct.

3 MS. PARHAM: That's right, your Honor. So what
4 we would propose to do I've done in another trial is do a
5 place holder exhibit. And then we will clean it up and
6 replace it with what's proper without the CPR.

7 THE COURT: Okay. Now, is that kind of an
8 ongoing moving target or is it just the CPR and all the
9 rest of it is fair game?

10 MR. TUCKER: Well, it may be your Honor that if
11 she wants to do the place holder thing and just admit that
12 portion which I don't think there's going to be any issues
13 with, it may behoove us to look at it a little bit more
14 closely before we move it in fully for something.

15 MS. PARHAM: Okay. I mean, we can do that
16 whatever.

17 THE COURT: Well, I understand. I just don't
18 want it to be an issue, but we're not going to stop the
19 trial now to do this. So, I mean, my proposition was
20 going to be to show it without audio and then you all can
21 hash through whatever the improper audio maybe and redact
22 it.

23 MS. PARHAM: We were even -- I mean, we've just
24 looked at it again. I mean, if your Honor wants to put
25 the whole thing, the CPR with his body cam is not very

1 explicit or graphic or anything, so we were actually
2 thinking during the break looking at the whole thing just
3 to say put the whole thing in.

4 THE COURT: What say the State?

5 MR. TUCKER: And that's fine with me your Honor.
6 And with regards to the audio, I think that's probably an
7 excellent prophylactic way of moving forward with it.
8 It's just play it audio until you get to the point where
9 she plays what she wants to play and kind of go from
10 there.

11 MS. PARHAM: We're trying to move the whole body
12 camera in with audio.

13 THE COURT: All right. Let me just ask you is
14 there an objection?

15 MR. TUCKER: At this time, no, your Honor, but,
16 again, you know, without knowing specifically everything
17 on the body-worn camera that there may be something I
18 object to when she plays it I don't know. I guess, my
19 question is, does Ms. Parham intend to play the entire
20 thing when she moves it into evidence.

21 MS. PARHAM: Well, you know, certainly he has
22 two parts body cam. His has body cam from the first
23 scene, which is short and then he has this scene. We
24 would offer both of them in and could lay a foundation for
25 both. We just move both of them in total. And I don't

1 plan on playing both body cams this morning, but I might
2 use them later -- pieces of them later, but certainly if
3 they're admitted in whole, then the jury has the right if
4 they want to watch the whole thing they can.

5 MR. TUCKER: And that's my point, your Honor.

6 THE COURT: I know. I don't know. I'm not
7 trying to be hard to get along with, but if they're into
8 evidence without an objection, then the jury can play them
9 and they can be publish at any time. They can hear them
10 in totality. If there is an objection and you need to see
11 about whatever redactions you want, then that needs to
12 happen before there completely and totally entered into
13 evidence.

14 MR. TUCKER: And your Honor I think that that is
15 probably what the State would want for, but, again, I know
16 that rather than hold the trial up if perhaps I can
17 stipulate to those portions as she wants to play now.
18 And, then, of course, you know, look at the balance of it
19 in terms of moving it in at some -- through some future
20 witness. And I would say I wouldn't hold her to since it
21 wasn't, you know, Officer Herman on the stand in terms of
22 laying a foundation for it.

23 MS. PARHAM: Okay. I think I understand what he
24 wants to do. He wants to time review the thing again,
25 which is fine. I don't object to that, but just for the

1 record, I am trying to move both body cameras in in full
2 and then whatever.

3 THE COURT: I understand. And for purposes of
4 what you want to show this jury with this witness at this
5 time is that agreed upon material from the body cam and we
6 are not going run a fowl some of your pending objection?

7 MR. TUCKER: No, your Honor. I think that will
8 be acceptable to the State in terms of ---

9 THE COURT: Ms. Parham, do you know exactly what
10 he's talking about and is that what you plan to do?

11 MS. PARHAM: Yes, I plan on showing like
12 starting at 2700, which is when they start talking about
13 the silver BMW and all that stuff and the shooting in the
14 air, that's all.

15 MR. TUCKER: He's testified to that already.

16 THE COURT: So for purposes of this ruling right
17 now, that part of this body camera is into evidence by
18 stipulation, is that right?

19 MR. TUCKER: That's correct, your Honor.

20 THE COURT: All right. Is this Defense Exhibit
21 Number 1 I assume.

22 MS. PARHAM: Yes, it will be Defense Exhibit
23 Number 1.

24 MR. TUCKER: Again, for purposes of the court
25 reporter where she is not moving anything physically in

1 other than what she has. Once I had a chance to review,
2 then we can move something physically in.

3 THE COURT: I understand. I ask as soon as you
4 have an opportunity to review and bring any objections
5 before the Court on any redactions and we will rule on
6 that at a later time.

7 MR. TUCKER: Yes, sir.

8 THE COURT: So Defense Exhibit Number 1, which
9 is this particular portion of Mr. Herman's body camera is
10 into evidence by stipulation of counsel and we're going to
11 move forward, okay.

12 MR. TUCKER: Yes, sir.'

13 (WHEREUPON, Defendant's Exhibit No. 1 was
14 admitted into evidence.)

15 THE COURT: Can I have the jury please.

16 (WHEREUPON, the jury came into open court.)

17 THE COURT: Okay. All right, thank you.
18 Ms. Parham.

19 MS. PARHAM: Thank you, Judge. Without
20 objection from the State and with the Court's permission,
21 we're going to publish two pieces of this -- we would
22 offer under the stipulation that was reached in the break
23 Defendant's Exhibit 1, which is a portion of his body-worn
24 camera that was live feed the whole time he was at the
25 scene and subject to the Court's ruling we would just play

1 two portions of that.

2 THE COURT: All right. Are you going to play
3 that right now?

4 MS. PARHAM: Yes, we're going to play it now.

5 (WHEREUPON, the body- worn camera played for
6 jury.)

7 BY MS. PARHAM:

8 Q I'm sorry investigator -- I mean, officer you
9 couldn't hear that?

10 A No.

11 MS. PARHAM: Was the Court about to hear that?

12 THE COURT: I can hear it.

13 MS. PARHAM: Okay. Was everyone else able to
14 hear the sounds. Those are the two pieces that we
15 published, your Honor.

16 BY MS. PARHAM:

17 Q So you're Lance Corporal?

18 A Corporal.

19 Q Corporal, that's your body-cam footage and you were
20 wearing that throughout this whole that when you were
21 investigating?

22 A Yes, ma'am.

23 Q And then you leave it on. Your policy is you leave
24 it on until you clear the scene?

25 A Yes, ma'am.

1 Q And I believe we were -- did you also call 9-1-1 that
2 night?

3 A I don't recall.

4 Q Did you speak with dispatch from your other scene?

5 A On the radio?

6 Q Yes.

7 A Yes, ma'am.

8 Q Okay. And, again, Officer, you did not go into the
9 Quick Stop and take any names or phone numbers of any of
10 the witnesses?

11 A Not that I recall.

12 Q Okay. Did you do anything else that night that's not
13 captured on body cam with regard to this -- or any other
14 day with regard to this case or is that your full
15 involvement?

16 A I believe that's my full involvement.

17 Q Okay. And so I have a copy of your police report in
18 front of me and it's one paragraph. Is that the only
19 report that you prepared?

20 A That's not my report.

21 Q Oh, the reporting officer -- did you prepare a police
22 report?

23 A No, ma'am.

24 Q Okay.

25 MS. PARHAM: And so may I approach, your Honor?

1 THE COURT: Yes, ma'am.

2 MS. PARHAM: Will you mark that as Defense
3 Exhibit 2 for identification purposes.

4 (WHEREUPON, Defendant's Exhibit No. 2 was marked
5 for identification only.)

6 BY MS. PARHAM:

7 Q So even though your name is on this let me show you
8 what's been marked for defense purposes Defense Exhibit 2
9 for identification purposes?

10 A Yes, ma'am.

11 Q So who actually prepared that report?

12 A That would be police officer Shields.

13 Q Shields. Okay. And what did you do to contribute to
14 this report?

15 A I just read it over and approved it.

16 Q Okay. And so he was your trainee?

17 A Yes.

18 Q And so you basically allowed your trainee to prepare
19 this report for you?

20 A I don't allow it. It's their job.

21 Q Okay. But is his name on here at all?

22 A Yes, it is.

23 Q Pardon.

24 A Right at the beginning the first line says IPO
25 Sheilds.

1 Q Okay. But all this other information has to do with
2 you. Did he get it from you and put it in the report
3 about the information that we saw on the body cam and all
4 that?

5 A No, ma'am, he was at the scene.

6 Q Right. But the information on this whole report was
7 any of it given to him from you or is this just all of his
8 information?

9 A I believe it's just his information.

10 Q Okay. And so you don't have a separate report of
11 this incident at all?

12 A No, ma'am.

13 Q Okay. Only your trainee Mr. Shields?

14 A Yes, ma'am.

15 Q Okay. That clarifies that.

16 MS. PARHAM: Well, thank you. I believe that's
17 all I have.

18 MR. TUCKER: Just briefly on redirect.

19 REDIRECT EXAMINATION

20 BY MR. TUCKER:

21 Q Investigator Herman, Officer Shields where is he
22 presently?

23 A I believe he's in the state of Idaho or Iowa.

24 Q Okay. He's no longer with the Florence police
25 department, is that correct?

1 A No, sir.

2 Q And, again, he was on scene at the same time you were
3 since he was your trainee?

4 A Yes, sir.

5 Q So he was experiencing things as you were
6 experiencing things would that be fair to say?

7 A Yes, sir, it would be.

8 Q Now, let me ask you a couple of questions with
9 regards to some of the stuff that you encountered there.
10 Is it uncommon for people to come up or is it uncommon for
11 you to get a lot of information in a scene kind of like
12 this?

13 A Oh, yeah, it's very common. You get a lot of people
14 that want to throw their opinions in, yes.

15 Q Now, is it your job as responding officer to kind of
16 sift out what is good information ---

17 MS. PARHAM: Objection, leading the witness,
18 your Honor.

19 MR. TUCKER: I can rephrase, your Honor.

20 THE COURT: All right, thank you.

21 BY MR. TUCKER:

22 Q Who was the lead investigator assign to this case?

23 A That would be Banister.

24 Q And you were just the responding officer and took
25 information when you arrived on scene, is that correct?

1 A Yes, that's correct.

2 Q So if people were giving you information, you weren't
3 trying to cut them off, were you?

4 A No.

5 Q Just writing as they gave it to you?

6 A Yes.

7 MR. TUCKER: I believe that's all the questions
8 I have, your Honor.

9 THE COURT: All right, Mr. Herman, thank you,
10 sir, for being here. You welcome to step down.

11 (WHEREUPON, the witness leaves the witness
12 stand.)

13 MS. PARHAM: Just subject to possible recall
14 based on his body cam if that comes up in the future.

15 THE COURT: All right, Mr. Herman, just
16 understand you're still under subpoena and they'll let you
17 know if they need you, okay.

18 THE WITNESS: Yes, sir.

19 (WHEREUPON, the witness leaves the witness
20 stand.)

21 THE COURT: Mr. Tucker.

22 MR. TUCKER: Your Honor, at this time the State
23 would call Ethan Boseman to the stand.

24 THE CLERK: Sir, if you will step up to the
25 stand. Place your left hand on the Bible and raise your

1 right hand. Do you swear or affirm the testimony you give
2 in this case to be the truth, the whole truth, and nothing
3 but the truth so help you God?

4 THE WITNESS: I do.

5 THE CLERK: Please be seated and state your full
6 name for the record.

7 THE WITNESS: Officer Ethan Boseman.

8 MR. TUCKER: May it please the Court.

9 WHEREUPON,

10 Ethan Bosman,

11 after first having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. TUCKER:

14 Q Officer Boseman, what maybe the most self-evident
15 question you ever been asked where do you work?

16 A The City of Florence.

17 Q And in what capacity do you work in the City of
18 Florence?

19 A I'm a police officer on patrol.

20 Q And how long have you been employed as a police
21 officer with the City of Florence?

22 A Almost ten years now.

23 Q Now, what are your present duties with regards to the
24 police department?

25 A Presently, I'm still on patrol responding to 9-1-1

1 calls, calls for service, domestic, shootings.

2 Q Now, if my math is correct that means you would have
3 been at the patrol division on or about March the 23rd
4 into the morning of March the 24th 2019?

5 A That's correct.

6 Q And do you recall when you were on patrol during that
7 time frame receiving a call about shots fired incident at
8 the 502 North Coit, which is the Quick Stop on Coit
9 Street?

10 A That's correct.

11 Q And do you recall what you did, if anything, when you
12 received a notification to respond?

13 A We got a call about a shooting at a location Lance
14 Corporal Herman was the first to arrive on scene. He
15 advised that he had a victim upon arrival. I seen a
16 victim laying on the ground with a gunshot wound to her
17 head. I grabbed first aid kit and tried rendering first
18 aid to her.

19 Q And let me ask you had EMS arrived at this point?

20 A No, sir.

21 Q And so you were rendering first aid in the absence of
22 anything else at this point?

23 A That's correct.

24 Q Okay. And once you obtained your first aid kit if
25 what, if anything, did you do?

1 A I started, you know, trying to apply first aid to the
2 gunshot to her head. I stayed there with her until the
3 fire department came on scene they got better equipment.
4 I let them take over treatment until EMS came.

5 Q And once they took over treatment what, if anything,
6 did you do?

7 A Once they took over, I took my first aid back up,
8 started looking for evidence, set up perimeter for crime
9 scene.

10 MR. TUCKER: And your Honor if I may approach?

11 THE COURT: Yes, sir.

12 BY MR. TUCKER:

13 Q And, Officer Boseman, I'm going to show you what's
14 been entered into evidence as State's Exhibit 2 and would
15 ask if you would step down move a little further this way.
16 And is this an overhead of the Coit Street Quick Stop?

17 A Yes, sir.

18 Q Okay. And if you could approach again when you
19 arrived on scene, where if you could indicate in the
20 parking lot where you saw the victim first?

21 A I actually parked my patrol car right here at this
22 driveway. The victim was in this location right here.

23 Q Okay. And once you started processing the scene or
24 trying to establish the perimeter of the crime scene what,
25 if anything, did you locate in terms of items of possible

1 evidentiary value?

2 A We found some casings I believe live rounds as well
3 in this area. I potentially if I remember correctly I
4 stayed in this area because we had officers over here with
5 crime scene tape.

6 Q Okay. Now, is it your job as a first responder to
7 collect and document any of the evidence that you find?

8 A No, sir, we just hold and wait until crime scene gets
9 there.

10 Q Okay. And would one of those duties or one of the
11 things hold what you got be established crime scene tape
12 around the perimeter?

13 A That's correct.

14 Q And I see some of the items are in Sumter Street here
15 would it be to stop traffic from coming down the road to
16 possibly disturb?

17 A Yes, sir.

18 Q Is that what you did?

19 A Other officers were on the Sumter Street side. Like
20 I said, you know, I was more on this front area of the
21 store.

22 Q Okay. And being an officer with the Florence police
23 department, you're familiar with the area that we're
24 pointing to, are you not?

25 A Yes, I am.

1 Q And so, again, and what maybe a dumb question, but
2 the incident location 502 North Coit Street where is that
3 located in terms of municipality?

4 A It's located in the City of Florence.

5 Q And the City of Florence is located in the County of
6 Florence?

7 A Correct.

8 Q All right. And after you were able to assist and
9 establishing the perimeter and locating possible items of
10 evidence, what, if anything else, did you do in
11 relationship to this case?

12 A That's it. I just held the scene until
13 investigations and crime scene came.

14 Q Okay.

15 MR. TUCKER: I believe those are all the
16 questions I have of this witness, your Honor.

17 THE COURT: All right. Thank you, sir.
18 Ms. Parham.

19 CROSS-EXAMINATION

20 BY MS. PARHAM:

21 Q Okay. Officer Boseman, man were also wearing body
22 camera during this entire time?

23 A Yes, ma'am.

24 Q And was it turned on?

25 A Yes, ma'am.

1 Q And do you recall when you were looking around for
2 pieces of evidence, you recall a discussion with some
3 other officers about an older shell casing that was by the
4 curb that was either old or had been run over, do you
5 recall any of that?

6 A After reviewing our body footage, I do recall. I
7 don't remember all the specifics to it.

8 Q Okay. Do you recall whether that old or run over
9 shell casings that y'all talk about was marked or put into
10 evidence in this case?

11 A I don't recall it. It could have been marked. I
12 think Corporal Thibodeau at that time was laying the cones
13 out for evidence until crime scene got there. I don't
14 recall if that one was marked or not.

15 Q All right. But you know what I'm talking about about
16 another shell casing that either run over or was result?

17 A Yes, ma'am.

18 Q Okay. And you don't know that that one was put into
19 evidence?

20 A No, ma'am.

21 Q You don't know caliber it was?

22 A No, ma'am.

23 Q Okay. And so we don't know, do we?

24 A I don't because typical our job is just to hold what
25 we have and, you know, crime scene comes out and takes

1 care of that.

2 Q But you know what extra shell casing I'm talking
3 about you remember?

4 A I recall -- I recall reviewing my body cam footage
5 that somebody had mention ---

6 Q Another shell casing?

7 A Yes, ma'am.

8 Q It's not on this map.

9 A I don't recall.

10 Q All right. Do you recall another thing on your body
11 cam footage talking about there being a mixture of .45
12 caliber shell casings, .9 millimeter caliber shell casings
13 and .380 caliber shell casings?

14 A I recall people telling me that there's multiple
15 casings. As again, I did not pick them up and verify the
16 calibers.

17 Q Do you recall on one of your body cam footages saying
18 I know the round was a .45 because seen the casing?

19 A You can typically tell by the casing size. You can
20 take a guess of what they typically are.

21 Q Okay. But you recall saying that on your body cam I
22 know the round was a .45. I scene the casing?

23 A If it's on the body cam and I said it.

24 Q Do you also remember on your body cam having a
25 conversation about the guy with a crown on his head may

1 have been doing the shooting?

2 A I do not recall. It might be on body camera.

3 Q Okay. Did you ever talk to the guy with the crown on
4 his head?

5 A I don't recall.

6 Q All right. Now, what was the purpose in having
7 people in the Quick Stop, you know, trying to keep people
8 from coming in and out of the Quick Stop?

9 A Primarily, do because, you know, investigations want
10 to talk to them and see if they want to say anything.
11 They heard anything, said anything and primarily to keep
12 the crime scene from being contaminated.

13 Q Right. Is it fair to say people were walking around
14 this crime scene a good bit?

15 A After reviewing my body cam footage, yes, ma'am.

16 Q So this crime scene was not very well contained?

17 A No, ma'am, it was kind of chaotic at the beginning.

18 Q It was. And so their people everywhere?

19 A At the beginning, yes, ma'am.

20 Q And what would be your estimate of how many people
21 were there when you got there?

22 A Maybe 15 to 20 people on the outside when I first got
23 there.

24 Q And that's not including the people on the inside?

25 A I don't recall how many people were on the inside.

1 Q Okay. Did you ever take the names and phone numbers
2 of anyone?

3 A I spoke to Terrell Davis. He said he was a family
4 member of the victim. I obtained his phone number and
5 address and I put it my supplemental.

6 Q And I saw that from your report. Did you take any
7 other names or phone numbers?

8 A No, ma'am.

9 Q Okay. And did -- you know, you said investigations
10 might want to come and talk to people inside the Quick
11 Stop to get their information. Did you participate or see
12 anyone doing that getting the names and phone numbers of
13 the people at the Quick Stop?

14 A That I do not recall.

15 Q And you didn't do it?

16 A No, ma'am.

17 Q Okay.

18 MS. PARHAM: That's all I have. Thank you.

19 MR. TUCKER: Just briefly on redirect.

20 REDIRECT EXAMINATION

21 BY MR. TUCKER:

22 Q Officer Boseman, who is responsible in an
23 investigation for verifying information given to you in
24 terms of on the scene in terms of possible witnesses?

25 A Primarily, if somebody willingly gives us a statement

1 and we get information, but primarily investigators get
2 called and they start collecting information.

3 Q I'm sorry, I didn't mean to cut you off, so it would
4 be investigator assign to the case to follow up on
5 everything that you obtained?

6 A That's correct.

7 MR. TUCKER: I believe's that all I have, your
8 Honor.

9 THE COURT: All right. Thank you, Mr. Boseman.
10 You can step down. Is there any objection to him being
11 released from his subpoena?

12 MR. TUCKER: None from the State, your Honor.

13 MS. PARHAM: No, your Honor.

14 THE COURT: All right, free to go. Thank you.

15 (WHEREUPON, the witness leaves the witness
16 stand.)

17 THE COURT: Did you have another witness?

18 MR. TUCKER: I do, your Honor. I'm not sure at
19 what point you wanted to break for lunch. I intend to
20 call Coty Thibodeau next. I didn't know how lengthy the
21 cross would be. He would be a fairly short witness for
22 me, but I didn't know in terms of what ---

23 THE COURT: All right.

24 MS. PARHAM: It's fine to break for lunch if you
25 want. There's more body camera that we might need to

1 discuss.

2 THE COURT: All right. Ladies and gentlemen,
3 we're going to take a lunch break at this time. We're
4 going to ask that you be back here ready to begin this
5 trial at 1:30, 1:30, okay. One please don't discuss this
6 case with anybody whatsoever and hope you have a good
7 lunch. Thank you so much for your patience and your
8 attention.

9 (WHEREUPON, the jury excused for a lunch break.)

10 THE COURT: All right. Is there anything before
11 we break for lunch?

12 MR. TUCKER: Nothing from the State, your Honor.

13 THE COURT: Ms. Parham.

14 MS. PARHAM: No, your Honor.

15 THE COURT: All right. If you will please take
16 the opportunity to make sure there's going to be any
17 issues about body cameras or introduction of evidence at
18 least to know what they are and how we might can
19 streamline that.

20 MR. TUCKER: Yes, sir.

21 THE COURT: Thank you. Start back at 1:30.

22 (WHEREUPON, a lunch break was taken.)

23 THE COURT: Is everybody ready?

24 MR. TUCKER: The State's ready, your Honor.

25 MS. PARHAM: Yes, your Honor.

1 THE COURT: Okay. All right. We will have the
2 jury please.

3 (WHEREUPON, the jury came into open court.)

4 THE COURT: Okay.

5 MR. TUCKER: Thank you, your Honor. At this
6 time the State will call Coty Thibodeau.

7 THE CLERK: Sir, if you will please place your
8 left hand on the Bible and raise your right hand. Do you
9 swear or affirm the testimony you give in this case to be
10 the truth, the whole truth and nothing but the truth so
11 help you God.

12 THE WITNESS: I do.

13 THE CLERK: Please be seated and state your full
14 name for the record.

15 THE WITNESS: Coty Thibodeau.

16 MR. TUCKER: Thank you, your Honor. May it
17 please the Court.

18 WHEREUPON,

19 Coty Thibodeau,
20 after first having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. TUCKER::

23 Q Officer Thibodeau, where do you work?

24 A The City of Florence police department.

25 Q And in what capacity are you currently employed with

1 them?

2 A Right now I'm in the traffic unit.

3 Q Okay. And how long you been with the City of
4 Florence police department?

5 A Sixteen years.

6 Q And did you have any prior law enforcement experience
7 before then?

8 A Yes, I was with the Darlington City for three and a
9 half years.

10 Q All right. Now, I want to direct attention
11 specifically to the evening of March 23rd into the morning
12 of March 24th of 2019. Were you working on duty at that
13 time?

14 A Yes, sir, I was on patrol.

15 Q Now, do you recall receiving notification to respond
16 or be associated with the investigation of this matter?

17 A Yes, sir.

18 Q And do you recall how you became involved initially.

19 A The night in question I was handling another call at
20 the corner of Roughfork and Irby, which is in City of
21 Florence. And while we were dealing with the call, we
22 heard multiple gunshots. It appeared to be coming from
23 the south side of town toward maybe the downtown area. We
24 left from there immediately. I stopped by Speedy Mart,
25 which is on the corner of Lucas and Irby. And spoke to

1 folks there and they addressed us and told us that it
2 appeared to be coming from the West Florence area, which
3 is the Sumter and Coit Street area. As I was heading that
4 way, that's when we received a call of gunshots.

5 Q Okay. And you responded to the incident once you
6 received the call?

7 A Yes, sir.

8 Q And do you recall what you did when you first notice
9 when you arrived?

10 A As soon as I arrived, I observed a large crowd. They
11 were upset obviously. There was one female laying on the
12 ground. I immediately grabbed gloves out of my car, took
13 them to the officers that were rendering aid. At which
14 time I maintain crowd control to keep the folks back, so
15 we could tend to the victim.

16 Q Now, do you recall which officer was there ahead of
17 you at this point?

18 A I believe Boseman man that I can recall was
19 initiating first aid.

20 Q Okay.

21 A And I got gloves for him.

22 Q Okay. And once you began crowd control, what, if
23 anything, did you do after that?

24 A Once we got everything under control, immediately
25 started placing cones on shell the casings and secure the

1 scene to be processed.

2 MR. TUCKER: If I may approach, your Honor?

3 THE COURT: Yes, sir.

4 BY MR. TUCKER:

5 Q Officer, I'm going to have you come down as soon as I
6 get this thing set. And I would ask you if you would
7 step down. And what I'm showing is entered into evidence
8 as State's Exhibit 2. And is this kind of a Google map of
9 the incident location that you responded to that night?

10 A Yes, it is.

11 Q And do you recall when you say you began placing
12 cones, did you indicate on a map where the cones were
13 placed?

14 A On these yellow marks.

15 Q Okay. Now, once you were able to locate those and
16 establish the crime scene, now did you collect any of the
17 shell casings yourself?

18 A I did not. We waited for crime scene to arrive. And
19 once they arrived, they processed all that stuff. We just
20 secured it.

21 Q And primarily your role there was just to maintain
22 the integrity of the crime scene until they arrived until
23 they arrived?

24 A Yes, correct.

25 Q And once you identified the shell casings with the

1 cones and secured the scene, did you do anything once
2 crime scene arrived and after everybody cleared?

3 A No.

4 Q Did you have any other involvement?

5 A Not that I recall, no, sir.

6 MR. TUCKER: Okay. I believe that's all the
7 questions I have of this witness, your Honor.

8 THE COURT: All right.

9 CROSS-EXAMINATION

10 BY MS. PARHAM:

11 Q Good afternoon.

12 A Good evening.

13 Q Corporal, were you also wearing a body camera that
14 night?

15 A Yes, ma'am.

16 Q And so it recorded both the prior scene that you were
17 working when you heard gunshots and the current scene that
18 we're here today on?

19 A Yes, ma'am.

20 Q And do you remember having -- well, from your body
21 cam just explain to the jury what the scene was like when
22 you got there?

23 A It was very chaotic. A lot of folks were upset. The
24 victim was laying on the ground obviously and we were
25 trying to tend to her. And I was just trying to keep

1 control of the crowd, so they didn't interfere with us
2 trying to tend to her rendering first aid.

3 Q Your best recollection how many people were outside
4 and how many people were inside when you got there?

5 A Inside, I don't recall. Outside, if I had to guess,
6 maybe 15 -- ten, 15 people roughly.

7 Q All right. And did you just say repeatedly in fact a
8 lost count quit disturbing the crime scene. Please, I
9 need you to back up?

10 A Yes, ma'am, multiple times I told people to please go
11 inside the door, so we can reserve everything.

12 Q Did they do what you said?

13 A Not originally, no, ma'am.

14 Q I mean, would it be fair to say that a lot of time
15 transpired with you continuing to give the same orders
16 over and over again to please go inside?

17 A I don't know how much time it was.

18 Q You recall saying you're stepping on my evidence.
19 You're disturbing the crime scene please go inside, please
20 go inside over and over again?

21 A Yes, ma'am.

22 Q All right. Do you also recall on your radio saying
23 that you heard a number of gunshots. It was suppose to be
24 a shoot out?

25 A No, I probably been on the radio when the gunshots,

1 but not a shoot out.

2 Q Okay. Do you recall any conversation on your body
3 cam about the one wearing the crown might have been doing
4 the shooting?

5 A Not right off.

6 Q The man with the crown?

7 A I don't know right off, no, ma'am.

8 Q Okay. Do you recall on your body cam talking with
9 other officers about the two suspects one being Jojo and
10 the other being an unknown male in a BMW or Mercedes?

11 A No, ma'am, I haven't reviewed the camera, that's been
12 so long ago.

13 Q Okay.

14 MS. PARHAM: Judge, that's all I have subject --
15 I subpoenaed him for my case in chief. Thank you.

16 THE COURT: Anything further?

17 MR. TUCKER: Nothing on redirect, your Honor.

18 THE COURT: All right. Corporal Thibodueau,
19 thank you for being here. You're still under subpoena, so
20 you're free to go about your activities, but subject to
21 being recalled again, okay.

22 (WHEREUPON, the witness leaves the witness
23 stand.)

24 THE COURT: Mr. Tucker.

25 MR. TUCKER: And your Honor at this time the

1 State would call Lieutenant Howard Wynn to the stand.

2 THE CLERK: Sir, if you will come up to the
3 stand. If you will please your left hand on the Bible and
4 raise your right hand. Do you swear or affirm the
5 testimony you give in this case to be the truth, the whole
6 truth, and nothing but the truth so help you God?

7 THE WITNESS: Yes, ma'am.

8 THE CLERK: Please with seated and state your
9 name for the record.

10 THE WITNESS: My name's Howard Wynn.

11 MR. TUCKER: Thank you, your Honor. May it
12 please the Court.

13 WHEREUPON,

14 Howard Wynn,
15 after first having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. TUCKER:

18 Q Officer Wynn, where are you presently employed?

19 A With the Florence police department.

20 Q And what is your current rank?

21 A Lieutenant.

22 Q And how long have you been with the Florence police
23 department?

24 A Twenty-one years.

25 Q And did you have any prior law enforcement experience

1 before you arrived there at Florence?

2 A Corrections.

3 Q That's a rough job, isn't it?

4 A Yes, sir.

5 Q I want to direct your attention if have 21 years
6 experience, obviously, you would have been employed by the
7 Florence police department on or about March 23rd late
8 into March 24, 2019?

9 A Yes, sir.

10 Q And do you recall what your rank and what role with
11 the department was at that time?

12 A I was a sergeant on the patrol division.

13 Q And could you give me just a little overview of what
14 the patrol division normally does in terms of answering
15 kinds of calls and what they do?

16 A Yes, as a police officer, we have a lot of duties and
17 responsibilities, but our main goal is to serve and
18 protect the public. And as a sergeant, my primary
19 responsibility is a shift supervisor. I was supervisor on
20 patrol.

21 Q Now, do you find headaches have gotten less or worse
22 since you been promoted from sergeant to lieutenant?

23 A Just different, just different.

24 Q I want to again direct your attention back to that
25 evening. Do you recall receiving a dispatch to respond to

1 the 502 area of Coit Street in Florence?

2 A Yes, sir.

3 Q And do you recall what the nature of the call was?

4 A Reference to a gunshot victim.

5 Q And do you recall what, if anything, you did once you
6 received notification to respond?

7 A Yes, initially we got -- Corporal Thibodeau advise
8 that he heard a series of gunshots possibly in the
9 downtown area. Obviously, we started going to that
10 location.

11 Q And let interrupt you there if I may, that was before
12 the actual call came out from dispatch?

13 A Yes, sir.

14 Q Okay. And once you received notification from
15 Corporal Thibodeau what did you do?

16 A Obviously responded to the downtown area until
17 dispatch advised that they had a gunshot victim 502 North
18 Coit Street, which is located in the City of Florence.

19 Q And what did you do then?

20 A This particular location business is a corner lot
21 right there at Coit and Sumter Street.

22 Q Okay?

23 A I parked on Coit Street and I approached the front of
24 the building.

25 Q And could you describe what you encountered when you

1 first arrived?

2 A It was a large crowd gathered. I saw a victim lying
3 on the ground and she had a injury to her head.

4 Q Now, I would imagine your roles are dual in this type
5 of situation because first and foremost a police officer,
6 but you're also a supervisor are you not?

7 A Yes.

8 Q And what are the roles in terms of being a supervisor
9 on scene like that initially.

10 A Well, if I was first on scene it will be a little bit
11 different. I wasn't first on scene. A big role is to
12 secure the scene the best we can. Obviously, also safety
13 first and safety of others that's on scene. And if
14 possible interview witnesses and secure the scene.

15 Q Now, given the crowd that was there, is it uncommon
16 to get all kinds of information initially?

17 A Yes, sir.

18 Q And, correct, me if I'm wrong, but your role is not
19 that of an investigator, but there more less as you try to
20 maintain the scene and doing what you can?

21 A Yes, sir.

22 Q Okay.

23 MR. TUCKER: Now, if I may approach, your Honor?

24 THE COURT: Yes, sir.

25

1 BY MR. TUCKER:

2 Q Lieutenant, I'm going to set this up again and I'm
3 going to have you to come down and get it set up. What I
4 am showing you is State's 2. And I would ask if you would
5 approach now, is this an overhead of the area that you
6 responded to that morning that we been discussing?

7 A Yes, sir.

8 Q And could you indicate where you parked when you
9 first arrived?

10 A In this general area here.

11 Q And, again, just by way of reference what large
12 business is over here to this side?

13 A Reichenbach Ford.

14 Q Okay. And, again, you mentioned that there was a
15 large crowd of people. Do you know how many there would
16 have been estimate wise?

17 A I can't say. I mean 35, 40, I guess.

18 Q Okay. And I would imagine trying to maintain a scene
19 given, you know, the mode of people there, given a
20 shooting had just occurred and the number of people is
21 difficult?

22 A Yes, sir.

23 Q And do you recall what you did when you first arrived
24 in terms of trying to get a handle of what was going on?

25 A Obviously, as I approach right here, I saw the female

1 victim lying down. And she had an injury to her head.
2 Officer Boseman was rendering aid. I went to the parking
3 lot and I spoke with a few people. One gentlemen he
4 advise who was in the shooting. He then directed me to
5 the parking lot area where shell casings were found, which
6 is generally over here.

7 Q Okay.

8 A I was also approached -- well, I saw a female I spoke
9 to briefly who also stated who was involved. At that
10 point -- well, shortly thereafter, we established a crime
11 scene -- I mean, crime scene tape just to secure the
12 scene.

13 Q Okay. Now, as a supervisor is one of your roles is
14 to actually collect evidence and log that in back at the
15 police department?

16 A No, sir.

17 Q And, again, what is your role with regards to
18 evidence when you encountering it here?

19 A Just to hold until investigations or a crime scene
20 technician arrives on scene to process it.

21 Q Did you stay on scene until crime scene arrived?

22 A No, sir, I did not.

23 Q Okay. What, if anything, did you do when you left
24 there?

25 A After I left here, I responded to McLeod Hospital.

1 Q Okay. And for what purpose?

2 A I went there because the victim is transported by
3 EMS. And once there, I met with the individual.

4 Q Okay. And pretty much now you're at McLeod Hospital
5 in terms of sequence of events?

6 A Yes, sir.

7 Q If, Lieutenant, you want to head back to your seat.
8 I'll take this down. Were you able at this time to learn
9 the identity of the victim in this case?

10 A No, sir.

11 Q Okay. And were you able to ascertain what her status
12 was in terms of condition?

13 A I can't recall exactly what was said. I did speak
14 with someone briefly about it.

15 Q Okay. Were you there when Investigator Banister
16 arrived?

17 A Yes.

18 Q And what was your conversation with Investigator
19 Banister when we arrived?

20 A I just relayed the information that I obtained to
21 him.

22 Q And the investigator was in charge of continuing from
23 there?

24 A Yes, sir.

25 Q Okay. And once you cleared the hospital, did that

1 conclude your involvement in this case?

2 A Yes, sir.

3 MR. TUCKER: Okay. I believe those are all the
4 questions I have, your Honor.

5 THE COURT: All right. Ms. Parham.

6 MS. PARHAM: Thank you, Judge.

7 CROSS-EXAMINATION

8 BY MS. PARHAM:

9 Q Officer, you were also wearing a body camera the
10 entire time?

11 A Yes, ma'am.

12 Q And you can be seen in the body cameras of these
13 other police officers you all were together wearing the
14 same body camera, correct?

15 A Correct.

16 Q And were you also looking for any kind of bullet
17 holes in cars or buildings?

18 A I was looking for things of evidentiary value shell
19 casings. I don't recall seeing any holes in the building,
20 going inside a car anything of that nature.

21 Q But that's certainly something you all look for?

22 A Yes, ma'am.

23 Q And y'all didn't find any bullet holes in any
24 vehicles or buildings?

25 A Not that I recall, no, ma'am.

1 Q Who was the witness that you spoke with on your body
2 cam?

3 A I spoke with an individual who wish to remain
4 unanimous.

5 Q Okay. Did you -- and you can see him on your body
6 cam?

7 A Yes.

8 Q And did you take any notes that night as well?

9 A I didn't have a pad on me. I know it was just based
10 off recollection. Once I got a pad, I did jot down some
11 notes.

12 Q Okay. And isn't it true you're walking around saying
13 the person's name over and over, that he gave you Jolica,
14 Jolica, Jolica?

15 A Something along those lines, yes, ma'am.

16 MS. PARHAM: That's all I have. Thank you.

17 MR. TUCKER: Nothing on redirect, your Honor.

18 THE COURT: Is there any objection to this
19 officer being released from his subpoena?

20 MR. TUCKER: None from the State, your Honor.

21 MS. PARHAM: I have him under subpoena as well,
22 your Honor.

23 THE COURT: All right. Thank you, sir. You're
24 welcome to step down. Please understand you're still
25 under subpoena. Thank you, sir.

1 (WHEREUPON, the witness leaves the witness
2 stand.)

3 THE COURT: All right, Mr. Tucker.

4 MR. TUCKER: Your Honor, at this time the State
5 will call Carlos Jackson to the stand.

6 THE CLERK: If you will please step up to the
7 stand. Place your left hand on the Bible and raise your
8 right hand. Do you swear or affirm the testimony you give
9 in this case to be the truth, the whole truth, and nothing
10 but the truth so help you God?

11 THE WITNESS: Yes, ma'am.

12 THE CLERK: Please be seated and state your full
13 name for the record.

14 THE WITNESS: Carlos Maurice Jackson.

15 THE COURT: Mr. Jackson, if you would pull that
16 microphone close to you. Thank you, sir.

17 MR. TUCKER: Thank you, your Honor. May it
18 please the Court.

19 WHEREUPON,

20 Carlos M. Jackson,
21 after first having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. TUCKER:

24 Q Mr. Jackson, where do you live?

25 A 

1 Q Now, are you originally from the Florence area?

2 A Yes, sir.

3 Q And all your life?

4 A Born and raise.

5 Q And where are you presently employed?

6 A A-1 Transmission.

7 Q And how long have you worked there?

8 A Like five years on and off.

9 THE COURT: Mr. Jackson, I think some of us are
10 having a hard time hearing you, so I don't know if you can
11 speak up. Thank you, sir.

12 BY MR. TUCKER:

13 Q Mr. Jackson, I want to direct your attention to the
14 evening of March the 23rd of 2019 and into the following
15 morning March the 24th. Do you recall being at 502 Coit
16 Street, which is the Quick Stop there at Coit Street?

17 A Yeah, that was my birthday party.

18 Q And do you recall what time you got there that
19 evening?

20 A It was kind of early because we was doing a lot of
21 running around, so I really don't know what time I got
22 there.

23 Q Okay. Fair to say you stayed there fairly good while
24 that evening?

25 A Yes, sir.

1 Q And into the following morning, which would be after
2 midnight into the 24th?

3 A Yes, sir.

4 Q Now, I want to direct your attention specifically
5 to -- are you familiar with an individual known as Jolica
6 Joyner?

7 A Yes, sir.

8 Q And how do you know her?

9 A That's the mother of my child.

10 Q And do you know her sister Measha Joyner?

11 A Yes, sir.

12 Q And with regards to the party, do you recall at some
13 point during the evening either late on the 23rd or into
14 the 24th now Jolica and Measha Joyner showing up at your
15 party?

16 A Yes, sir.

17 Q And do you recall what happened after that?

18 A No, I was inside the building.

19 Q Did you become aware of some sort of altercation
20 involving Measha, Jolica and several other people?

21 MS. PARHAM: Objection, Judge. I allowed him to
22 lead on the preliminary questions, but I would object to
23 him leading going forward.

24 THE COURT: All right, if you could restate your
25 question and we go from there.

1 MR. TUCKER: Certainly.

2 BY MR. TUCKER:

3 Q Did anything occur that morning that got your
4 attention with regards to their presence?

5 A Do you mean as far as the altercation?

6 Q Yes, sir.

7 A When they got there, everything was fine.

8 Q Okay. Do you recall going outside at some point to
9 see what was happening?

10 A Yeah, when I got there, there was a fight going on.

11 Q Okay. And what, if anything, did you do when you saw
12 there was a fight going on?

13 A I let off a shot in the air to break up the fight.

14 Q Okay. When you say let off a shot in the air, what
15 are you referring to?

16 A I shot my gun in the air to disperse everybody.

17 Q Do you recall how many times you fired your weapon?

18 A One time.

19 Q Just once?

20 A Yes, sir.

21 Q And, again, that was up in the air?

22 A Up in the air.

23 Q Now, with regards to what happened next what, if
24 anything, happened after you fire your shot?

25 A After I fired my shot and everybody disperse to go

1 back into their cars or whatever, I walk back in the
2 building.

3 Q Okay. And did you see what happened thereafter in
4 the parking lot?

5 A No, I just heard shots.

6 Q Okay. And you just stayed inside the entire time?

7 A No, I tried to run back out, but everybody was trying
8 to get back in, so it was kind of hard when got everybody
9 rushing in and I'm trying to rush out.

10 Q Okay. But you didn't see who had fired those shots?

11 A No, sir.

12 Q Now, do you recall about how much time elapsed from
13 when you fired the shot up in the air until you heard the
14 shots in the parking lot?

15 A Within like a minute, I guess.

16 Q Okay. Could it have possibly been longer than that?

17 A Possibly.

18 Q Okay. I mean, you weren't looking at your watch
19 during this time?

20 A No, no, sir.

21 Q All right. With regards to what happened after that,
22 did you become aware that someone had been injured out in
23 the parking lot?

24 A Yes, sir.

25 Q Now, at some point come did you come to the Florence

1 police department the next day and speak with investigator

2 ---

3 MS. PARHAM: Again, I object to him leading his
4 witness.

5 THE COURT: All right. And I'm not sure what's
6 going on with this computer screen, but that's a
7 distraction. I'm not sure if we can turn them off or
8 what. Please don't lead the witness rephrase your
9 question.

10 MR. TUCKER: Yes, sir.

11 BY MR. TUCKER:

12 Q What, if anything, happened the next day in
13 connection with this incident?

14 A I had to turn in my firearm.

15 Q And do you recall to whom you turned the firearm
16 into?

17 A Mr. Bandy something like.

18 Q Okay. Could it possibly be Investigator Banister?

19 A Yeah, Banister, yeah.

20 Q Okay. Let me ask you, Mr. Jackson, were you wearing
21 anything that night on your head as your birthday party
22 was going on like a hat of any kind?

23 A I probably had my crown on like what I wear for my
24 birthday.

25 Q Okay. And, again, you said that you fired one time

1 in the air?

2 A One time.

3 Q All right. And with regards to your involvement
4 pretty much everything you testified here to was there
5 anything else that happened that you haven't testified to?

6 A No, sir.

7 MR. TUCKER: Okay. I believe those are all the
8 questions I have, your Honor.

9 THE COURT: All right, sir. Ms. Parham.

10 MS. PARHAM: Thank you, Judge.

11 CROSS-EXAMINATION

12 BY MS. PARHAM:

13 Q Good afternoon, Mr. Jackson.

14 A Good afternoon.

15 Q Is your nickname Stew?

16 A Yes, ma'am.

17 Q How did you get that nickname?

18 A My uncle gave it to me.

19 Q When you were born?

20 A Yeah.

21 Q So how hold were you?

22 A I think I was turning 34.

23 Q Okay. So you got there that afternoon. This
24 incident happened around 1:30 in the morning wee morning
25 hours. What time do you remember getting to the North

1 Coit Quick Stop?

2 A Like I said, I been running all day, so back and
3 forth I couldn't really tell you. I don't recall.

4 Q Okay. And how many people were you at your party?

5 A A lot.

6 Q Like how many?

7 A I don't know. It was a lot.

8 Q Okay. And you say -- let me ask you this, do you
9 know Demarcus Bluett?

10 A Yes, ma'am.

11 Q How do you know him?

12 A He's the father of my nephew.

13 Q Okay. And who's the mother of that nephew?

14 A I'm trying to think of my sister name Shakita.

15 Q So that is your sister's baby's daddy?

16 A Yeah.

17 Q Okay. And the father of your nephew. And then
18 Jamares was he there at your party that night?

19 A Yes, ma'am.

20 Q Okay. And Jamares Robinson who's he?

21 A He's like a brother.

22 Q He's like a brother to you?

23 A Yes, ma'am.

24 Q Are y'all blood brothers or just growing up all your
25 life?

- 1 A Yeah.
- 2 Q Okay. And was he there that night?
- 3 A Yes.
- 4 Q Okay. And Angela Robinson?
- 5 A Yes, ma'am.
- 6 Q Who's she?
- 7 A That's his mom. That's his mother.
- 8 Q Okay. That's Jamares Robinson's mama?
- 9 A Uh-huh.
- 10 Q Okay. And so if he's like a brother to you, was she
- 11 like a mother to you?
- 12 A Yeah.
- 13 Q Okay. And was she there that night?
- 14 A Yes.
- 15 Q And Brianna Robinson?
- 16 A Who is that?
- 17 Q I don't know was she there that night?
- 18 A I don't know who it is.
- 19 Q You don't know who Brianna Robinson is?
- 20 A Not by that name.
- 21 Q Okay.
- 22 A Oh, that's Jay sister, right, okay, that's her
- 23 daughter.
- 24 Q Okay. So all those people were at your party that
- 25 night?

1 A Yes.

2 Q All right. So tell me when you go outside and you
3 see fighting, who do you see fighting?

4 A It was a bunch of group of people fighting. I didn't
5 see exactly who was fighting, but I broke it up that was
6 the main thing.

7 Q All right. When you were who breaking up the fight
8 who were you breaking up?

9 A I didn't touch anybody.

10 Q Pardon.

11 A I didn't touch anybody.

12 Q Well, who were you trying to stop from fighting?

13 A Everybody.

14 Q Well, name some people who were fighting?

15 A It was a bunch of people fighting just people fight,
16 ma'am.

17 Q Well, just give me any name of anyone who was
18 fighting?

19 A I would tell you if I knew.

20 Q You don't know anyone who was fighting?

21 A A bunch of people was fighting and I fired off my
22 firearm to break it up.

23 Q I understand, Mr. Jackson, but what I'm asking you is
24 I'm asking for the names of the people who were fighting?

25 A I don't know.

1 Q But you were there?

2 A Yes, I was.

3 Q And you saw them fighting.

4 A I saw a group of people fighting.

5 Q Okay. But it was your birthday party?

6 A Yes, ma'am.

7 Q And you're telling this jury you don't know the names
8 of any of the people who were fighting?

9 A No, I don't.

10 Q Okay. Was my client fighting?

11 A I don't know.

12 Q Okay. Was her sister Jolica fighting?

13 A I don't know.

14 MR. TUCKER: Your Honor, I believe it's been
15 asked and answered. He's indicated several times he
16 doesn't know the names of the people who were fighting.

17 THE COURT: Sustained.

18 BY MS. PARHAM:

19 Q Do you know who Deandra is?

20 A Who?

21 Q Deandra?

22 A No.

23 Q Okay. So how did you try to break it up?

24 A Deandra?

25 Q Deandra.

- 1 A Yes.
- 2 Q How do you know her?
- 3 A I grew up with her too.
- 4 Q Okay. And what's her last name?
- 5 A Whitehead.
- 6 Q And Gloria Whitehead?
- 7 A Yes, ma'am.
- 8 Q That's her mama?
- 9 A Yeah.
- 10 Q All right. And is a Latisha Allen?
- 11 A Latisha Allen?
- 12 Q Latisha Timmons do you know her?
- 13 A Latisha Timmons.
- 14 Q Tanisha Timmons sorry?
- 15 A Tanisha?
- 16 Q Uh-huh, you know her?
- 17 A No.
- 18 Q Okay. Well, was Ms. Whitehead there?
- 19 A Yes, she was.
- 20 Q All right. Was her daughter there?
- 21 A Rephrase -- say that again?
- 22 Q Was her -- were her daughters there Ms. Whitehead's
- 23 daughters?
- 24 A Yeah.
- 25 Q Okay. Were they fighting?

- 1 A I don't know.
- 2 Q So how did you try to break it up?
- 3 A I shot my gun in the air.
- 4 Q Did you do anything else to try to break it up like
- 5 before you shot a gun, say hey, hey, stop that?
- 6 A No.
- 7 Q Okay. And what kind of gun was it?
- 8 A A Smith and Wesson 40 AV.
- 9 Q All right. And what happened when you fired that
- 10 gun?
- 11 A Everybody disburse.
- 12 Q All right. And so where were you when you fired that
- 13 gun?
- 14 A Basically about in the middling of the parking lot.
- 15 Q All right. And after you fired the gun what
- 16 happened?
- 17 A Everybody disburse.
- 18 Q And then what did you do.
- 19 A I walk back in the building.
- 20 Q Okay. And what did you do when you got back into the
- 21 building?
- 22 A I went to go back to party.
- 23 Q All right. And how long would you say you were in
- 24 the building before you hear any kind of commotion?
- 25 A Like I say almost a minute, something like that.

1 Q A minute?

2 A Almost, I guess.

3 Q Okay. And then what happens in that minute after
4 that minute goes by what happens?

5 A Like I said, I heard the shots. Everybody ran in and
6 I'm trying to run out.

7 Q Okay. Why are you trying to run out and nobody is
8 running in?

9 A To see what was going on.

10 Q Okay. And you still had that gun on you?

11 A Yes, I did.

12 Q So people are running in because they -- did you hear
13 shots from inside the building?

14 A That's when I run out.

15 Q Okay. So run out and then what happens?

16 A Everybody gone. It's like everybody run this way,
17 that way.

18 Q Okay. So you didn't see anything?

19 A No.

20 Q All right. When you saw the victim for the first
21 time when you got outside, was she already on the ground?

22 A No, I actually ran past her. I didn't see her at
23 first.

24 Q You didn't see her?

25 A Uh-uh.

1 Q Okay. Did you have any conversation with her?

2 A With her?

3 Q Yeah.

4 A No. You talking about as far as that night at the
5 party?

6 Q No, I'm talking about after you heard the shots?

7 A No, I didn't see her.

8 Q Okay. When did you first see -- when did you see the
9 victim Ms. Plowden?

10 A When I ran out the door to see what was going on,
11 everybody was gone. So when I turn around to go back in
12 the building, that's when I seen her.

13 Q Okay. And she was lying on the ground at that point?

14 A Yes.

15 Q Okay. So you never saw her when you ran out of the
16 building after the shots. The first time you saw her she
17 was lying on the ground?

18 A Yeah.

19 Q Okay. Do you recall -- well, let me ask you this,
20 that night did anyone, any law enforcement officers try to
21 interview you?

22 A No, I don't remember. I don't think so.

23 Q Because there were a lot of them there. A lot of
24 police officers there, right?

25 A Yeah.

1 Q And did anyone come up to you with a note pad and ask
2 you your name, your phone number try to talk to you?

3 A I don't recall.

4 Q Okay. You stayed around that night after the
5 shooting?

6 A Yes.

7 Q And you were still wearing the crown on your head,
8 correct?

9 A I doubt it. It probably had fell off or something by
10 then.

11 Q Well, was it a red crown?

12 A No, I don't wear nothing red.

13 Q It was kind of like -- what color was it? You tell
14 me?

15 A It was gold.

16 Q Okay. So tell me this, did you see anyone firing any
17 gun whatsoever other than you firing yours?

18 A No, ma'am.

19 Q All right. Did you see Demarcus Bluett fire a gun?

20 A No, ma'am.

21 Q Did you Jamares Robinson fire a gun?

22 A No, ma'am.

23 Q Did you have any conversations with them about that?

24 A About what?

25 Q Firing guns.

1 A No, I didn't.

2 Q Okay. So what causes you to go to law enforcement
3 and turn a gun in?

4 A Somebody gave them my name and they got in contact
5 with me.

6 Q All right. How soon after this incident did ---

7 A The next day.

8 Q The next day?

9 A Yeah.

10 Q And so do you remember who it was that called you?

11 A Officer Banister.

12 Q All right. And do you remember who gave Officer
13 Banister your phone number?

14 A No, I do not.

15 Q Okay. And you went into an interview room at the
16 police department, correct?

17 A Yes.

18 Q And you knew you were being video recorded?

19 A Yes.

20 Q And do you recall telling Officer Banister that you
21 heard four or five more shots ---

22 A No, I do not.

23 Q --- when you were inside the building?

24 A No.

25 Q Do you recall telling him that you were playing pool

1 when you heard the shots?

2 A Nope never told him that.

3 Q You never told him that?

4 A Nope.

5 Q Do you recall telling him that when you went outside
6 something to told you to look at the ground and that's
7 when you saw the victim on the ground?

8 A When I turn back around to go in the building, yeah.

9 Q So you do recall saying that?

10 A Yeah.

11 Q But you don't recall telling him you heard four or
12 five more shots and everybody was running inside?

13 A I heard shots when everybody was running inside.

14 Q Okay. But you don't recall qualifying it as four or
15 five more shots?

16 A No.

17 Q Okay. And you don't recall saying you were playing
18 pool when you heard the shots?

19 A Nope.

20 Q Well, perhaps I might have misunderstood what were --
21 the video what were you doing when you heard the shots?

22 A I was walking back in the building to walk to the
23 back.

24 Q Okay. And in your estimation it was a minute?

25 A Give or take.

1 Q Give or take?

2 A Yeah.

3 Q All right. Now, after -- well, let me ask you this,
4 was there any other time that you spoke with law
5 enforcement about this incident other than that day with
6 Detective Banister?

7 A Not that I recall.

8 Q Okay. But you've been back up here --

9 MS. PARHAM: Just one moment, your Honor.

10 BY MS. PARHAM:

11 Q You been back up here to this courthouse because you
12 had other cases with the Solicitor's office, correct?

13 A Yes.

14 Q All right. And so isn't it true, Mr. Jackson, that
15 on March 22nd 2020, almost a year to the date of this
16 incident, you were unlawful carrying of a pistol?

17 A It was registered in my name.

18 Q But you were arrested for carrying an unlawful
19 pistol, correct?

20 A Yes, I was.

21 Q All right. And you ended up pleading in December of
22 2022 and either getting 90 days or a \$50 fine, correct?

23 A What does this have to do with anything?

24 Q Well, it's your dealings with the Solicitor's office
25 since this happened I'm trying to establish that?

1 A Yes.

2 Q Okay. So did you get the 90 days or a \$50 for the
3 pistol charge?

4 A I paid them a fine.

5 Q Fifty-dollars?

6 A No.

7 Q Fifty-dollar plus court costs?

8 A I guess so.

9 Q Okay. And then a year later were you arrested on --
10 was it six or seven different drug charges, six?

11 A Yes.

12 Q Okay. And it was four distribution charges?

13 A Again, what does this have to do with anything?

14 Q I'm just trying to establish your interaction ---

15 A It has nothing to do with this.

16 THE COURT: Mr. Jackson, you got to answer the
17 questions, okay. Thank you.

18 BY MS. PARHAM:

19 Q So let me just back up. So unlawful carrying charge
20 is in Florence County, correct?

21 A Yes.

22 Q And it was prosecuted by this Solicitor's office in
23 Florence County.

24 A Yes.

25 Q These same people, okay. And then the drug charge

1 was it also in Florence County?

2 A Yes.

3 Q And it was prosecuted by the Twelfth Circuit
4 Solicitor's office, correct?

5 A Yes.

6 Q Okay. And you had four distribution charges and two
7 distribution charges within proximity of a school,
8 correct?

9 A Wrong.

10 Q Well, you tell me what you had?

11 A I only had two.

12 Q Well, you would disagree with me that you had six
13 charges that you were arrested?

14 A I had six charges. I had only two distributions.

15 Q Okay. What were the other four charges?

16 A I don't know. I guess PWID or something else.

17 Q All right. Within proximity of a school?

18 A Yeah.

19 Q And so you pled this past Monday, correct?

20 A Yes.

21 Q And they dismissed all the proximity charges,
22 correct?

23 A Yes.

24 Q They carried more time and gave you probation on the
25 drug charge that you pled to, correct?

1 A Yes.

2 Q You got three-years probation, correct?

3 A Yes.

4 Q And this past Monday before this trial begins all the
5 proximity of a school charges were dismissed, correct?

6 A I guess that what you paid the lawyer for ain't it.

7 Q But they were dismissed, right?

8 A Yes.

9 Q Okay. You said that that gun that you were caught
10 with in 2020 was register to you?

11 A Yes.

12 Q Was the gun from that evening also registered to you?

13 A Yes.

14 Q How many guns did you have registered in your name?

15 A I don't know.

16 Q A lot?

17 A No.

18 Q How many?

19 A I don't know.

20 Q Well, more than two?

21 A I can't say. I had to give all my guns up.

22 Q Well, I know that because you're a felon.

23 A So I don't have none.

24 Q But before you pled guilty, how many guns did you
25 have registered to you?

1 A I don't know.

2 Q You know it's public record sometimes?

3 A Yeah.

4 Q You have any nine millimeters registered to you?

5 A Nope.

6 Q .380's?

7 A Nope.

8 Q What kind you use?

9 A Forties.

10 Q All 40's?

11 MR. TUCKER: Your Honor, I believe it's been
12 asked and answered in terms of what he has or what he can
13 remember.

14 THE COURT: Sustain please move on.

15 BY MS. PARHAM:

16 Q Okay. Do you know any man who was at your party who
17 was driving a white BMW or Mercedes?

18 A I don't recall.

19 Q Okay. Now, this fellow who's like a brother to you
20 since childhood Jamares Robinson did he tell you he turned
21 a gun in too?

22 A Yeah, I found out after the fact.

23 Q How did you find that out?

24 A After the fact.

25 Q He told you?

1 A I heard through the grapevine.

2 Q Okay. You didn't hear about him shooting that night
3 when you shot?

4 A I heard a lot of things.

5 Q Did you hear that?

6 A No, I didn't.

7 Q He's like a brother to you?

8 A And?

9 Q And that night as far as you can remember with your
10 crown on your head no officer talk to you?

11 A Not that I recall.

12 MS. PARHAM: That's all I have.

13 THE COURT: All right, thank you. Redirect.

14 MR. TUCKER: Briefly, your Honor.

15 REDIRECT EXAMINATION

16 BY MR. TUCKER:

17 Q Mr. Jackson, Ms. Parham asked you about the charges
18 that you had with this office the Twelfth Circuit
19 Solicitor's office?

20 A Yes, sir.

21 Q Were you promised anything in exchange for testifying
22 here today with regards to your charges?

23 A No, sir.

24 Q In fact, did I have any dealings with you at all
25 regarding those charges?

1 A No, sir.

2 Q Did those prosecutors tell you they would be willing
3 to go easy on you in exchange for you testifying a certain
4 way?

5 A No, sir.

6 Q And what did I tell you with regards to your
7 testimony?

8 A What you mean?

9 Q Did I tell you to tell the truth?

10 A Yeah, tell the truth, yeah.

11 Q Is that you've done here today?

12 A Yes, sir.

13 Q Now, Ms. Parham also asked you about the victim on
14 the ground that you saw. Did you recognize her? Had you
15 ever seen her before?

16 A Yes, I did.

17 Q Did you know her name?

18 A Yeah.

19 Q What was her name?

20 A Chelsea.

21 Q Do you know her last name?

22 A Not right offhand.

23 Q But you recognized her and knew her first name was
24 Chelsea?

25 A Yeah.

1 Q Let me ask you something, Mr. Jackson, did you shoot
2 Chelsea Plowden?

3 A No, I did not.

4 MR. TUCKER: Thank you. That's all the
5 questions I have, your Honor.

6 THE COURT: All right. All right, sir, you can
7 step down. Thank you.

8 (WHEREUPON, the witness leaves the witness
9 stand.)

10 THE COURT: Is there any objection to him being
11 released from his subpoena?

12 MR. TUCKER: Not from the State, your Honor.

13 MS. PARHAM: No, your Honor.

14 THE COURT: All right. Mr. Tucker.

15 MR. TUCKER: Thank you, your Honor. May it
16 please the Court. At this time the State would call
17 Angela Robinson to the stand.

18 THE CLERK: Ma'am, if you will please go up to
19 the stand. Place your left hand on the Bible and raise
20 your right hand. Do you swear or affirm the testimony you
21 give in this case to be the truth, the whole truth, and
22 nothing but the truth so help you God?

23 THE WITNESS: Yes.

24 THE CLERK: Please be seated and state your full
25 name for the record.

1 THE WITNESS: My name is Angela Evette Robinson.

2 THE COURT: Yes, sir.

3 WHEREUPON,

4 Angela Robinson,

5 after first having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. TUCKER:

8 Q Ms. Robinson, where do you presently live?

9 A I live at [REDACTED] Lamar, South Carolina.

10 Q And how long have live there?

11 A I just moved there about three weeks ago.

12 Q And where did you live prior to that?

13 A In Darlington.

14 Q And were you living in Darlington County on or about
15 March 24, 2019?

16 A Yes, I was.

17 Q Now, Ms. Robinson, do you work anywhere?

18 A Not right now.

19 Q Okay. What sort of work have you done in the past?

20 A Medical assistant.

21 Q Okay. And I want to direct your attention
22 specifically to the evening of March the 23rd into the
23 morning of March 24th 2019, okay.

24 A Okay.

25 Q Do you recall what you were doing on that evening?

1 A Yes.

2 Q And what was that?

3 A I was attending a gathering at a convenient store.

4 Q Do you happen to know where that convenient store was
5 located?

6 A On Coit Street.

7 Q And that was here in Florence?

8 A Yes.

9 Q And do you recall what time you got to the convenient
10 store for purpose of the party?

11 A Early evening about seven, I guess.

12 Q And I just want to make sure I'm clear in terms of
13 dates, that would have been on March the 23rd 2019, is
14 that correct?

15 A Correct.

16 Q Now, do you recall what the purpose of the party was?

17 A I believe it was a birthday party.

18 Q And do you recall for whom?

19 A It was for Carlos Jackson and for -- I know her by
20 her nickname. I believe her name is Gloria Whitehead.

21 Q Okay. And how well do you know those individuals?

22 A Known them for years.

23 Q And when you got to the party, did you see both
24 Mr. Jackson and Ms. Whitehead there?

25 A Yes.

1 Q And did you see others that you knew there?

2 A Yes.

3 Q Now, with regards to others that you may have known,
4 you mention Gloria Whitehead. Did you also see her
5 daughter Deandra there as well?

6 A Yes.

7 Q And did you go to the party with anybody?

8 A I went with my daughter.

9 Q Who is she?

10 A Brianna Robinson.

11 Q And was there another relative of yours at that party
12 as well that you saw?

13 A Yes, but he did not come with me.

14 Q Okay.

15 A My son Jamares Robinson.

16 Q Okay. Now, at some point in the evening were you
17 there when -- well, let me first ask you, do you know the
18 defendant Measha Joyner?

19 A I know of her, yes.

20 Q Would you recognize her when you saw her back on the
21 23rd?

22 A Of course, yes.

23 Q Did you know her sister Jolica?

24 A Yes.

25 Q Now, were they at the party when you got there that

1 evening?

2 A Yes.

3 Q And do you recall whether or not they were with
4 anybody?

5 A Yes, they were with other people.

6 Q Okay. And do you recall their being an incident
7 there at the party involving the Joyner sisters?

8 A Yes.

9 Q And were you there to witness that?

10 A Yes.

11 Q And what did you see?

12 A There was a fight.

13 Q And do you recall, you know, who was involved in the
14 fight?

15 A Yes, I do Kanisha Allen, Deandre.

16 Q That be Deandra Whitehead?

17 A Yes.

18 Q Okay.

19 A Measha Joyner and Jojo Jolica.

20 Q And that would be the Joyner sisters, is that
21 correct?

22 A Yes.

23 Q Now, let me also ask you this and back up just a
24 minute. Do you know the victim in this Chelsea Plowden?

25 A I do.

1 Q And was she there that night?

2 A Yes.

3 Q And how well did you know Chelsea?

4 A She was new to the area, but she been around for
5 about two, three years by this time, so I was familiar
6 with her.

7 Q Okay.

8 A I would consider her a friend even though she was
9 much much younger than me.

10 Q Okay. And let me ask you had there been any problems
11 at the party before the Joyners got there that you were
12 aware of?

13 A Not that I was aware of.

14 Q Okay. Now, once the fight starts between the parties
15 there what, if anything, happened that you witnessed?

16 A After the fight broke up, it seems like it was dying
17 down for a minute.

18 Q Okay.

19 A Seem like everybody was going to their respective
20 corners.

21 Q And when you say the fight broke up, do you recall or
22 did you witness how the fight broke up?

23 A I did not witness how it broke up. I do not know
24 that.

25 Q Okay. Where were you when you saw the fight started

1 to break up?

2 A I was outside heading to my car.

3 Q Okay.

4 MR. TUCKER: And if your Honor I could approach?

5 THE COURT: Sure.

6 BY MR. TUCKER:

7 Q And, Ms. Robinson, I'm going to set this map up. And
8 then when I get it up, I'm going to ask you to step down
9 and show me where you were. And for the record what I'm
10 showing the witness is State's 2. And, Ms. Robinson, if
11 you could step down momentarily for me. And if you will
12 stand right there for me please. And do you recognize
13 this building and the parking lot as the Quick Stop?

14 A I do.

15 Q And could you point on the map where you were --
16 where you were walking after the fight broke up?

17 A Yeah, we were walking out of the store headed through
18 the cars to my car which was back there.

19 Q Okay. And what happened next?

20 A My daughter and I were sitting in the car conversing
21 just watching the shenanigans going on. People were
22 talking and conversing.

23 Q And let me ask you this before you go much further.

24 You mentioned you and your daughter were in your car?

25 A Yes.

1 Q Were you pulled into the parking spot or were you
2 backed in.

3 A I was backed in, so I had a full view.

4 Q Okay. So you were backed in and you had a full view
5 of the parking lot, is that correct?

6 A Yes.

7 Q And what happened next?

8 A As my daughter and I were talking, we heard some loud
9 talking and some yelling going on. I saw -- I'm sorry I
10 can't remember the names throwing me off. I saw Jojo
11 Jolica, Measha and another individual, a young lady that
12 I'm not familiar with jump into a white vehicle.

13 Q And where was the white vehicle?

14 A This is the white vehicle.

15 Q Okay.

16 A I'm here.

17 Q Okay.

18 A And this white vehicle as it is speeding off at a
19 high rate sharp and turns left. As this car is pulling
20 out, MeeMee is in the backseat.

21 Q Now, when you say MeeMee again ---

22 A Measha Joyner is in the backseat with her body half
23 way hanging out with her arm out stretched with a gun
24 firing into the crowd of people.

25 Q Now, where was the crowd of people into which she was

1 firing?

2 A Everybody was standing right here.

3 Q Okay. And, again, was this vehicle backed in or was
4 the front of the car heading out?

5 A The vehicle backed in and the headlights are pointed
6 towards the street.

7 Q Got you. And do you recall what kind of car it was?

8 A I just know it was white.

9 Q It was a white car. And as the car was pulling out
10 that's when you noticed it was Measha Joyner in the back
11 seat?

12 A Yes, I saw her get into the back seat. I saw Jolica
13 get into the front seat. And I don't know the young lady
14 who got into the driver seat.

15 Q Okay. But you knew both Jolica and Measha Joyner, is
16 that correct?

17 A Yes.

18 Q And you sure she was in the backseat?

19 A Very positive, absolutely positive.

20 Q Okay. Now, what, if anything, happened as Ms. Joyner
21 was firing back into the crowd as the car was pulling out
22 onto Sumter Street?

23 A The only thing that I recall about that evening is
24 when she -- when the young lady who was driving the
25 vehicle was pulling off, Measha had fired the shots. The

1 only thing that I thought of was that my son was standing
2 right next to Chelsea.

3 Q Okay. Could you see Chelsea and your son from where
4 you were sitting?

5 A I couldn't see anybody from where I was sitting,
6 that's what made me and my daughter jump up out the car.

7 Q Okay. But you were aware that your son was standing
8 next to Chelsea?

9 A Very aware.

10 Q Okay. And what, if anything, happened next?

11 A We got out the car. We ran over there. I went to
12 check to see if he was okay and that's when I see Chelsea
13 Plowden laying on the ground in front of the store with a
14 bullet in her head.

15 Q Okay. Now, you said your son -- what's your son's
16 name?

17 A Jamares Robinson.

18 Q Okay. Now, at some point were you aware that there
19 were individuals who were in the crowd that started firing
20 towards the car as it was taking off?

21 A Yes.

22 Q And did you recognize one of the individuals firing?

23 A Yes.

24 Q And who was that?

25 A That would be my son Jamares Robinson.

1 Q In terms of sequence of events who began firing
2 first?

3 A Measha began to fire first. My son retaliated after.

4 Q Okay. And he only started firing after she started?

5 A Only after, only after.

6 Q And she was firing at him as your point of view and
7 what you were able to learn when you got out of the
8 vehicle?

9 A As far as I know, there was a group of people. My
10 son was definitely one of the people that was standing
11 right there because I had heard his voice, so when I came
12 I just didn't know what was going on. I thought he had
13 got hit.

14 Q Okay.

15 A That's all. I know I just running to find out if my
16 son was. And when I came around the corner, Chelsea was
17 on the ground.

18 Q Okay. And, of course, you indicated already that you
19 knew and knew of Chelsea, is that correct?

20 A Yes.

21 Q Okay. Now, after you witnessed what you witnessed
22 what, if anything, did you do next? That's okay if you
23 need to take your sometime.

24 A I'm a medical assistant and I wanted to help her.
25 And I couldn't do anything to help her.

1 Q And why was that?

2 A She was already gone.

3 Q Okay. And, Ms. Robinson, there's some tissue right
4 next to you if you need that.

5 A I'm sorry. I thought I was past all this.

6 Q That's quite all right. You take all the time you
7 need.

8 A Go ahead. I'm ready.

9 Q Okay. Once you realized that Ms. Plowden was
10 obviously beyond what you were able to do anything for you
11 her, what did you do next?

12 A I got in my car because my son told me to leave that
13 he would talk to the police, and, you know, handle
14 everything. So I just got in my car and I left.

15 Q Did you leave alone or did anybody get in the car
16 with you?

17 A My daughter was with me as well.

18 Q Okay. And that would be Brianna?

19 A Yes.

20 Q All right. And where did you go once you left there?

21 A Went home.

22 Q And were you subsequently contacted by anyone from
23 police later?

24 A Yes.

25 Q And do you recall who that was?

1 A I don't recall his name.

2 Q After being contacted, what, if anything, did you do?

3 A I came in and gave my statement.

4 Q And do you recall what period of time had elapsed
5 from when it happened until when you went to gave a
6 statement?

7 A I'm not sure, but it wasn't long.

8 Q Okay. And do you recall going down and giving a
9 statement?

10 A Yes.

11 Q And, again, the statement pretty much what you told
12 the investigator is what you testified here to today?

13 A Yes.

14 Q And, again, when you went in you thought the
15 statement would be recorded?

16 A Yes.

17 Q Okay. And that was your understanding?

18 A Yes.

19 Q All right. And once you gave the statement, did you
20 have any further involvement with the case at all?

21 A No.

22 Q Until you testified here today?

23 A Until today.

24 MR. TUCKER: Okay. I believe those are all the
25 questions I have, your Honor.

1 THE COURT: All right, sir. Ms. Parham.

2 CROSS-EXAMINATION

3 BY MS. PARHAM:

4 Q Good afternoon, Ms. Robinson.

5 A Hello.

6 Q So tell me where was my client seated in the car
7 then?

8 A In the back seat.

9 Q Okay, the passenger back seat or the driver back
10 seat?

11 A Back passenger seat because that's the side that was
12 facing where the group of people were.

13 Q Okay. And if you don't mind, would you mind stepping
14 down one more time and showing us something. And this is
15 State's Exhibit 2 that I'm showing you. So show me
16 exactly where your car was?

17 A I can't show you exactly, but I can give you a
18 proximate.

19 Q Okay.

20 A I was back then over here.

21 Q Okay. And so were you in the driver seat or the
22 passenger seat?

23 A I was in the passenger seat. My daughter was in the
24 driver seat.

25 Q Okay. Was anyone else in the car with y'all?

- 1 A No.
- 2 Q Okay. So y'all are right here in this area?
- 3 A Approximately.
- 4 Q Okay. And then where was my client and the people
- 5 she was with where was their car parked? Right here?
- 6 A Uh-huh.
- 7 Q Okay. And was it backed in or was it ---
- 8 A Backed in.
- 9 Q It was backed in. Okay. And so the headlights were
- 10 right here?
- 11 A Yes.
- 12 Q Okay. And so could it have been right here?
- 13 A I don't think so because it made a sharp like that.
- 14 Q All right. So your position is it's right here?
- 15 A Uh-huh.
- 16 Q Okay. And so -- and she was in the back passenger
- 17 seat?
- 18 A Uh-huh.
- 19 Q And then you don't remember who was driving?
- 20 A I don't know who it was driving.
- 21 Q Okay. Do you remember how many shots you heard?
- 22 A I heard more than one.
- 23 Q Okay. Could you estimate?
- 24 A About three.
- 25 Q Three.

1 A Maybe three or four. I'm not sure. I just know I
2 heard shots.

3 Q Okay. So from this car and my client, your best
4 estimate of how many shots came from that car would be
5 what?

6 A My best estimate would be three.

7 Q Three, three shots.

8 A She shot multiple times.

9 Q Okay. But that's your best estimate is three?

10 A Uh-huh.

11 Q Okay. Now, let me ask you this, did you see her arm
12 shooting up into the air or was it straight across would
13 you see ---

14 A No, her arm was not shooting up in the air. Her arm
15 was extended in the direction of the crowd of people.

16 Q Okay. Did you see your son shoot back?

17 A No, I heard it though.

18 Q What you mean you heard it?

19 A I heard the shots after he -- after she ran and it
20 was all fast. It was like as soon as she shot and sped
21 off my son fired back too.

22 Q I know, but how did you know it if you didn't see it.
23 You heard about it later and you just put the pieces
24 together?

25 A Because I know my son is a gun carrier. He has a

1 CWP.

2 Q Right. But he wasn't the only one who fired. Did
3 you see ---

4 A I don't know if anybody else fired. I heard gunshots
5 and I know my sone was the one -- was one of the ones.

6 Q Right, you know that now, but did you know he fired
7 then?

8 A Yeah.

9 Q Did you see him or did you just think that?

10 A No, I know he fired.

11 Q Did you see him fire?

12 A No, I did not see him fire, but I know he did.

13 Q Okay. And did you see anyone else fire?

14 A No, I did not see anybody else fire.

15 Q Did you see any gunshots coming from any other cars?

16 A No.

17 Q Okay. You sure about that?

18 A I said no.

19 Q Okay. Did you see any other -- well, you may be
20 seated. Thank you. In your best -- I'll strike that. Do
21 you know Demarcus Bluett?

22 A I don't know his last name, but I know Demarcus.

23 Q How do you know him?

24 A He use to date another person in the neighborhood
25 that I know.

1 Q Did you see him there that night?

2 A Yeah, he was there.

3 Q Okay. Do you know Carlos Jackson?

4 A I do.

5 Q How do you know Carlos?

6 A I've known Carlos for years.

7 Q Okay. You like a mother to him?

8 A Friends.

9 Q Did you see him shooting?

10 A I did not see him shooting, but I know I heard shots,
11 so I don't know if he was one of the other ones as well
12 I'm not sure.

13 Q Okay. Let me ask you this, how long had you been at
14 this party before all the shooting interrupted?

15 A We hadn't been there long maybe about an hour and a
16 half, two hours at the most.

17 Q Okay. Had you heard any shooting earlier in the
18 night before this?

19 A I don't think I recall hearing any gunshots before
20 that I'm not sure. I don't think I did.

21 Q Okay. And do you recall hearing any gunshot any time
22 that night before you saw a gunshot come out of this
23 vehicle?

24 A No, I don't think I recall hearing -- because I did
25 leave to go somewhere else and come back.

1 Q You said you there for an hour and a half. I'm
2 talking about in the -- one second to 30 minutes before
3 you saw -- you say you saw my client shoot. Did you see
4 or hear any other gunshot?

5 A Uh-uh. I wasn't there for if there was another
6 gunshot. I'm not aware of any other gunshot. I don't
7 recall hearing one. I just know there was a fight and the
8 fight got broke up. And everything had died down for a
9 little bit and then, I guess, words were spoken again
10 because I said I was in ---

11 Q Did you see the fight?

12 A I saw a little scuffle not much. Like I said, I was
13 getting ready to -- I was leaving out of the store to go
14 sit in my car, so I -- you know you can hear a fight and
15 scuffle going on.

16 Q I know. Where were you when the fight was going on?

17 A I wasn't there -- I wasn't like standing right there
18 watching people fight.

19 Q Well, just tell me ---

20 A I was in my car.

21 Q Okay. But what I'm saying is so you said I watched a
22 little scuffle. It wasn't much. Where were you watching
23 that scuffle from?

24 A My car.

25 Q The same place that you told the jury in this parking

1 lot right here?

2 A Yeah, I was in the car because where I was sitting
3 you can see the parking lot. And you -- and there's light
4 right there where the store entrance is. There's a crowd
5 of people there. There's a scuffle. I didn't see the
6 fight. I saw the scuffle because I seen people trying to
7 either pull people a part or get out of the way. I just
8 know there was a fight.

9 Q And your recollection is that the fight was over by
10 the front door of the billing?

11 A As far as that's where the people were standing.

12 Q Okay. And do you recall hearing a gunshot in any way
13 related to that fight?

14 A I'm not sure I heard a gunshot.

15 Q Okay. So the first gunshot that you heard is what
16 you're saying from my client peeling out of this parking
17 lot?

18 A That's the first gunshots I heard.

19 Q And you certainly would have heard another because
20 you were there on scene?

21 A Uh-huh.

22 Q Okay. So Gloria Whitehead who is she?

23 A A friend.

24 Q Was she there?

25 A Yeah, she was there.

1 Q Deandra Whitehead?

2 A She was there.

3 Q Kanisha Allen?

4 A Yes.

5 Q Are they all your friends?

6 A We all know each other. We were friendly.

7 Q Were they all there?

8 A Yes.

9 Q Okay. This minor scuffle that you saw who did you
10 see in the scuffling?

11 A There was a lot of people scuffling. I mean, it
12 wasn't just like ---

13 Q Were there girls and guys?

14 A There were girls and then there were guys trying to
15 break it up.

16 Q Okay. Who were the girls that were fighting?

17 A I saw Jojo. I saw Deandra. And I saw -- I think I
18 saw -- I'm not even sure if I saw Kanisha, but she was in
19 the midst of the hustle and bustle that was going on.

20 Q Okay. Were you there on scene when the got there?

21 A No.

22 Q I thought you said you were trying to render aid, but
23 you couldn't?

24 A That was before the police arrived. Just testified
25 that my son told me to leave and I did.

- 1 Q Okay. So you left ---
- 2 A Prior to the police arriving.
- 3 Q Okay. Did you see police when you were leaving?
- 4 A No, I did not.
- 5 Q You didn't see police cars headed that way?
- 6 A I left prior to the police arriving or any sort of
- 7 law enforcement.
- 8 Q You didn't pass any when you were leaving?
- 9 A No.
- 10 Q Were did you go?
- 11 A I went home. I live in Darlington.
- 12 Q So what route did you take?
- 13 A I went straight up West Marion Street.
- 14 Q So that would be on this -- which way did you drive?
- 15 A We pulled out here, pulled out here and went up to
- 16 the stop sign and took a left.
- 17 Q Okay. And so this road is called what?
- 18 A That is Sumter Street.
- 19 Q Sumter Street. And so you go street down to the stop
- 20 sign?
- 21 A The stop sign is right here. This is it right here.
- 22 Q And you took a left where onto what street?
- 23 A Onto Coit Street.
- 24 Q Coit Street. Okay. And your testimony is you pass
- 25 no police officers?

1 A I didn't pass anybody.

2 Q Okay. And then, again, were you driving or your
3 daughter driving?

4 A My daughter was driving.

5 Q Okay. Did you call law enforcement and report what
6 you saw?

7 A No.

8 Q You didn't make any phone calls to 9-1-1 or police
9 and tell them you just witness somebody shooting?

10 A No.

11 Q And this friend of yours Chelsea Plowden?

12 A I don't think you been in a situation like that.
13 There were 30,000 things going through my brain at that
14 moment. One was the fact that I was licensed and I
15 couldn't help her. I didn't even think to call 9-1-1 to
16 help her because everything happen so fast. It was so
17 sudden and it blew me.

18 Q And also because your son was involve, correct?

19 A Uh-huh.

20 Q Would that have played into your motivation not call
21 police?

22 A No. He's he licensed carrier. He wouldn't have
23 gotten -- he wasn't in trouble or anything like that.

24 Q Did you know how many shots your son had fired?

25 A No, I don't. I have no idea. I just know he fired

1 back. You would have to ask him.

2 Q Do you know how many -- you know what kind of gun he
3 had?

4 A I don't know.

5 Q Okay. You know that after this happened your son was
6 charged by this Solicitor's office with another gun crime,
7 correct?

8 A I'm aware. He's my son.

9 Q Right. And so are you aware of that that -- he was
10 arrested I think I believe a year later, is that right?

11 A Yes, I'm very aware of my son's criminal past.

12 Q And that gun charge was dismissed, is that right?

13 A Uh-huh.

14 Q And he also had a criminal domestic violence charge
15 with this office?

16 A Uh-huh.

17 Q Okay. The same Solicitor's office?

18 A What's your point, ma'am?

19 Q I'm just asking a question.

20 A And I answered I'm aware.

21 Q Okay. So how did you become involved if you didn't
22 call law enforcement and didn't make any kind of report?

23 A The detective called me and said that they needed my
24 statement in regards to that event. So I welcome the
25 opportunity to walk up there and give my statement. I

1 wasn't holding back any information. I wasn't scared of
2 what 9-1-1 would do to my son because he was involved in
3 the case, that's not it. You're not going to paint that,
4 that's not happening.

5 Q So did you talk with the detectives where?

6 A At their office upstairs I believe.

7 Q In the interview room?

8 A Uh-huh.

9 Q And they told you it was being recorded?

10 A Yes.

11 Q They told you it was being audio and video recorded?

12 A Yes.

13 Q And how many people interviewed you in that interview
14 room?

15 A One person.

16 Q Was it Detective Banister?

17 A I don't remember his name.

18 Q Was it this man sitting here?

19 A Who Mr. Todd?

20 Q No, on the end of the table Mr. Banister?

21 A That was a long time ago, but I believe -- was it
22 you? It might have been.

23 Q Okay. And he told you it was being audio and video
24 recorded?

25 A Yes.

1 Q How many days after this incident did this statement
2 take place?

3 A Oh, man, lady, this was four years ago. I wish I
4 could give you a definitive time, but it wasn't long
5 after. I can't give you specifics on a week or two. I'm
6 not sure. I just know I was contacted and I went up there
7 and spoke.

8 Q Okay. How many times did you go up there and speak
9 with him?

10 A Just once.

11 Q Okay. And did you go with your son and your
12 daughter?

13 A Yes.

14 Q Did you go the same day that your son turned in a
15 firearm?

16 A I don't know what day he turned in a firearm. I just
17 know all three of us came together.

18 Q Were y'all interviewed together or separately?

19 A Separately.

20 Q Okay. Your daughter wasn't in the interview room?

21 A No.

22 Q Okay.

23 MS. PARHAM: One moment, your Honor. That's all
24 I have, your Honor.

25 THE COURT: All right, any redirect?

1 MR. TUCKER: Briefly, your Honor.

2 REDIRECT EXAMINATION

3 BY MR. TUCKER:

4 Q Ms. Robinson, Ms. Parham asked you about how many
5 shots you estimated you heard being fired by Measha
6 Joyner, do you recall?

7 A Yes.

8 Q And I believe you said your best estimate is between
9 three and four shots, is that correct?

10 A Yes.

11 Q But it's just an estimate could it have been more?

12 A It could have been more, but my best guess is there
13 were multiple shots is what I can say.

14 Q Would it be fair to say that this is a fairly
15 shocking thing that you had witnessed?

16 A Never witnessed anything like that before in my life
17 and I never want to witness it ever again in my life. I
18 don't like this. I don't want to do this.

19 Q I understand completely, Ms. Robinson. Let me ask
20 you one final question. Do you see the person you knew as
21 Measha Joyner in the courtroom here today?

22 A Yes, she's sitting right there.

23 Q She's sitting to Ms. Parham's right, immediate right?

24 A Yes.

25 Q And that's the person you saw leaning out of that

1 window and firing back into the crowd where Chelsea
2 Plowden was standing?

3 A That's her.

4 MR. TUCKER: Those are all of the questions I
5 have, your Honor.

6 THE COURT: All right. Thank you, Ms. Robinson.
7 You can step down.

8 (WHEREUPON, the witness leaves the witness
9 stand.)

10 THE COURT: Is there any objection to her being
11 released?

12 MR. TUCKER: Not from the State your Honor. And
13 in fact Ms. Robinson has tickets to go on a cruise
14 tomorrow, so I ask that she be released from her subpoena
15 so that she could make her cruise.

16 MS. PARHAM: That's fine.

17 THE COURT: All right. Thank you, Ms. Robinson.
18 All right, ladies and gentlemen. We're going to take a
19 short recess for about ten to 15 minutes. And then we'll
20 come right back out and hear another witness. Please
21 don't discuss this case. Thank you so much for your
22 attention.

23 (WHEREUPON, the jury retired to the jury room.)

24 THE COURT: All right, we'll be at recess.

25 MR. TUCKER: Thank you, your Honor.

1 (WHEREUPON, a break was taken.)

2 THE COURT: All right, so State's Exhibits 65
3 through 105 are a series of pictures and that's my
4 understanding that the defense stipulates to these being
5 admitted into evidence, is that right?

6 MS. PARHAM: Yes, your Honor.

7 THE COURT: All right, so 65 through 105 are
8 into evidence.

9 (WHEREUPON, State's Exhibits No. 65-105 were
10 admitted into evidence.)

11 THE COURT: And are we ready for the jury?

12 MR. TUCKER: Yes, your Honor.

13 (WHEREUPON, the jury came into open court.)

14 THE COURT: All right. We have the jury please.

15 (WHEREUPON, the jury came into open court.)

16 THE COURT: All right, Mr. Tucker.

17 MR. TUCKER: Thank you, your Honor. May it
18 please the Court. At this time the State would call
19 Captain Stephen Starling to the stand.

20 THE CLERK: Please place your left hand on the
21 Bible and raise your right hand. Do you swear or affirm
22 the testimony you give in this case to be the truth, the
23 whole truth, and nothing but the truth so help you God?

24 THE WITNESS: I do.

25 THE CLERK: Please be seated and state your full

1 name for the record.

2 THE WITNESS: Stephen Starling.

3 MR. TUCKER: And may it please the Court.

4 WHEREUPON,

5 Stephen Starling,

6 after first having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. TUCKER:

9 Q Mr. Starling, where are you presently employed?

10 A The Florence police department.

11 Q And in what capacity are you employed?

12 A I'm the captain over the administrative services in
13 the IT department.

14 Q And how long have you been working for the Florence
15 police department?

16 A Fifteen years.

17 Q And did you have prior law enforcement experience
18 before coming to Florence?

19 A I do not.

20 Q Now, what sort of jobs have you held in your capacity
21 there with the Florence police department?

22 A I worked in the patrol division for the first
23 approximately three years in my career and then I was
24 moved to the crime scene unit where I worked for I believe
25 next nine or ten years before being promoted to an IT

1 position and that's currently where I manage that
2 department now.

3 Q Now, if my math is correct if we're talking March the
4 23rd, 24th timeline in 2019, were you working in the crime
5 scene department at that point?

6 A I was.

7 Q And what was your role there?

8 A I was the sergeant of that unit. I was managing that
9 unit at the time.

10 Q And could you explain to the ladies and gentlemen of
11 the jury a little bit about what crime scene does in terms
12 of law enforcement?

13 A So the crime scene unit is really a tool to help the
14 investigators do most of the -- we consider -- we give
15 them puzzle pieces and they put the puzzle together. So
16 we assemble the tools in their box. We will document the
17 scene with photos. We will assist in collecting all the
18 evidence that is found or noted we believe to be of value.
19 We work closely with the investigators to see what they
20 need and then we lend them our training expertise as to
21 what may help them further their investigation. We
22 then -- after we collect the evidence, we take that and we
23 also secure it to process it where there be further photos
24 testing of sorts. And then we manage sending that to the
25 state lab as well, so they can do further testing that we

1 cannot complete ourself.

2 Q Okay. And you mentioned training expertise, have you
3 had any particularized training with regards to your role
4 in the crime scene department?

5 A I did. When I was in the crime scene unit, I
6 received training from state sources, federal sources and
7 outside private sources that involve homicide
8 investigations. It involved shootings reconstructions,
9 crime scene reconstruction and advance crime scene
10 reconstruction. And I believe several other specifics to,
11 you know, specific crime scene incidents, but the crime
12 scene reconstructions and the homicide investigations and
13 the shooter investigations and the shooter constructions
14 primarily will cover most of your crime scene that you
15 work.

16 Q Any idea how many crime scenes you actually worked
17 in?

18 A I couldn't say. It's several hundred.

19 Q Okay. All right. I want to direct your attention
20 specifically to the evening of March the 23rd into the
21 evening of March 24th 2019. Do you recall being notified
22 to respond to a shooting incident at the 502 North Coit
23 Street area?

24 A I was.

25 Q And do you recall what you did upon receiving that

1 notification?

2 A Yeah.

3 Q And what was that?

4 A So I was notified by the command unit of the patrol
5 Lieutenant Jordan I believe was the lieutenant working
6 that night. He notified me and let me know that they had
7 an incident, a shooting incident with a victim that they
8 believe to have been shot. And he ask that I respond and
9 that an investigator had been notified and they would be
10 responding as well. So I responded to that scene to
11 assist in the crime scene.

12 Q Now, what are your primary roles when you arrive on
13 scene crime scene capacity?

14 A The first is to make sure the scene is secure, any
15 evidence that has been located is secure. It's not being
16 moved, destroyed. There's obviously, you know, always be
17 some instances where something may have been kicked
18 accidentally by a patrons or anybody on scene. So I first
19 make sure that nothing else is moved, injured or tampered
20 secure that. And then make sure a crime scene log has
21 been started things of that nature mostly preservation of
22 the evidence. And then once an investigator arrives, I'll
23 begin documenting and looking at what we were going to
24 collect.

25 Q Now, you mention documenting, how do you go about

1 documenting the crime scene?

2 A Primarily photographs. I take a lot of pictures. I
3 believe in this case there was three to 400 photos.

4 Q Okay. Now, with regards to the crime scene that you
5 responded to that night. By the time you arrived, how
6 would you describe it was it fairly secure?

7 A Yeah, it was marked on the crime scene tape. A
8 patrol officer will do that for us if they know there's
9 going to be a major incident we're investigating. There
10 was tape put up and there was also cones that a
11 particularly patrol officer may or may not have had. They
12 had more certain pieces of evidence with those cones again
13 just to identify where they were and to make sure when I
14 knew when I got there that there was something that they
15 thought I should look at.

16 Q And you mention documenting a crime scene by way
17 photographs. Did you take photographs to document this
18 particular scene?

19 A I did.

20 MR. TUCKER: And your Honor may I approach?

21 THE COURT: Yes, sir.

22 BY MR. TUCKER::

23 Q Captain Starling, I'm going to show you what has
24 marked for identification purposes State's Exhibit three
25 through 62. And I'm going to ask you first if you

1 recognize them?

2 A I do. These are photographs that I took that night
3 to document the scene.

4 Q And do those photographs fairly and accurately depict
5 the crime scene that you saw it that night and documented
6 it?

7 A It appeared to be. Again, it's a lot of photos.
8 They do.

9 MR. TUCKER: And your Honor at this time the
10 State would move State's Exhibit 3 through 62 into
11 evidence. I believe I've shown them to Ms. Parham. I
12 don't think she has an objection, but I don't meant to
13 speak for her.

14 MS. PARHAM: No objection.

15 THE COURT: All right, three through 62 are in
16 evidence.

17 (WHEREUPON, State's Exhibits Nos. 3-62 were
18 admitted into evidence.)

19 MR. TUCKER: Beg the Court's indulgence.

20 BY MR. TUCKER:

21 Q What I am showing you, Captain Starling, is State's
22 Exhibit 3 and what are we looking at in this photograph?

23 A This is just a sign for the Coit Quick Stop.

24 Q Okay. And, again, we've heard testimony about the
25 Ford dealership. Is that Mike Reichenbach Ford in the

1 foreground?

2 A It is. It's behind the store further north.

3 Q Okay. I am now showing you State's 4. And what are
4 we looking at in this photo?

5 A So this is the cross section intersection at Sumter
6 and Coit Street. So to the left where all the vehicles
7 were parked that be the incident location the main parking
8 lot of the Coit Quick Stop.

9 Q Now, is there any method to how you document a crime
10 scene by photographing do you start far back and move
11 forward or how do you operate?

12 A That's correct. Typically, we start far off as you
13 saw the location show picture of where I'm at location
14 wise with a sign. Then I'll move my way around the scene
15 on the outside and then inside the scene starts to
16 document any pieces of evidence that maybe trying to work
17 my way further into the scene.

18 Q Okay. And now looking at State's 5?

19 A Same intersection just a little more to the south, so
20 that is looking east on Sumter Street.

21 Q Okay. And I'm now showing you State's 6 and what are
22 we looking at in this photo?

23 A So this is directly in front of the Quick Stop. This
24 is again outside the police line as you can see at the
25 front, but this will be primarily where I was notified

1 that the victim been located, which is just right there at
2 that truck.

3 Q Okay. And I'm now showing you State's 7 and what are
4 we looking at in this photo?

5 A Same thing, again, is just more of a close shot, so
6 two here marker two was indicated as where the victim was
7 located there was some stain believe to be blood on the
8 ground there.

9 Q Okay. And I'm showing you State's 8 and I would
10 imagine if what we saw was a closer photo. This is yet a
11 closer photo of a still?

12 A It's. And sometimes with our photos they don't
13 always come out perfect the first time, so this is just
14 maybe more clear better picture of the same thing.

15 Q Okay. And I'm now showing you State's 9. And what
16 are we looking at there?

17 A The same thing you can notice marker number two to
18 the left of that scene there, so I'm now trying to just
19 connect it to the evidence marker showing where they start
20 bleeding. So evidence marker two to three and four how
21 they connect.

22 Q Okay. And now we're looking at State's 10?

23 A Same thing kind of still outside of that line as you
24 can see. So I'm trying to relate marker number four which
25 I just saw, which is far right on that picture back to

1 where markers number five and six were located which ended
2 up being on the opposite side of that truck I believe.

3 Q Okay. And State's 11 what are we looking at in this
4 photo?

5 A It's a closer up of -- I thought it was five and six.
6 It was six and seven. And, again, close up of what we had
7 just seen.

8 Q Okay. And State's 12?

9 A So now I'm working my way back from where six and
10 seven were. Four was again there on the scene of the
11 screen and working my way to the right where five is at in
12 front that car tire and I will begin to continue to just
13 connect those pieces of evidence.

14 Q Okay. And State's 13?

15 A Closer shot of the evidence.

16 Q Okay. Now, I'm showing you State's 14 and what are
17 looking at in this photo?

18 A So it's from an original photo I told you we were
19 looking down Sumter Street beyond those cars in the
20 parking lot where that street light is at, that is Sumter
21 Street. And I knew there was more evidence on that side
22 of the road, so now I'm going to start just kind of
23 working toward's that direction.

24 Q Okay. And let me ask you this, Captain Starling, do
25 you recall what time you arrived at the scene?

1 A Refer to my report looks like approximately 2:18 in
2 the morning.

3 Q Okay. So this would have been fairly close to when
4 the call came out?

5 A I believe so.

6 Q Okay. And we are looking at State's 15?

7 A Again, in that parking lot just before those cars are
8 closer shots of the evidence and I note.

9 Q Okay. State's 16?

10 A So this is from Sumter Street. Again, I'm outside of
11 the initial crime scene tape where officers believe the
12 scene maybe contain to. I'm trying to make sure
13 everything that was inside of there was marked. It's just
14 documented before we expand if we have to, but it is
15 always likely to find more evidence further than what we
16 thought originally.

17 Q Okay. And State's 17?

18 A So this is that driveway where you just saw the tape
19 running through. And, again, as I see evidence start
20 being marked, we just have to expand the scene just a
21 little bit start indicating where that evidence is at.

22 Q Okay. And that is an excellent point I want to ask
23 my next question on. Those yellow plaquers that appear to
24 have numbers on them what are the significance of those?

25 A So that is what I place on to identify it from my

1 report when I document and note evidence. I will always
2 refer back to the marker typically where it was located,
3 so this indicates the number that I assign to it. And
4 they also use for scale and take pictures and show the
5 size things like that.

6 Q Okay. Now, you mention that some of the officers had
7 placed cones there if noting possible items of evidentiary
8 value. Had you removed the cones when you placed the
9 plaquers down?

10 A I had when I first arrived on the scene typically I
11 like to go ahead and lay that out, so that officers can
12 one have their cones back, but two it also lets me know
13 what I noted as evidence, so I don't miss anything in my
14 report.

15 Q Okay. Now, Captain Starling, I am showing you
16 State's 18 what are we looking at?

17 A Again, Sumter Street these are a few more pieces of
18 evidence that we started to notice. I believe these were
19 marked by patrol as well already and that's why there's
20 cars blocking the street once they realize they're there.
21 They try and preserve that scene by not lettting anybody
22 come through.

23 Q Okay. And I am know showing you State's 19?

24 A Yeah, I'm moving my way down Sumter Street getting a
25 little closer to each piece of evidence just getting a

1 closer and closer shots.

2 Q Okay. And State's 20?

3 A Same thing just a little closer is the last picture
4 there.

5 Q And 21?

6 A This would be connecting from last shot where I
7 believe was nine and ten were located. This is directly
8 outside of that driveway on the street just indicating
9 I'll be moving that direction towards those evidence signs
10 just making that connection.

11 Q Okay. And State's 22?

12 A And this would be those just closer shot from the
13 last picture moving towards us.

14 Q Okay. State's 23?

15 A Same thing just a closer shot.

16 Q State's 24?

17 A So the pictures -- the last picture was actually a
18 little further back now connecting 15 which we saw in an
19 earlier photo to 13, 14 as we saw just a minute ago. I'm
20 just trying to show that the pattern where they travel
21 from.

22 Q Okay. And now we're looking at State's 25?

23 A Same thing just trying to connect the dots on the
24 evidence there.

25 Q All right. And State's 26?

1 A This will be from the opposite side of the road same
2 thing with 15 is in the background of the photo. Now, I'm
3 on the backside of 14. This is connecting which is on
4 previous photo to the incident location, which you can see
5 is in the background.

6 Q Okay. And I want to show you now State's 27. And
7 what are we looking at in that photo?

8 A So marker number two as I indicated early was where I
9 was advising the victim had been located. The victim was
10 not on scene when I arrived. This is where I was told she
11 was found, so this what we believe to be the blood stain
12 coming from the victim.

13 Q Okay. And we're looking at State's 28?

14 A Same thing, again, on scene I'm not really sure what
15 could or could not be relevant, so I knew there may have
16 been an argument or a little scuffle. There's a random
17 shoe laying there. It's possible it was involved. I just
18 take pictures to indicate what I'm seeing while on scene.

19 Q And you bring up an interesting point which brings me
20 to my next question. Do you often take -- document things
21 that turn out later to not be evidence?

22 A All the time.

23 Q Okay. Now, we're looking at State's 29. What are we
24 looking at in this photo. It appears to be evidence
25 marker one?

1 A Evidence marker one here would be a shell casing. I
2 cannot tell you immediately let me refer to my report.
3 That marker number one was a .40 caliber casing that was
4 located obviously right there in front of that door of the
5 incident location.

6 Q Okay. Now, we're looking at State's 30?

7 A Same thing, you know, some photos earlier where they
8 were at marker number three which I indicated was a .9
9 millimeter casing.

10 Q Okay. And State's 31.

11 A I'm trying to get three and four together here, but
12 both of those were again the three with the nine
13 millimeter casing. Four is also a nine millimeter casing.
14 So I'm just showing their connection and how close they
15 are to each other and their relevance between each other.

16 Q Okay. And now we're looking at State's 32?

17 A Just a close up of four which is also a nine
18 millimeter casing.

19 Q Okay. And I'm showing you now State's 33?

20 A So five, again, is in front of that Camero tire that
21 we looked at earlier and looks like I indicated those .380
22 caliber casing.

23 Q Okay. And 34 appears to be a closer photo of five,
24 is that correct?

25 A That's correct.

1 Q Okay. And now I want to show you State's 35?

2 A So I'm just moving again through the evidence in
3 numerical order now. We've gone from five. Now, I'm
4 moving on six and seven.

5 Q Okay. And 36 State's 36 what are we looking at
6 there?

7 A Just a mirroring shot of the same.

8 Q Okay. And now we're moving to State's 37?

9 A So marker number six, which is on the left side of
10 that truck there indicated a nine millimeter casing.

11 Q Okay. And now we're looking at State's 38?

12 A So seven instead of individually mark because they're
13 so closely. Seven is indicated as three live 380 rounds.
14 There rounds were not shoot. They were just live rounds
15 that were on the ground, so a group of three there's all
16 item number seven.

17 Q Okay. And State's 39?

18 A That is just a closer up of item number seven
19 individually of each bullet. I believe I have all those
20 in sequence.

21 Q Okay. And State's 40?

22 A Same thing just a lane closer to the marker.

23 Q Okay. And I am assuming 41 is?

24 A That's just the third incident round there.

25 Q Okay. Now, we're looking at State's 42?

- 1 A Now, again, we just looked at seven. I moved over to
2 Sumter Street and I'll start looking at evidence markers
3 eight moving up.
- 4 Q Okay. State's 43?
- 5 A Mid range of evidence marker eight.
- 6 Q Okay. And 644?
- 7 A So I made it labeled as a nine millimeter casing.
- 8 Q Okay. Now, we're looking at State's 45?
- 9 A Relating it to nine and we're moving mid range on
10 down here.
- 11 Q Okay. And State's 46?
- 12 A A nine millimeter casing.
- 13 Q Okay. And now I'm showing you State's 47?
- 14 A Move in on marking ten there just a mid range photo.
- 15 Q Okay. And now State's 48?
- 16 A Another nine millimeter casing.
- 17 Q Okay. And State's 49?
- 18 A That's the close up. And as you can see with the
19 scale the reason I take these close ups is just so you
20 have a scale on the item.
- 21 Q Okay. State's 50?
- 22 A Mid range on marker 11.
- 23 Q Fifty-one?
- 24 A Close up and that is a nine millimeter casing.
- 25 Q Okay. State's 52?

1 A Mid range on item 12.

2 Q All right. State's 53?

3 A A close up of 12 which is also a .9 millimeter

4 casing.

5 Q State's 54.

6 A Moving to 13 the same thing.

7 Q And now I'm showing you State's 55?

8 A Another .9 millimeter casing.

9 Q Okay. And I'm now showing you State's 56?

10 A Moving to 14 mid range.

11 Q State's 57?

12 A Somewhat of a close up of 14.

13 Q Okay. State's 58?

14 A Close up of 14, which is a .9 millimeter casing.

15 Q Okay. State's 59?

16 A I believe this was near the last one we found.

17 Q Okay. State's 60?

18 A Mid range of 15.

19 Q State's 61?

20 A Close up of 15, which is .9 millimeter casing.

21 Q Okay. And finally State's 62 what are we looking at

22 there?

23 A So this would be from the blood that we suspected at

24 item marker two where I was told the victim was. We run

25 what is called a phenolphthalein test presumptive just

1 tell if what we're looking at is or it not human blood.

2 This test gave a positive result.

3 Q Okay. Now, once you have photographed all of the
4 items one through 15. I want to show you when I get it
5 set up. You also in addition to the photographs used
6 Google's map I should say and made what has been moved
7 into evidence State's 2, is that correct?

8 A It is a map correct.

9 Q And if will step down, Captain Starling. And this
10 may give the jury a better view of where these particular
11 items were from an overhead view. And if you could start
12 at evidence marker one and just kind of walk us through
13 what you documented?

14 A So as you see make it a little easier item number one
15 which is the brass 40 casing that we saw on the picture
16 located up near the doorway the incident location the
17 Quick Stop. Number two is indicated as a blood stains
18 from the victim's location, which is on the right side of
19 that Dodge. This being that Dodge truck here through
20 being brass nine millimeter casing, which is located
21 further out from the incident or from the front door of
22 the location. Four a brass .9 millimeter casing right
23 next to that one. Five being an aluminum .380 casing,
24 which is a little further towards the back of this
25 vehicle. Six is a brass .9 millimeter casing on the front

1 left side of that truck. Seven being an aluminum case
2 free live bullet. This was the three different bullets
3 that we kind of looked at in that grouping which were all
4 on the far side of that truck as well. Eight, nine, ten
5 all starting out on this exit of the driveway as we saw
6 there all being aluminum .9 millimeter casings. Eleven,
7 12, 13 obviously going up the street same thing as
8 aluminum .9 casings as well as 15. Then the X spot here,
9 again, we document some things that may or may not be
10 relevant. I notice some hairs, some weave product that
11 was laying in the location. Again, I thought there was an
12 argument may have taken place, so I documented just in
13 case it is something we need to -- I believe was decided
14 that it could have been pulled off in a tussle for
15 somebody else could have been there from week ago or been
16 there. The other thing it indicate is typically with our
17 scenes as we like to know where progressively as we move,
18 but, again, depending on when we locate the evidence, it's
19 not always that way. So ideal the one through five work
20 this way and six would work out. The reason 15 may end up
21 here and not there is just because of the time we found
22 the evidence. It may be that as we're searching and
23 taking photographs we find another piece that gets added
24 on. Once the evidence is marked with a number, I do not
25 change that I leave it. So instead of trying to make it

1 look better in sequential order, I just add the next
2 number that's in sequence.

3 Q And so that I'm clear, Captain Starling, items eight
4 through 15 those were all aluminum .9 millimeter shell
5 casings?

6 A Correct.

7 Q And the other shell casings were .380 and .40 caliber
8 as well as the additional .9 millimeter, is that correct?

9 A Correct. There was brass .9 millimeter as well as
10 others.

11 Q And, of course, we saw the pictures of the unfired
12 .380, is that correct?

13 A Correct.

14 Q And those were all found over towards the front of
15 this location?

16 A Correct, right.

17 Q Okay. Now, these items that are indicated here by
18 these oval boxes with what look to be SC and then letters
19 and numbers. What were those?

20 A Those are the vehicles that you saw in the parking
21 lot, again, documented those just to make sure we looked
22 for them and make sure anything damage, bullet holes
23 anything of that nature. But also just because we never
24 know if there was someone there that maybe left the scene
25 prior to us getting there. You may need to contact them,

1 so these are all vehicle locations and then the tag
2 numbers for those vehicles.

3 Q Okay. And you can return to your seat now. Now,
4 Captain Starling, once you documented the items that we
5 saw in the photographs and the items that we saw on your
6 Google maps diagram there what, if anything, did you do
7 with them?

8 A So they were placed into individual evidence bags,
9 coin envelopes depending on what they are. They were
10 indicated as to what marker they came from and then what
11 that evidence was. At that point they would be secured in
12 my vehicle on scene with me until I move from there to my
13 next point in the investigation.

14 Q And what was your next point of the investigation?

15 A At that time when I finish documenting that scene and
16 collecting that evidence, I went to the hospital to
17 document injuries on the victim.

18 Q Okay. And what were your findings with regards to
19 injuries to the victim?

20 A When I arrived there, there was a patrol officer
21 there who advised me that the medical staff had located a
22 single what appeared to be a gunshot wound to the right
23 temple I believe. And that was what I did indicate as
24 well with photographs and the only thing I did notice on
25 the victim.

1 Q Okay. And once you were down done documenting the
2 situation there what, if anything, did you do?

3 A At that time I took some of the victim's clothing
4 that was given to me by medical staff in a bag already
5 also was given some of her personal property, which again
6 didn't have any evidentiary items, personal items ID
7 cards. So that was turned over to the family. And then
8 at that time I took all the evidence that had been
9 collected both on scene and at the hospital and I returned
10 to the police department with it.

11 Q Okay. And what did you do with it once you return to
12 the police department?

13 A So at the police department I would have logged or
14 taken all the items that I collected and I secured them in
15 my evidence locker, which is inside of another secured
16 crime scene lab. And then I also would have transferred
17 all my photos from that evening to a disk and place those
18 in the locker as well.

19 Q Now, those items that were placed in your evidence
20 locker who has access to that evidence locker?

21 A So I will be the only one with access to my evidence
22 locker, other crime scene techs which we had two at the
23 time we have access to the lab because we process and all
24 that. But I would have the only key to my locker.

25 Q And how long did those items remain in your locker or

1 what happened to them once they left your locker I should
2 ask.

3 A So the next couple of days of investigation, I would
4 take them out further documenting them, find out whether
5 they need to be processed, any further testing need to be
6 done. And then they would either be resecured in my
7 locker or until the final time I was done with them when
8 they would be logged into evidence.

9 Q Okay. And if I can show you what has been entered
10 into evidence as State's 65. What are we looking at
11 there?

12 A So this would be at the lab when I'm doing my follow
13 up shots. This how the items were packaged on scene
14 before I left the incident location. Again, I noted the
15 marker number they came from and then what the piece of
16 item was.

17 Q So, again, each individual piece of evidence was
18 placed in its own manila envelope there?

19 A That's correct.

20 Q Okay. And State's 66?

21 A Same thing like I said our pictures don't always come
22 out great, so I take another one -- it's a little brighter
23 looks a little easier to see.

24 Q Okay. And I am assuming that's what we're looking at
25 in State's 67?

1 A Correct. I'm trying to make sure everything is
2 loadable, sir. Sometimes the third time is a charm.

3 Q Okay. And I'm now showing you State's 68 what are we
4 looking at there?

5 A So now I move through and I remove every piece of
6 evidence individually one at a time from its bag or its
7 envelope. And I'll try and get any kind of indicated
8 markers on it. So in this case I'm trying to get the head
9 stamp whatever the serial or the naming on the head stamp
10 is. And I believe this one may have another one as a more
11 legible head stamp.

12 Q Okay. For those uninitiated in firearms when you say
13 head stamp, what are you referring to?

14 A It's a marker -- a make made by the maker, so the
15 manufacturer of the ammo in this case with a stamp there
16 name or branding something into that casing, that
17 indicates it's theirs.

18 Q Okay. And I'm assuming that's what we're looking at
19 in State's 69?

20 A Just a clearer shot of that head stamp on that which
21 would say S and B. And it says it's a 40 Smith and Wesson
22 or S and W.

23 Q Okay. State's 70?

24 A Same thing just a legible shot of that head stamp.

25 Q Okay. And we've covered that marker two was the

1 blood spot?

2 A Correct.

3 Q So I'm showing you what is 71?

4 A So same thing. I'll take a picture that's clear what
5 I'm taking a photo of, which in this case it's marker
6 number three, that was my next one be a head stamp.

7 Q Okay. And that's State's 72 we're looking at?

8 A That's correct. And as I noted on this one. This is
9 a Winchester or Win .9 millimeter Luger, so a different
10 casing.

11 Q Okay. State's 73?

12 A Marker number four.

13 Q Okay. State's 74?

14 A And the head stamp on that which is also a .9
15 millimeter Luger.

16 Q Okay. State's 75?

17 A That's one of the .380 casings.

18 Q Okay. State's 76?

19 A And the head stamp on that which I believe I got a
20 better shot of as well.

21 Q Okay. State's 77?

22 A That's marker number six and the head stamp.

23 Q Okay. State's 78?

24 A These will be the three live rounds that were all
25 grouped together in marker number seven.

1 Q Okay. And, of course, again the plaquer indicated on
2 the envelope a .380 caliber?

3 A Correct.

4 Q And State's 79?

5 A The same live round just a closer shot of the head
6 stamp on those rounds.

7 Q Okay. State's 80?

8 A That was a marker number eight just a .9 millimeter.

9 Q Okay, 81?

10 A And the head stamp on marker eight.

11 Q Okay. Eighty-two?

12 A Marker number ten.

13 Q Eighty-three?

14 A The head stamp from marker number ten casing.

15 Q Okay. Eighty-four?

16 A Same thing marker 11.

17 Q And State's 85?

18 A The head stamp on marker 11.

19 Q Okay. State's 86?

20 A Marker 12.

21 Q State's 87?

22 A And the head stamp the same.

23 Q State's 88?

24 A Marker number nine.

25 Q State's 89?

1 A The head stamp on marker nine's casing.

2 Q State's 90?

3 A Marker 13 Luger casing.

4 Q State's 91?

5 A The head stamp for marker 13.

6 Q State's 92?

7 A Marker 14's .9 millimeter casing.

8 Q State's 93?

9 A The head stamp.

10 Q State's 94?

11 A I believe the last .9 millimeter casing.

12 Q State's 95?

13 A And this was, again, being in the roadway it
14 evidentially had been run over or trample of some sorts
15 so, just a close up shot of that.

16 Q And I think we have one more coming in State's 96?

17 A It's the side shot of the same.

18 Q Okay. Now, we're looking at State's 97?

19 A So this will just be the head stamp on that round.
20 Again, it was run over, so it wouldn't stand up to work I
21 would say.

22 Q Okay. Now, Captain Starling, these items that you
23 collected, did they stay in your lab the entirety of the
24 investigation or where they sent somewhere for further
25 analysis?

1 A They were further subsequently sent to the state lab
2 to be processed.

3 Q Okay. When you say state lab, would that be the
4 state law enforcement division lab SLED?

5 A That is correct.

6 Q Now, did you take these items to SLED for analysis?

7 A I do not. I logged them into evidence and our
8 evidence custodian handles that.

9 Q Now, did y'all have one evidence custodian working
10 that primarily was tasked with doing this?

11 A I believe so.

12 Q And do you recall who that was at this time?

13 A I believe it was Frank Mizell.

14 Q Okay. Now, is Frank Mizell still an employee of the
15 Florence police department in the crime scene?

16 A He's not. He's retired.

17 Q Okay. But he would have been the one to primarily
18 task with taking these items to SLED for further analysis?

19 A Correct.

20 Q Okay. Now, Captain Starling, I want to direct your
21 attention to I believe the 25th of March. Did you have
22 occasion to accompany Investigator Banister and others
23 with Florence police department when they executed a
24 search warrant on the residence of Lolica Joyner and
25 Measha Joyner?

1 A I did assist the Florence ERT team and Florence
2 County swat team in executing a search warrant.

3 Q Okay. And did you participate in the search
4 residence?

5 A I did.

6 Q And do you recall what, if anything, you found?

7 A So referring back to my report, it was documented
8 through photographs as well, but a firearm was located as
9 well as ammo at that location.

10 Q Okay. And did you later determine or was it
11 determine through the investigation that that firearm was
12 not in any way connected with the incident you were
13 investigating?

14 A I believe it was.

15 Q And what, if anything, else did you find?

16 A There was a box of .9 millimeter ammo that had --
17 partial box that had about 38 rounds in it. And a box of
18 .380 ammo that partial box had about 42 rounds left in it
19 and these were located on the top of the refrigerator in
20 it.

21 Q Okay. And what did you do with those boxes of ammo?

22 A They were taken back to the lab as well.

23 Q Okay. And were they similarly put through the same
24 process as we looked at before?

25 A Documented the third photograph and label them.

1 Q Okay. And I show you now what has been moved into
2 evidence as State's Exhibit 98. What are we looking at
3 there?

4 A So these are aluminum .9 millimeter Luger rounds
5 Federal brand that were located on top of the
6 refrigerator.

7 Q Okay. Did it appear to be a full box?

8 A It's a partial box.

9 Q Okay. And would you be on right above where it says
10 in black letters .9 millimeter Luger. What is the saying
11 underneath that?

12 A I'm sorry what was your question?

13 Q What does it say underneath that?

14 A Under the .9 millimeter Luger?

15 Q In black print, yes.

16 A So there's an aluminum case on it.

17 Q And this is a specific type of ammunition?

18 A There's different types, again, I indicated brass on
19 one, aluminum on the other. There's two types of casings
20 for .9 millimeters.

21 Q Okay. And this is made by what maker?

22 A This is Federal brand ammunition.

23 Q Okay. And now show you State's 99?

24 A And that's just a closer shot of that box.

25 Q Okay. And I now show you State's 100 and what are we

1 looking at there?

2 A So that, again, is a closer shot of those rounds
3 showing that's a partial box.

4 Q Okay. And it would appear if my math is correct that
5 there appear to be 12 missing out of that 50 box?

6 A That's correct.

7 Q Okay. And what are we looking at in State's 100 or
8 101 I'm sorry?

9 A That's a head stamp from that same box showing that
10 it is a .9 millimeter as the other Luger from the Federal
11 brand on it.

12 Q Okay. And State's Exhibit 102?

13 A This is the other partial box that was located on top
14 of the refrig.

15 Q Okay. And 103?

16 A Same thing just a close shot of that box.

17 Q Okay. And 104?

18 A This would be the same box.

19 Q Okay. And finally 105?

20 A These will be the head stamps of those boxes
21 indicated that they are .380 round.

22 Q Okay. Bear with me just a minute or two, Captain
23 Starling. Now, once you photographed and documented those
24 boxes of ammo what, if anything, occurred with those?

25 A Those would have been logged into evidence as well

1 with all the other items that we collected.

2 Q Okay. And once these items are sent to SLED and
3 they're analyzed, how do they come back to your agency?

4 A SLED will notify the technician or the evidence
5 custodian who took it to them, that it's ready. It's been
6 processed and that it can be picked back up. Typically,
7 the evidence custodian in this case Frank Mizell would
8 have gone back to SLED and pick those items back up from
9 them.

10 Q Okay.

11 MR. TUCKER: And if I may approach, your Honor?

12 THE COURT: Yes, sir.

13 BY MR. TUCKER:

14 Q And I am going to show you for identification
15 purposes. And I'm going to first ask you if you recognize
16 the items I'm showing you. Do you recognize this
17 particular item?

18 A So this is the packaging from the swab that I took of
19 the blood stain on scene. It is package inside the SLED
20 bag showing that they've processed and sent it back to us.

21 MR. TUCKER: And, your Honor, at this point for
22 identification purposes if I can have this marked as well.

23 THE COURT: All right. Is the first one you
24 just handed him marked?

25 MR. TUCKER: That's the first one just for

1 identification purposes, your Honor.

2 THE COURT: Okay. And what is it?

3 BY MR. TUCKER:

4 Q I am show you a second SLED enforcement or evidence
5 bag from DNA. Do you recognize what's in it?

6 A It's difficult to say in this packaging. I believe
7 says item number five. It is possibly something from
8 autopsy a blood standard or something of that nature that
9 will be used to compare to the blood sample that I got.

10 Q Okay. And that would have been sent by the
11 pathologist to SLED?

12 A It would have been collected from the pathologist and
13 then sent to SLED by us.

14 Q Okay. And that would have been something Frank
15 Mizell may have taken?

16 A Correct.

17 MR. TUCKER: And your Honor at this time I would
18 ask for identification purposes if this would be marked
19 State's 107 as well but not entered into evidence at this
20 time.

21 THE COURT: All right. And the first one is ---

22 MR. TUCKER: 106, your Honor.

23 (WHEREUPON, State's Exhibits Nos. 106-107 were
24 marked for identification only.)

25

1 BY MR. TUCKER:

2 Q Okay. And, Captain Starling, I'm going to hand you
3 what is what's in a brown large envelope marked items
4 four, seven, and 22 and 2.1. And it's been sealed. Is
5 this how it comes back to you from SLED sealed?

6 A Yes, it appears that this one has what is sealed.
7 There's a yellow tape from SLED. And then there is a
8 additional red tape over it which our evidence technicians
9 typically use. It would indicate to me since it's been
10 back from SLED and the date on it, that it's labeled that
11 probably the November 30th it was opened I would assume to
12 be reviewed for trial.

13 Q Okay. And since we are here at trial do you have
14 knife on you. And this appears to be the box of ammo --
15 both boxes of ammo that were recovered during the
16 execution of the search warrant, is that correct?

17 A That's correct.

18 MR. TUCKER: Your Honor, if I could have these
19 marked also for identification purposes. That will be
20 State's 108 and 109.

21 (WHEREUPON, State's Exhibits Nos. 108-109 were
22 marked for identification only.)

23 BY MR. TUCKER:

24 Q And then I'm showing this particular see through that
25 has what on the outside has marker number 14 and slash

1 item a one, two, three, four, five, six, seven, eight,
2 nine, ten, 11, 12, 13, 14 and 15 as well as shell casings
3 on the back. Are those the items that you collected there
4 at the scene submit to SLED?

5 A That is correct. When I packaged the individual
6 items in their envelopes, I put them in bigger envelopes
7 so it's easier to transport. This envelope would have
8 gone to SLED and they would have opened it removing the
9 items during their processing. And then each indicated
10 with a name and a date or a lab number that shows that
11 SLED did process those individually.

12 Q Okay.

13 MR. TUCKER: And your Honor just for
14 identification purposes, I would ask that this entire
15 envelope be marked as one. And then when the SLED agent
16 testifies obviously we can take them out individually.

17 THE COURT: Is that State's 110?

18 (WHEREUPON, State's Exhibit No. 110 was marked
19 for identification only.)

20 BY MR. TUCKER:

21 Q Do you recognize this particular envelope?

22 A I don't. It is marked item number four. I believe
23 again it is something that may have come from autopsy and
24 it was probably recovered from autopsy.

25 Q Okay. Thank you. Captain Starling, once you

1 documented everything that is sent to SLED, did you have
2 any further involvement in terms of the investigation of
3 this case from a crime scene standpoint?

4 A I did. I transferred some video I believe for
5 further evidence.

6 Q Okay. Now, when you say transfer video, what's the
7 process there?

8 A In our interview room, we -- our investigators do
9 their interviews. They will turn a switch on and record
10 the video, turn the switch off when they are done.
11 They'll let the technicians working their case know that
12 they record a video at a certain time and date. And then
13 we will collect that video. So I would have gone -- found
14 time and date, range pulled any video that was there. And
15 then I put that into evidence on a flash drive.

16 Q Now, you personally viewed the interview to see
17 whether or not it is recorded or?

18 A I do not.

19 Q Okay. So you just record down from the hard drive?

20 A I record from that time. I pull down whatever was on
21 that time of day range and then whatever was there gets
22 placed into evidence.

23 Q Okay.

24 MR. TUCKER: I believe those are all the
25 questions I have, your Honor.

1 THE COURT: All right. Ms. Parham.

2 MS. PARHAM: Thank you.

3 CROSS-EXAMINATION

4 BY MS. PARHAM:

5 Q Are you aware that there are some four missing videos
6 in this case.

7 A I believe you mentioned it.

8 Q Four interviews of witnesses?

9 A Other than what you mentioned, I'm not aware of it.

10 Q And you searched your system and cannot find those?

11 A No, it's almost five year old at this point.

12 Q Okay. But are you aware of our request after this
13 happened to preserve those videos?

14 A I am not aware of the request and what time frame you
15 may have made.

16 Q Okay. And you're not aware of our repeated request
17 for those videos?

18 A I am not.

19 Q Okay. From some of the body cams I saw a motorcycle
20 in the video with bearing license plate MML 723 South
21 Carolina. I think it was near the victim or that black
22 truck. Do you recall seeing that?

23 A I don't. I do not review the body cam for this
24 incident.

25 Q So I was just curious why that was not on the --

1 logged into the billboard?

2 A If it's not indicated on there, then I do not have it
3 documented with my photos either.

4 Q Did anyone point out another shell casing in this
5 case that would have been on the curb right down here?

6 A Yeah, if it's not indicated in my pictures or my log
7 here, then I did not -- I was not pointed out. I did not
8 notice it.

9 Q Okay. A shell casing that was either old or rusted
10 no one pointed it out?

11 A I am not aware of one.

12 Q Okay. Did you look and see who all these cars were
13 register to?

14 A No, I gave that information for this photo to
15 Investigator Banister for his investigation.

16 Q All right. And is it fair to say you didn't do any
17 independent investigation you logged everything into?

18 A That is correct.

19 MS. PARHAM: Just one moment please.

20 BY MS. PARHAM:

21 Q My apologies the tag number I read out was for the
22 black truck. It was next to the victim's body, but the
23 motorcycle was near the headlights of that truck. Did you
24 see that? Do you remember seeing that?

25 A It's possible. It was gone before I arrived on

1 scene.

2 Q Okay. And did you look to -- so these would have
3 just been the vehicles that were there when you got to the
4 scene?

5 A That's correct.

6 Q And that was approximately what 45 minutes to an
7 hour.

8 A I indicated that I was notified around 1:45 and that
9 I arrived around 2:18.

10 Q Okay. So approximately 50 minutes after the initial
11 call?

12 A Probably close to after initial call, that is
13 possible.

14 MS. PARHAM: That's all I have. Thanks.

15 THE COURT: All right. Thank you.

16 MR. TUCKER: Nothing on redirect, your Honor.

17 THE COURT: All right. Is there any objection
18 to releasing Captain Starling?

19 MR. TUCKER: None from the State, your Honor.

20 MS. PARHAM: No, your Honor.

21 THE COURT: All right, sir. Thank you for being
22 here. You're free to go.

23 MR. TUCKER: And your Honor at this juncture
24 that is the last witness the State has to put up today.
25 Again, we should be able to move right into testimony

1 tomorrow morning.

2 THE COURT: All right. Ladies and gentlemen,
3 for planning purposes and just the witnesses availability
4 I assume, that's the conclusion of the testimony again
5 here today. We are going go to go ahead and release you
6 for the remainder of the day. We ask that you be back
7 here -- we'll start this trial at 9:30 in the morning.
8 Please don't discuss this trial or anything about this
9 trial with anybody and trust that you all have a good
10 evening. We'll see you back in the morning. And thank
11 you, again, for your time and your patience and your
12 attention today, okay.

13 (WHEREUPON, jury excuse for the day.)

14 THE COURT: All right. Is there anything before
15 we recess for the day?

16 MR. TUCKER: No, your Honor. I did have the
17 Coroner Keith Von Lutcken on stand by. I had him over
18 here this morning where we couldn't get to him. I told
19 him this afternoon. I didn't know how long we were going
20 to be this afternoon, so I told him rather than have him
21 wait all afternoon I would just get him up first thing in
22 the morning. I didn't know how long it was going to take
23 given the witnesses that we put up this afternoon. Plus,
24 Coroner Von Lutcken reminded me that if I die while he's
25 still coroner, if he had to wait all afternoon, he do all

1 kind of things to my body, so any way I told him just to
2 come back in the morning.

3 THE COURT: All right. Ms. Parham, anything
4 before we break.

5 MS. PARHAM: No, sir.

6 THE COURT: Okay. We'll see you all back.
7 We'll start right at 9:30.

8 MR. TUCKER: Thank you, your Honor.

9 (WHEREUPON, the proceedings were concluded for
10 the day to be reconvened on December 5, 2023.)

11 THE COURT: All right. Are we all here?

12 MR. TUCKER: We are, your Honor.

13 THE COURT: We ready to go?

14 MR. TUCKER: Yes, your Honor.

15 THE COURT: All right, if we can have the jury.

16 (WHEREUPON, the jury came into open court.)

17 THE COURT: All right. Good morning, ladies and
18 gentlemen. Thank you for being back here on time this
19 morning. I appreciate it and hope each of you had a good
20 evening. At this time recognize I recognize Solicitor
21 Tucker call your next witness.

22 MR. TUCKER: Thank you, your Honor. May it
23 please the Court. At this time the State would call Keith
24 Von Lutcken.

25 THE CLERK: Do you swear or affirm the testimony

1 you give to be the truth, the whole truth, and nothing but
2 the truth so help you God?

3 THE WITNESS: I do.

4 THE CLERK: Please be seated and state your full
5 name for the record.

6 THE WITNESS: Keith Von Lutcken.

7 MR. TUCKER: May it please the Court.

8 THE COURT: Yes, sir.

9 WHEREUPON,

10 Keith Von Lutcken,
11 after first having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. TUCKER:

14 Q Mr. Lutcken, where are you presently employed?

15 A I'm the coroner of Florence County.

16 Q And how long have you been coroner?

17 A For 11 years now.

18 Q And prior to becoming coroner, where were you
19 employed?

20 A Florence County sheriff's office.

21 Q And approximately how long were you working at the
22 sheriff's office?

23 A Twenty-seven years.

24 Q Could you tell the, ladies and gentlemen of the jury,
25 a little bit about what the coroner's office does and what

1 you do specifically as coroner?

2 A We investigate all deaths, violent deaths, homicides,
3 suicides, automobile accidents any type of violent death.
4 We also investigate suspicious, unexplained deaths and
5 also natural deaths are not attended by medical personnel.

6 Q And you were the coroner back around the time frame
7 of March the 24th of 2019 and the days there after?

8 A Yes, sir, I was.

9 Q And do you recall being associated with the facts of
10 this particular case involving Chelsea Plowden.

11 A I do.

12 Q And do you recall how you were notified and what you
13 did once you were notified?

14 A On that particular date, I was notified by the
15 nursing supervisor at McLeod Regional Medical Center that
16 had a gunshot victim that had been declared brain dead.
17 They had not removed life support yet due to she was an
18 organ donor. And they notified me to respond to the
19 location, which I did.

20 Q And she was admitted I believe on March the 24th. Do
21 you recall how many days after the 24th it was when you
22 responded and notified?

23 A Yes, sir, it was on the 26th.

24 Q So give or take a couple of days?

25 A Yes, sir, that's correct.

1 Q And the procedure that you follow when you responded
2 to the hospital what, if anything, did you note?

3 A When I arrived at the hospital, I met with Ms.
4 Powell. She met with me in the trauma intensive care unit.
5 Of course, family was there as well. I did a preliminary
6 examination at that time. There's not a lot you can do
7 because she does life support connected to her and the
8 wound is bandage itself. And at that time, you know, I
9 talk to the family. And I talk them and advised her by
10 law due to this being a homicide that she had to be
11 autopsied. The second thing she was an organ donor and
12 that would be in touch with Sharon Hope, who was the organ
13 procurement organization, that would be conducting and
14 just explain to them how that would work.

15 Q Okay. Did you know what in terms of what had caused
16 her to be at the hospital in terms of injuries with
17 regards to Ms. Plowden?

18 A Yes, sir. In the early morning hours of the 24th,
19 she was at a birthday party.

20 MS. PARHAM: Objection to anything that he was
21 told, your Honor. He doesn't have any personal knowledge
22 of.

23 MR. TUCKER: Well, I think I can lay a
24 foundation, your Honor, if necessary.

25 THE COURT: Okay.

1 BY MR. TUCKER:

2 Q And, Coroner Lutcken, do you often contact law
3 enforcement or talk to law enforcement in connection with
4 your investigation?

5 A I do.

6 Q And what, if anything, did you find out with regards
7 to Ms. Plowden?

8 A I spoke with Investigator Banister with the Florence
9 police department.

10 Q And were you made aware of the circumstances
11 surrounding Ms. Plowden's injury?

12 A Yes, sir, I was.

13 Q And with regards to where the injury was on her body,
14 were you able to see that personally there?

15 A I was.

16 Q Could you tell us where the injury was?

17 A The injury was -- if you draw an imaginary line down
18 the body, this is what we referred to in medical terms as
19 the midline. And the entry wound was slightly to the
20 right of the midline at the forehead right near the
21 hairline.

22 Q And how would you characterize or what would you
23 characterize the wound as a stab wound or what was it
24 exactly?

25 A This was a gun shoot wound.

1 Q And subsequent to your responding to the hospital and
2 learning what you learned, you mentioned autopsies. Who
3 refers bodies for purposes of conducting an autopsy?

4 A I do.

5 Q And did you do that in this case?

6 A Yes, sir, I did.

7 Q And do you recall where the body of Chelsea Plowden
8 was sent for autopsy?

9 A She was sent to the Medical University of South
10 Carolina in Charleston.

11 MR. TUCKER: I believe those are all the
12 questions I have your Honor.

13 MS. PARHAM: Nothing, your Honor.

14 THE COURT: Thank you, Mr. Von Lutcken. I
15 appreciate you come this morning. Is there any objection
16 to him being released from his subpoena?

17 MR. TUCKER: None from the State, your Honor.

18 MS. PARHAM: No, your Honor.

19 THE COURT: All right, sir, you're free to go.
20 Thank you.

21 (WHEREUPON, the witness leaves the witness
22 stand.)

23 THE COURT: Mr. Tucker.

24 MR. TUCKER: Your Honor, at this time the State
25 would call Gloria Whitehead to the stand.

1 THE CLERK: Ma'am, if you would please go up to
2 the stand and place your left hand on the Bible and raise
3 your right hand. Do you swear or affirm the testimony you
4 give in this case to be the truth, the whole truth, and
5 nothing but the truth so help you God?

6 THE WITNESS: I do.

7 THE CLERK: Please be seated and state your full
8 name for the record.

9 THE WITNESS: Gloria Whitehead.

10 MR. TUCKER: May it please the Court.

11 THE COURT: Yes, sir.

12 WHEREUPON,

13 Gloria Whitehead,
14 after first having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. TUCKER:

17 Q Ms. Whitehead, where do you presently live?

18 A I live in East Florence now.

19 Q And how long have you lived in east Florence?

20 A I moved there two years ago.

21 Q And prior to that, where did you live?

22 A In West Florence.

23 Q And how long did you live there?

24 A A good bit of years about 15 all together.

25 Q Okay. So for about the last 17 years give or take,

1 you been pretty much a resident of Florence County fair
2 to say?

3 A Correct.

4 Q Where are you presently employed?

5 A Pee Dee Reginal Transportation Authority.

6 Q And what do you do there specifically?

7 A I drive the city buses.

8 Q And how long have you done that?

9 A I been there two years now.

10 Q And prior to that what did you do?

11 A I drove trucks for Swift, but only for a couple of
12 months. But before that, I worked at McLeod Hospital in
13 children's intensive care unit.

14 Q Okay. Now, I want to direct your attention
15 specifically to the evening of March the 23rd of 2019,
16 okay?

17 A Yes.

18 Q Do you recall attending a birthday party at the Coit
19 Street Quick Stop?

20 A Yes.

21 Q And do you recall for purpose you attended the party?

22 A It was birthday too.

23 Q Now, was another person who was having birthday
24 celebration there as well?

25 A Yes.

1 Q And do you recall who that was?

2 A I call him Stew, but his real name is Carlos.

3 Q And how well did you know Mr. Jackson?

4 A I known him for I would say ten plus.

5 Q Okay. Would it be fair to say since this was a
6 birthday party pretty much everybody there was family,
7 friends known to each other?

8 A It was family and friends.

9 Q And do you recall what time you got to the Quick Stop
10 on that evening on the 23rd?

11 A Well, I had work that night, so I didn't get off
12 until after 7:30. I had got a phone call around nine from
13 my daughter ---

14 Q Okay.

15 A --- asking me was I going to come to get a birthday
16 plate. And I told her no because I had to work the next
17 day and she said okay. Around I say about ten minutes
18 later after that call, she call back and said just come
19 get a plate. I said okay I can do that. So I got
20 dressed. So I got there close to ten between 9:30 and ten
21 maybe not quite sure.

22 Q And again without going into specifics about who you
23 saw, but when you got there, was your daughter Deandra
24 Whitehead already there?

25 A Yes.

1 Q And Kanisha Allen?

2 A Yes.

3 Q And do you recall whether or not the defendant Measha
4 Joyner was there at this point?

5 A She was not there at that time.

6 Q And was her sister there Jolica?

7 A She was not there at the time.

8 Q And the victim in this case Chelsea Plowden was she
9 there?

10 A She was.

11 Q And how well did you know Chelsea Plowden?

12 A I knew her for maybe a year.

13 Q Okay.

14 A And I knew her real well because she's always around
15 the same family and friends that was at the party.

16 Q Now, did you happen to see Carlos Jackson at that
17 party as well when you arrived?

18 A Yes.

19 Q And at some point were you made aware or did you
20 become aware of the presence of the defendant Measha
21 Joyner and her sister Jolica?

22 A Yes, by other family and friends that were there.

23 Q Now, do you recall how long you had been at the party
24 before you were made aware of their presence?

25 A Forty-five minutes probably.

1 Q Okay. Do you recall whether there was before
2 midnight or after midnight at this point?

3 A Not quite sure because I wasn't keeping up with the
4 time.

5 Q I can understand it's your birthday.

6 A Right.

7 Q Now, at some point did you become aware of some sort
8 of an incident, an altercation between Measha Joyner and
9 your daughter Deandra Whitehead?

10 A Yes.

11 Q And do you recall how you became aware of the
12 altercation?

13 A Another adult there came and told me the girls are
14 out there fighting.

15 Q Now, when you say out there, where are you referring
16 to?

17 A Outside the store.

18 MR. TUCKER: And if I may approach, your Honor?

19 THE COURT: Yes, sir.

20 Q And, Ms. Whitehead, without putting the thing on the
21 easel. I'm just going to ask -- I'm going to show you
22 what's been entered into evidence as State's 2. And this
23 is the Quick Stop there. Could you point to the parking
24 lot area where you saw the disturbance or you were made
25 aware the disturbance occurred?

- 1 A It was a right here and a fight there.
- 2 Q Okay. So there were actually two fights?
- 3 A Yes.
- 4 Q Do you recall who was involved in the second fight?
- 5 A I call her Jojo and Kanisha.
- 6 Q When you say Jojo, are you referring to Jolica
- 7 Joyner?
- 8 A Yes.
- 9 Q And you said Kanisha is that Kanisha Allen?
- 10 A Yes.
- 11 Q Okay. Now, as these fights were occurring, what, if
- 12 anything, were you doing?
- 13 A I went to stop my daughter from fighting with MeeMee.
- 14 Q And were you successful?
- 15 A I was. Actually, I ran past them at first. And then
- 16 the other fight was my daughter.
- 17 Q Okay.
- 18 A But when I realize that was Kanisha Allen and Jolica,
- 19 I looked back and saw the other fight at the door was
- 20 Measha and my daughter and I went to split them a part. I
- 21 grabbed Measha and I said stop fighting. I grabbed
- 22 Measha, MeeMee and told her come on, come go with me, and
- 23 I walked her to the car.
- 24 Q Now, were you aware of a gunshot that was fired in an
- 25 effort to try to break the fight up by Carlos Jackson?

1 A Yes.

2 Q And did that occur before or after you were trying to
3 separate the parties from fighting?

4 A That happened after Measha and my daughter up from
5 fighting.

6 Q Okay. Do you recall how much time had elapsed by
7 this point when you were trying to get them a part and the
8 gunshot occurred?

9 A A good bit because we couldn't stop Jolica and
10 Kanisha from fighting because they wouldn't let go of each
11 others hair. So I already walked her to the car and told
12 her you stay there and she said, yes, ma'am.

13 Q And I don't mean to interrupt you when you say you
14 walked her to the car to whom are you referring?

15 A Measha. I walked her to the car, open the door with
16 her, shut the door with her.

17 Q Okay.

18 A She sat in the backseat.

19 Q She was in the backseat?

20 A Yes, sir.

21 Q If I can approach one more time. Again, this time I
22 may have to have you step down for just a moment.

23 Ms. Whitehead, if I could get you to step down here for
24 me. Now, you indicated that the fights were here and
25 here, correct?

1 A At the door.

2 Q You said you walked MeeMee Measha Joyner to the car
3 and put her in. Where was the car parked?

4 A Over here.

5 THE COURT: Ms. Whitehead, while you're over
6 there, you're going to have to raise your voice so the
7 court reporter can hear, okay.

8 A She was parked in this area back then.

9 Q Okay. And you said you put her in the backseat?

10 A I did.

11 Q Do you recall what the color car was?

12 A White.

13 Q Okay. Did it have two doors or four?

14 A Four.

15 Q Okay. All right. Now, at some point when you put
16 her in the car what, if anything, did you do?

17 A I said stay in the car. She rolled the window down
18 about half way. I said stay in the car I'm going to go
19 get your sister. She said just go get my sister please.
20 I said okay. She said, yes, ma'am.

21 Q Okay. Now, were you aware that they had come with
22 another party who actually owned the car?

23 A I did not know that until I saw her getting in the
24 car at the end when they pull off shooting.

25 Q Okay. All right. Let's back up just a little bit go

1 back to where you put her in the car you indicated that
2 you told her you were going to go get her sister?

3 A Right. She walk back over here to where the fight
4 was.

5 Q Okay.

6 A They would not stop fighting, that's when Stew shot
7 the gun in the air one time and said will y'all please
8 fucking leave, stop, and everybody just scattered and they
9 let each other go. Jolica continued to keep talking like
10 this, this, this, you know. And we always telling her
11 just leave, just leave and she was still in the car.

12 Q When you say she?

13 A Measha was still in the car.

14 Q Do you recall where in the car she was?

15 A Backseat still.

16 Q Okay. And do you recall whether she was in the
17 backseat behind the driver side or the passenger side?

18 A Passenger side. That's the side I walked her to when
19 she got in the car.

20 Q Okay. And then after that were you ultimately able
21 to talk Jolica into going up to the car.

22 A I didn't talk her at all no more. I stood there and
23 just watched her. Everybody -- she was trying to argue
24 with everybody out there. Everybody just saying just
25 leave to the point that everybody said it all at one time.

1 And it kind of hurt her feelings I could tell, but she did
2 proceed to the car. As she proceed to the passenger front
3 side, she was saying watch this, watch this.

4 Q Now, where was Chelsea Plowden during all this, was
5 she involved in the fighting at all?

6 A No, she was inside in the beginning.

7 Q Okay. Did you ever see Chelsea Plowden engaged in a
8 fight with anybody?

9 A No.

10 Q All right. Now, once Jolica is in the car on the
11 front passenger side, did you see the driver get in the
12 driver side?

13 A Not at first. She was still coming from out of there
14 with a plate of food or her drink. She had something from
15 the party in her hand like she was wondering what was
16 going on herself.

17 Q Was she involved in the fighting?

18 A No, no, not at all.

19 Q All right. Now, once she comes out, where were you
20 when all of this was going on in terms of her coming out
21 and going to the car?

22 A I was standing right here to where I can see here and
23 see here, so I can see both cars. And my daughter's
24 vehicle that was parked there, so I was standing where I
25 could see because I already told my daughter them to leave

1 and they had been left.

2 Q Okay. And let's back up to that point. You
3 indicated that your daughter left. So when the fight
4 broke up, what, if anything, did you tell her?

5 A I said leave.

6 Q And did she do that?

7 A Her, my daughter, Kanisha, her aunt, her aunt
8 boyfriend all left in a Tahoe up this way Coit Street
9 passing the Ford dealership. They were still -- I told
10 Kanisha to leave. She would not leave.

11 Q Now, did you recall how minutes elapse from when your
12 daughter and Kanisha Allen left to when Jolica finally got
13 in the car?

14 A About 15 minutes to 20 minutes.

15 Q Okay. And is that just an estimate?

16 A Yes.

17 Q Okay. Now, with regards to once Jolica got in the
18 car and you saw the driver of the vehicle come out, again,
19 I want to ask you had you ever seen the driver of the
20 vehicle before?

21 A Never.

22 Q You didn't know her name?

23 A No.

24 Q Did she ultimately go over and get in the driver side
25 of that vehicle?

1 A She did.

2 Q And then what happened next?

3 A Jolica was getting in too. And as Jolica was getting
4 in, Chelsea came out.

5 Q Okay. It's okay, Ms. Whitehead.

6 A And she stop to talk to me. And right when she stood
7 there to ask me why were they fighting, the bullet hit her
8 in the head.

9 Q Okay. Did you hear the gun fire and then see that or
10 was it about the same time?

11 A I saw it.

12 Q Okay. You point to where you were standing and where
13 Chelsea was standing when that occurred?

14 A I was standing right here. I can see everything.

15 Q Okay. Now, once that happened, what happened next?
16 Well, let me ask you this.

17 A I was so shocked I just stood there for a minute. I
18 don't -- it just seem like forever I stood there, but I
19 heard someone tell me to run, but I'm watching her still
20 shooting at us. Now, this is the second shot, third shot
21 and I couldn't move. But when I finally try to move, I
22 actually almost tripped over Chelsea.

23 Q Okay. And back up just a minute, I know this is
24 traumatic for you. But when you say you saw her shooting
25 at us who are you referring to?

- 1 A Measha in the car.
- 2 Q And you were able to see that from where you were?
- 3 A Yes, sir. I watched them.
- 4 Q I'm sorry.
- 5 A I watched them.
- 6 Q Okay. All right. And you were there -- was there
- 7 anybody else standing in relationship or near you and
- 8 Chelsea when this started to occur?
- 9 A Yes.
- 10 Q Who else?
- 11 A My daughter was on the arm as they walked out the
- 12 store together saying -- them two love to sing together.
- 13 Q Okay. Now, when you say your daughter, this is a
- 14 daughter other than Deandra, obviously?
- 15 A Yes, Latrice.
- 16 Q Latrice.
- 17 A Yes.
- 18 Q All right. And did you see Jamares Robinson and
- 19 anybody else over in that area as well?
- 20 A Everybody was over there. Everybody was there, so
- 21 any of us could have got shot even me, the kids, other
- 22 adults.
- 23 Q Okay. And you're positive it was Measha Joyner?
- 24 A I'm positive. I walked her to the car. And as I was
- 25 walking her to the car a mutual friend -- all of us, them

1 and Measha and Jojo was saying, Red, that child got a gun.
2 And I was like, you know, I'm walking her to the car
3 because she was peaceful with me talking to the car
4 respectfully. So I didn't care about that, I was trying
5 to de-escalate everything.

6 Q Okay. Now, let's go back to after the gun fire
7 erupts and you indicated that Chelsea had gotten hit and
8 she had fallen to the pavement and then everybody was
9 running. Did you hear or see anyone who was over in this
10 area firing back at where Measha was leaving?

11 A No, we were all trying to scatter, but I can see as
12 they were all trying to scatter, I was just so stuck
13 because just something I can't even describe.

14 Q Okay. Would it be fair to say you're pretty much in
15 shock after you saw what you saw?

16 A I was devastated. I was devastate because she was
17 talking to me and it just happen like -- I can't believe
18 she would shoot when she walk so peaceful to the car with
19 me and acted as if she was going to stay and wait no
20 problem. So if there's not problem why shoot when
21 everybody else done gone, we just waiting on your sister
22 to get in the car and leave.

23 Q All right. Now, after that, did you actually see the
24 car leave the parking lot?

25 A I did and was shooting the whole time out the parking

1 lot.

2 Q Okay, so there were more shots fired from the car?

3 A Oh, yes.

4 Q Could you see who was firing?

5 A Yes.

6 Q Who was that?

7 A Measha.

8 Q All right. Ms. Whitehead, if you will return to your
9 seat. Now, Ms. Whitehead, after that occurred what, if
10 anything, did you do?

11 A I ran in the store. I was so shocked and devastated,
12 I was saying the wrong thing. I was trying to say Jolica
13 sister shot Chelsea, but I just kept saying Jolica shot
14 Chelsea. And they was like no that ain't possible. I was
15 like Chelsea is out there y'all. She's out there. And
16 they was like come on, so everybody came back out and we
17 saw her laying there. And I walk down the street to
18 Chelsea's mother's house and knocked on the door.

19 Q I'm sorry. I may have cut you off, but I was asking
20 did Chelsea live close by?

21 A A block down the street.

22 Q And from her mother's house, where did you go?

23 A I knocked on their door, an older man answered the
24 door. And I said, hi, I'm Gloria. I just came from down
25 the street. Your daughter got shot. She's down the

1 street. I think she's dead and I heard him call ---

2 Q Ms. Whitehead, I don't mean to cut you off, but
3 without going into what anybody else said there, but once
4 you notified the family of Ms. Plowden what had happened
5 where did you go?

6 A I walk back up there.

7 Q Okay.

8 A Because I wanted to make sure some help was coming
9 even though I knew it was no help, you know. I knew it
10 was no help because the look she looked at me when she was
11 trying to ask me what are they fighting, that was it.

12 Q Okay.

13 A And the look I knew it was nothing. I knew it was
14 nothing, but I just wanted to go back and make sure that
15 somebody was coming the police or something and just get
16 my kids, you know.

17 Q Okay. And did you stay there until the police
18 arrived or did you leave before they got there?

19 A I left. I left because it seem like they took
20 forever to come, but I know that's just what it seems
21 like. But I had left and went to my daughter's house and
22 that's where they came to talk to me at.

23 Q Now, when you say your daughter's house which
24 daughter?

25 A Latrice.

1 Q Okay. And they came there. And do you recall to
2 whom you spoke from the police department?

3 A I can't remember who I talk to. I know it was an
4 investigator.

5 Q Okay. And did you subsequently after you gave that
6 initial statement go to the police department and make
7 another one?

8 A I did. Yes, I did.

9 Q And after you made statement, did you have any other
10 involvement with this case in terms of activity. Did that
11 pretty much include your involvement after you gave that
12 second statement?

13 A Yes.

14 Q And, Ms. Whitehead, I'm going to ask you do you see
15 the person that you refer to as MeeMee or Measha Joyner in
16 this courtroom?

17 A Yes.

18 Q And could you point to her please?

19 A She's sitting over there, but her hair is different.

20 Q And she's to Ms. Parham's right, is that correct?

21 A She's with the eye glasses on sitting in the middle.

22 MR. TUCKER: And, your Honor, I like the record
23 to reflect that she's identified the defendant Measha
24 Joyner.

25 THE COURT: So reflected.

1 BY MR. TUCKER:

2 Q Okay. And this is the person you saw that you firing
3 from the backseat of the car where Chelsea was shot?

4 A It's just her hair is different. She had wigs o n
5 her head at the time, so she looks a lot different.

6 MR. TUCKER: I believe those are all the
7 questions I have, your Honor.

8 THE COURT: Ms. Parham.

9 MS. PARHAM: Thank you, Judge.

10 CROSS-EXAMINATION

11 BY MS. PARHAM:

12 Q So after the shooting you walk into the club and you
13 tell everyone that Jolica shot Chelsea Plowden?

14 A I did by mistake.

15 Q You told everyone that night after the shooting that
16 you saw Jolica shoot Chelsea Plowden?

17 A I did, but I was trying to say Jolica sister.

18 Q Even moments later after you leave, you call your
19 daughters who you say left and tell them Jolica shot
20 Chelsea Plowden?

21 A No, I told my daughter Deandra Whitehead and Kanisha
22 Allen, that MeeMee shot Chelsea.

23 Q You deny telling your daughter, Deandra Whitehead,
24 that Jolica shot Chelsea Plowden?

25 A I told my daughter I say you know Jolica they shot

1 MeeMee.

2 Q That's not what I'm asking?

3 A I said Jolica sister shot MeeMee. Jolica sister shot
4 Chelsea.

5 Q I'm ask you do you deny telling your daughter,
6 Deandra, that Jolica shot Chelsea? Did you or did you not
7 tell her that?

8 A I can tell you I was in state of shock, so I might
9 have been a lot confused with names because that's the
10 first night I actually got her real name.

11 Q Ma'am, I'm asking you a simple question not only did
12 you tell the people at that Quick Stop that Jolica shot
13 Chelsea, isn't it true that afterwards when you called
14 after Chelsea was at the hospital, you called your
15 daughter on the phone and Deandra Whitehead and told her
16 Jolica shot Chelsea Plowden?

17 A I could have out of being in a state of shock with
18 everything going on.

19 Q And this an hour later when Chelsea was in the
20 hospital you told your daughter that Jolica -- when you
21 called them when they were coming back ---

22 A It was not an hour later that I talk to my daughter.
23 It was approximately about 30 minutes to 15 -- 20, 30
24 minutes. It was not an hour later. An hour later I was
25 talking to investigators at my daughter's house.

1 Q And did you also tell Kanisha Allen that Jolica shot
2 Chelsea Plowden?

3 A I didn't even talk to Kanisha on the phone.

4 Q Okay. So you don't deny telling them when Chelsea
5 Plowden was in the hospital long after that you saw Jolica
6 shoot Chelsea Plowden?

7 A Not no hour later. Hour later I was at Well Street
8 apartments with my daughter talking to the investigator.

9 Q I don't know the exactly time, but I'm saying when
10 the victim was in the hospital long after she had left
11 this scene you told your daughter that ---

12 A Not long after. I spoke to my daughter approximately
13 15 maybe to 20, 30 minutes, so it wasn't an hour later,
14 no.

15 Q It was when the victim was at the hospital, correct?

16 A No.

17 Q You deny that? You deny that?

18 A I deny it being an hour later.

19 Q Okay. But you admit to telling her that Jolica shot
20 her?

21 A I could have being with everything going on because I
22 called her very quickly.

23 Q And you told everyone in this place when you go in
24 there, Jolica shot?

25 A I did because I was so distraught and confused and

1 upset?

2 Q And you didn't say Jolica sister. You didn't say
3 Measha. The girl that you had just walked to the car who
4 said, yes, ma'am, please tell my sister -- you just had
5 talk to her. You didn't say she shot her. You said
6 Jolica shot her and you told everyone that?

7 A I said, you know, who I'm talking about Jolica sister
8 shot.

9 Q Ma'am, that's not what you told these people in the
10 Quick Stop?

11 A I did tell them in the inside that Jolica shot her
12 because I was distraught and upset and devastated.

13 Q Let's talk about this too, ma'am. And let's just
14 slow it down a bit as well. Tell me how you know Kanisha
15 Allen?

16 A She was dating my daughter.

17 Q So that's Deandra's girlfriend Kanisha?

18 A It was.

19 Q Right. And how do you know Carlos Jackson?

20 A That is Kanisha's cousin.

21 Q Okay. And how long have you known Carlos?

22 A The whole time since my daughter dated Kanisha.

23 Q Okay. And how do you know Jamares Robinson?

24 A I don't know a Jamares Robinson by that name maybe
25 another name.

- 1 Q What do you know him as?
- 2 A I'd know another name.
- 3 Q Do you Angela Robinson?
- 4 A Yes, I do know who she is.
- 5 Q How do you know her?
- 6 A She has a son name Jay.
- 7 Q Okay. And how do you know her son Jay?
- 8 A He's friends with everybody.
- 9 Q Okay. And that's the same one I'm talking about Jay
- 10 Robinson, correct, Angela son?
- 11 A Angela son name is Jay. I do not know his government
- 12 name. I just know his nickname is Jay.
- 13 Q Okay. How do you know Jay and Angela and Jay sister
- 14 Brianna?
- 15 A Just being around the same friends.
- 16 Q How long have you known them?
- 17 A It's been a good many years, maybe ten plus probably.
- 18 Q Their friends of yours for years?
- 19 A Right.
- 20 Q Right. Okay. So they were at the party?
- 21 A I saw Jay.
- 22 Q Okay. Do you remember seeing Angela?
- 23 A I don't remember seeing her because so many people
- 24 there and I came at a different than her.
- 25 Q You remember seeing Brianna?

- 1 A I don't remember seeing her because I don't be around
2 his sister much.
- 3 Q Okay. Who's Demarcus Bluett?
- 4 A I don't know him by that name Damarcus, but it might
5 Marcus.
- 6 Q Marcus. Okay. How do you know him?
- 7 A He dates one of the Allen girls.
- 8 Q Okay. So he dates -- is the Allen girl related to
9 Kanisha Allen?
- 10 A Yes, ma'am.
- 11 Q Okay. So is it her sister?
- 12 A No, actually that's Stew sister. I believe I'm not
13 sure, such a big family.
- 14 Q So Demarcus Bluett dates Carlos Jackson's sister?
- 15 A I think so. It's a big family. I never really ---
- 16 Q All right. And Latrice Goodman?
- 17 A That's my daughter.
- 18 Q Right. So Latrice Goodman and Deandra Whitehead are
19 both your daughters?
- 20 A Yes.
- 21 Q All right. Now, how long have you known Demarcus
22 Bluett?
- 23 A I would as long as he was dating Stew sister/
- 24 Q Years?
- 25 A Yes.

1 Q Okay. Was he at the party?

2 A I'm not sure. I didn't really go around and see
3 everybody.

4 Q Okay. So you're not sure if Demarcus, Marcus as you
5 call him, was at the party?

6 A Right, because people were different places at the
7 party inside and outside. And even inside there were
8 different areas they were at.

9 Q All right. So your testimony is that you came out
10 and these two groups girls are fighting including your
11 daughter and that you're trying to break it up. So you
12 walk Measha to the car, put her in the backseat which side
13 of the backseat you remember?

14 A The passenger backseat.

15 Q Okay. And she says, yes, ma'am, please just tell my
16 sister to come?

17 A Yes.

18 Q You go back and you finally get Jolica and your
19 daughter to quit fighting?

20 A My daughter wasn't fighting Jolica.

21 Q Excuse me I'm sorry Kanisha?

22 A No, I didn't get them to quit Stew shot the gun.

23 Q Okay. So he shoots the gun and how many times did he
24 shot the gun?

25 A Once.

1 Q And you're certain about that?

2 A I'm positive.

3 Q Positive it was one time?

4 A It was once.

5 Q Couldn't have been more than once?

6 A Once.

7 Q Okay. Do you recall being interviewed by
8 Investigator Banister on video recording at the Florence
9 police department and saying multiple times that Carlos
10 you hear boom, boom, boom three shots?

11 A I heard Stew shoot a gun once for sure. It's so much
12 going on.

13 Q Ma'am, it's a simple question. Do you admit or deny
14 telling this investigator on video recording that you
15 heard boom, boom, boom three shots do you admit that or
16 deny that?

17 A I'm positive of hearing one for sure, but I know he
18 probably have shot more. But I know boom and he was
19 cursing saying everybody fucking leave.

20 Q Two minutes ago you said it was one shot and that
21 you were absolutely certain it couldn't have been more
22 than one shot. This jury will remember that. I asked you
23 you said it was one shot. It could not have been more one
24 shot. And then I ask you if you admit or deny saying
25 boom, boom, boom three shots to this investigator. And

1 now you're wavering saying why I could have said that.
2 Did you or did you not tell this investigator days after
3 this happened that Carlos Jackson fired three shots boom,
4 boom, boom?

5 A I could have. It's Been a minute since this
6 happened.

7 Q Okay. So what would be more accurate, ma'am, what
8 you told him boom, boom, boom three shots or ---

9 MR. TUCKER: Your Honor, I would object. It's
10 been asked and answered already.

11 THE COURT: Sustain. Please move on.

12 MS. PARHAM: Thank you.

13 BY MS. PARHAM:

14 Q Okay. But you tell us no more than one shot, but the
15 three shots, correct?

16 MR. TUCKER: Your Honor, again, I think it's
17 been asked and answered objection sustained.

18 THE COURT: Sustained.

19 BY MS. PARHAM:

20 Q Okay. So what happened after Carlos Jackson fires
21 boom, boom, boom, what happens next?

22 A Jolica and Nish breaks apart.

23 Q Okay.

24 A I told my daughter Nish and Deandra Whitehead to
25 leave.

1 Q Okay.

2 A They get in their truck with her aunt and her aunt
3 boyfriend and leave.

4 Q All right.

5 A Jolica stands there and still tried to argue with
6 everybody and have confrontation. And we all kept saying
7 every time she was trying to say something, leave. She
8 was -- leave. She kept trying to talking to have
9 confrontation to where everybody just said it all at one
10 time, man, just leave. And she turns to walk and as she
11 was walking and turning to go to the car, she's still
12 talking and saying watch this, watch this.

13 Q Okay. All right. And so then what happens?

14 A She goes to get in the car. As she's getting in the
15 car, Chelsea and my daughter is coming out arm to arm.
16 Chelsea come stands and talk to me asking me what are
17 fighting for.

18 Q Okay. And now today on the stand is the first time,
19 the first time since this incident that you have told
20 anyone that you saw Chelsea get shot?

21 A No.

22 Q Okay.

23 A It's no the first time.

24 Q Okay.

25 A I been saying it ever since because she got shot in

1 front of me and that's some thing I will never forget.

2 Q Okay. And so it's your testimony that you said on
3 recording to Investigator Banister that you saw her get
4 shot in the head?

5 A I saw it. She stood there in front of me didn't get
6 to finish her sentence.

7 Q Okay. Which way was she facing and where were y'all
8 standing? Come down here please and show this jury where
9 you are standing?

10 A Standing right here where I can see both areas.

11 Q Okay. Show me where you're standing?

12 A I'm standing right here.

13 Q And where's Chelsea?

14 A She came out the store to talk to me.

15 Q Okay. So where was she when she got shot?

16 A Right here talking to me. I can watch both areas.

17 Q Okay. So your testimony is that you and Chelsea
18 were standing ---

19 THE COURT: Ms. Parham, the jury has to see.

20 MS. PARHAM: I'm so sorry.

21 BY MS. PARHAM:

22 Q Your testimony is that you and Chelsea were standing
23 right where that X is?

24 A She came out the store arm to arm with my daughter
25 like this. And as soon as she said what are they, that

1 was it. The bullet done hit her in the head.

2 Q Okay. And so you were talking to her right where
3 this X is?

4 A Right here.

5 Q Right where the point is?

6 A My daughter them was parked here.

7 Q Okay. All right. And that's where you could see
8 both areas?

9 A Yes.

10 Q Okay. So tell me who else who you saw with guns
11 when you saw this both areas and you saw Chelsea get shot,
12 who else did you see have guns?

13 A I didn't see anybody else with guns.

14 Q Did you see Demarcus Bluett with a gun?

15 A No, I didn't.

16 Q You didn't see him shoot?

17 A I didn't because at that moment when Chelsea got shot
18 it devastated me so I even froze. I didn't even move.

19 Q Okay. Did you see Jay? Jay Robinson with a gun?

20 A No.

21 Q You didn't see him shooting?

22 A I didn't. I just could see that what happened in
23 front of me.

24 Q Okay. And so your testimony on direct is that you
25 saw Carlos Jackson shoot one time?

1 A To stop the girls from fighting.

2 Q But now you admit what you told the police three
3 times boom, boom?

4 MR. TUCKER: Again, your Honor, that's been
5 asked and answered.

6 THE COURT: Sustained.

7 MS. PARHAM: Thank you, Judge.

8 BY MS. PARHAM:

9 Q You never tell the police anyone else, that you
10 didn't see anyone else shooting?

11 A I never told the police that because I didn't see
12 anybody else shooting.

13 Q Okay. And on direct you keep saying they were
14 shooting. They were shooting when you're talking about
15 these girls riding away?

16 A No, I didn't they. She was shooting. She the only
17 one was shooting the during that time when they left.

18 Q All right. How is she shooting?

19 A Outside the back of the window of the backseat of the
20 car as Jolica was shutting the door and they were pulling
21 off.

22 Q Okay. So which window was she shooting out of?

23 A The passenger backseat for sure I sat her over there.

24 Q Okay. And so when you saw her if you can just stand
25 up and show the jury, how she was shooting as if you are

1 in the passenger back seat?

2 A The window was roll down half way and she was
3 shooting out the window.

4 Q Okay. So she was shooting out the window?

5 A Yes.

6 Q Was the gun in the car or out the car?

7 A It was in the window of the car.

8 Q Just the nozzle?

9 A I can't tell you how much because it was dark.

10 Q Okay. But so the window was only half way down?

11 A About like that much. It's a small little car, so
12 majority of it was down.

13 Q Okay. So she has a gun pointed out the window?

14 A Shooting at the crowd.

15 Q Okay. But I'm asking you how the gun looked?

16 A I don't know how the gun look it was dark.

17 Q Okay. Was the gun up in the air or pointed straight?

18 A No, it wasn't up in the air because it wouldn't have
19 shot Chelsea.

20 Q Okay. But you are ---

21 A It could have shot me.

22 Q Okay. But you're just surmising that?

23 A No, I know for sure up in the air would have not
24 never shot Chelsea.

25 Q Okay. But there were a lot of shots fired that

1 night?

2 A When she was shooting nobody was shooting but her.

3 Q Okay. How many shots did she fire?

4 A Well, she was in the back seat shooting at us. As
5 the car was moving, she was boom, boom, boom, boom, all
6 the way up Sumter Street.

7 Q Okay. So many shots did she ---

8 A It was a lot. I don't know. I couldn't count. Like
9 I said, I was still devastated at the fact Chelsea just
10 got shot talking to me.

11 Q But if someone else were shooting, you certainly
12 would have seen it right there?

13 A Not quite sure if someone else was shooting at the
14 same time, but at that time just she was shooting for sure
15 at us.

16 Q All right. And do you admit or deny seeing another
17 person in a car shooting a gun?

18 A I never said another person was shooting in a car
19 because the lady that was driving had a plate or drink or
20 something in her hand. She wasn't even aware of the
21 problem that was going on. She was trying to get in the
22 car herself. And Jolica didn't have a gun in her hand
23 because I watch her walk to the car.

24 Q You never say Jay Robinson with a gun?

25 A No, I didn't see him with a gun.

1 Q Never saw him shoot?

2 A No, I didn't.

3 Q Never saw Demarcus Bluett with a gun?

4 A No.

5 Q Never saw him shoot?

6 A No.

7 Q And you were right there you certainly would have see
8 it if somebody done it, correct?

9 A When she started shooting, nobody was shooting. We
10 were all watching Jolica get in the car.

11 Q I understand.

12 A So it was no need for her to shoot at us.

13 Q Now, let me ask you this, how much time had lapsed
14 when Carlos Jackson doing boom, boom, boom and this other
15 shooting? How much time had transpired?

16 A I say a good 15 to 20 minutes when he shot the shot
17 and tell everybody to stop fighting and it took us --
18 Jolica and her broke up. And we still was telling Jolica
19 to leave, leave, leave.

20 Q Fifteen to 20 ---

21 A Fifteen, 20, 30 minutes. She just wouldn't leave.

22 Q Fifteen to 20 minutes?

23 A Uh-huh.

24 Q Because that gives your daughter and her passengers
25 time to leave?

1 A They were already gone.

2 Q Right.

3 A I watch them leave.

4 Q So 15 to 20 minutes had elapsed between Carlos
5 Jackson's boom, boom and these -- and this shooting this
6 car leaving?

7 A No, no.

8 Q Fifteen 20 minutes of that?

9 A Stew shot the gun in the air.

10 Q Right.

11 A Kanisha and Jojo had broke up then, that's when I
12 told them to leave.

13 Q Right.

14 A Nish got in the car with my daughter, her aunt and
15 her boyfriend and they left ASAP.

16 Q I understand that.

17 A From that point, it was 15 to 20 minutes of us trying
18 to get Jolica just to leave.

19 Q Fifteen to 20 minutes after your daughter left to --
20 'til this other shooting?

21 A Right.

22 Q So if someone said that it was one minute between
23 Carlos Jackson shooting his gun and this other shooting,
24 that would be incorrect?

25 A Incorrect.

1 MR. TUCKER: Objection, that's witness pitting.
2 She can only testify as to what her recollection was.

3 THE COURT: All right. She answered the
4 question. We're going to -- please move on. Thank you.

5 BY MS. PARHAM:

6 Q So one minute would be incorrect?

7 MR. TUCKER: Again, your Honor, it was an
8 objection. I believe ---

9 THE COURT: Sustained. Please ask another
10 question.

11 BY MS. PARHAM:

12 Q Okay. How long, ma'am, did it take you to call the
13 police and tell them what you saw?

14 A When I got to my daughter's house, I did because
15 that's when I could get myself together. You know, I had
16 to walk down the street and knock on those people door and
17 tell them that their baby got shot in front of me. So it
18 took me a while to get myself together, so I'll say about
19 30 minutes maybe an hour.

20 Q Okay. And how did you call the police and tell them
21 this?

22 A They came to my daughter's house. I can't remember,
23 but they came to the house and sat in the living room with
24 us and talk.

25 Q Okay. How many police officers came?

1 A One.

2 Q All right. And was that interviewed recorded in any
3 way?

4 A I'm not sure.

5 MS. PARHAM: Just one minute, your Honor.

6 THE COURT: All right.

7 (WHEREUPON, a pause in the proceedings.)

8 BY MS. PARHAM:

9 Q Okay. Did you ever call the police before they came
10 to your house or did they come to your house?

11 A Like I said, ma'am, I can't remember that. I was so
12 devastated and upset and a lot was going on, but I know
13 the police came and talk to me because I was unable to go
14 to work the next day.

15 Q Isn't it true, ma'am, that you never called the
16 police they came and found you?

17 A I don't think -- I'm not sure. Like I said, I can't
18 remember, but I know I talk to the police that night, that
19 night.

20 Q Because they came to your house, you never called
21 them?

22 MR. TUCKER: Objection, your Honor.

23 THE COURT: Sustained.

24 MS. PARHAM: Thank you, that's all I have.

25 MR. TUCKER: Just a few things on redirect, your

1 Honor.

2 THE COURT: Redirect.

3 REDIRECT EXAMINATION

4 BY MR. TUCKER:

5 Q Ms. Whitehead, and I apologize for having to ask you
6 things that we covered, but I want to make sure that I'm
7 clear. Now, again, you testified that when you saw
8 Chelsea get shot things were kind of traumatizing for you,
9 is that correct?

10 A It was devastating.

11 Q And when you went inside and told them what happened,
12 you testified that you could have said Jolica shot, but
13 you actually meant Jolica sister?

14 A I know I was saying it wrong because I was so
15 devastated. And when they correct me, like, no, not
16 Jolica, Jolica sister, but I was trying to tell them, no,
17 Jolica sister, but I know I was saying it wrong because I
18 was so devastated.

19 Q I understand. Now, but your testimony here today is
20 you saw Measha Joyner fire?

21 A I did. I saw her. She shot Chelsea.

22 Q Okay. And she was the only one in the car firing?

23 A Yes, sir.

24 Q Okay. Now, with regards to things, Ms. Parham ask
25 you in terms of distance and time, I believe you indicated

1 that when she asked you about much time elapse from when
2 Carlos Jackson, Stew fired the gun up into the air until
3 the shooting occurred in which Chelsea was killed and you
4 indicated about 15 to 20 minutes, is that right?

5 A What I was saying is it took that much time for us to
6 separate Jolica and Kanisha.

7 Q I understand. And my question is now you weren't
8 exactly looking at your watch that's just an estimate,
9 right?

10 A Right.

11 Q Okay. So it could have been less time than that,
12 could have been a little more?

13 A It was -- it could have been a little more, but just
14 like I say Jolica would not go to the car.

15 Q I got you. But that's just how much time it seem
16 like to you?

17 A It seem like to me, yes.

18 MR. TUCKER: Okay. All right. I believe those
19 are all the questions I have, your Honor.

20 THE COURT: All right. Thank you,
21 Ms. Whitehead.

22 MS. PARHAM: One follow-up, your Honor.

23 THE COURT: All right, if you can approach
24 please.

25 (WHEREUPON, a bench conference was held in the

1 presence of the jury, but out of the hearing of the
2 jury.)

3 THE COURT: All right. Ms. Whitehead, thank you
4 for being here. You're free to step down. Is there any
5 objection to her being released from her subpoena?

6 MR. TUCKER: None from the State, your Honor.

7 MS. PARHAM: No, your Honor.

8 THE COURT: Okay. Thank you, ma'am.

9 (WHEREUPON, the witness leaves the witness
10 stand.)

11 THE COURT: Mr. Tucker.

12 MR. TUCKER: Thank you, your Honor. At this
13 time the State would call Deandra Whitehead to the stand.

14 THE CLERK: Please come up to the stand over
15 there where the Bible is. Place your left hand on the
16 Bible and raise your right hand. Do you swear or affirm
17 the testimony you give in this case to be the truth, the
18 whole truth, and nothing but the truth so help you God?

19 THE WITNESS: Yes, ma'am.

20 THE CLERK: Please be seated and state your full
21 name for the record?

22 THE WITNESS: My name is Deandra Whitehead.

23 THE COURT: And you're going to have to speak up
24 because everybody's going to have to be able to hear you and
25 the court reporter has to take down everything that you

1 say, okay.

2 THE WITNESS: Yes, sir.

3 THE COURT: All right. Thank you.

4 WHEREUPON,

5 Deandra Whitehead,

6 after first having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. TUCKER:

9 Q Ms. Whitehead, I want to ask you a couple questions,
10 but let me first start with where do you live presently?

11 A West Florence.

12 Q Okay, I need you to speak up just a little bit
13 please?

14 A West Florence.

15 Q There we go. How long have you lived in the West
16 Florence area?

17 A About all my life.

18 Q And how old are you now?

19 A Thirty-five.

20 Q Okay. I know I shouldn't ask a lady that, but I'm
21 going to ask nonetheless, so we can get a frame of
22 reference how long you lived in Florence County. Now,
23 with regards to work what do you do?

24 A I'm quality at On Time Distribution located in
25 Darlington, South Carolina.

1 Q And how long have you worked there?

2 A Almost six months before then Harbor Freight.

3 Q Okay. How long did you work at Harbor Freight?

4 A About two years.

5 Q Now, I want to turn your attention to things that's
6 not pleasant to talk about, but ask you some questions
7 none the less. Do you have a criminal history?

8 A Yes, sir, I do.

9 Q All right. And let me ask you some specifics about
10 it. Were you convicted or pled guilty to filing a false
11 police report in 2010?

12 A Yes, sir.

13 Q Okay. And with regards other matters were you ---

14 THE COURT: Let me ask for one moment for the
15 attorneys to approach please.

16 (WHEREUPON, a bench conference was held in the
17 presence of the jury, but out of the hearing of the
18 jury.)

19 THE COURT: All right, ladies and gentlemen, at
20 this time we're going to take a brief recess. Please
21 don't discuss this case. We'll give you enough time to
22 use the restroom or whatever you need to do. And then
23 we'll have you right back out, okay. Thank you so much.

24 (WHEREUPON, the jury retire to the jury room.)

25 MR. TUCKER: Your Honor, I'll speak to Ms.

1 Whitehead about what we discussed.

2 THE COURT: Ms. Whitehead, there's been an order
3 in this case or a ruling in this case where potential
4 witness can't be in the courtroom and so you're fine.
5 You're fine. I know you didn't know that probably and so
6 thank you, ma'am. I didn't mean to scare anybody. And
7 you welcome to step down. You just can't talk to anybody
8 about your testimony or you can stay right there, okay,
9 but you're still on the stand. Thank you.

10 (WHEREUPON, a break was taken.)

11 THE COURT: All right, we ready?

12 MR. TUCKER: Ready, your Honor.

13 THE COURT: All right. We have the jury please.

14 (WHEREUPON, the jury came into open court.)

15 THE COURT: All right, Mr. Tucker.

16 MR. TUCKER: Thank you, your Honor. May it
17 please the Court.

18 THE COURT: Yes, sir.

19 BY MR. TUCKER:

20 Q And, Ms. Whitehead, before we went on break, I was
21 going over your criminal history and you had a 2009
22 conviction for credit card fraud also, do you not?

23 A Yes, sir.

24 Q Okay. Now, I want to direct your attention to the
25 evening of March the 23rd into the morning of March 24,

1 2019, okay?

2 A Yes, sir.

3 Q And do you recall what you were doing that evening?

4 A I attended a party at Kenny store.

5 Q I need you to speak up just a little bit, Ms.

6 Whitehead, I'm sorry?

7 A I attended Carlos party at Kenny Store.

8 Q Now, when you say Carlos, are you referring to Carlos
9 Jackson?

10 A Yes, sir.

11 Q And was there someone else there celebrating a
12 birthday that evening as well?

13 A I can't remember that.

14 Q Okay. Was it your mom's birthday as well she
15 celebrating her?

16 A Yeah, but I call her there.

17 Q Okay. But did she ultimately come there though?

18 A Yes, sir.

19 Q Okay. Now, do you recall what time you arrived at
20 the party?

21 A Probably like after seven because I know I went to
22 the mall in Sumter before we came to Kenny store.

23 Q Okay. Now, when you say we, who else came with you?

24 A My and Kanisha.

25 Q And by Kanisha are you referring to Kanisha Allen?

1 A Yes, sir.

2 Q All right. Now, when you got there about seven, how
3 many people were in attendance at this point?

4 A Everybody that normally be at the store.

5 Q Okay. And did it -- the party ultimately add more
6 people as the evening went on?

7 A Yes, sir.

8 Q Now, was Chelsea at that party as well?

9 A Yes, sir.

10 Q And how well did you know Chelsea Plowden?

11 A I know her good because we hang out every day.

12 Q Okay. And for how long had you known Chelsea up
13 until that evening?

14 A Probably like two years.

15 Q Okay. Now, at some point in the evening did your
16 mom, Gloria, ultimately arrive there at the party?

17 A Yes, sir, she came like probably like ten or nine
18 somewhere around that time. It was a couple hours after I
19 was there.

20 Q Okay. Now, did you happen to see the defendant
21 Measha Joyner at the party up to the point when your mom
22 arrived?

23 A She came after my mom -- mother got there.

24 Q Okay. And without going into how you know, I'm going
25 to ask you if you know the defendant Measha Joyner?

1 A I don't know her. I know of her.

2 Q Okay. Were you able to recognize her when you saw
3 her that night?

4 A Yes, sir.

5 Q And did you also know her sister Jolica Joyner?

6 A Yes, sir, I know her.

7 Q And were able to recognize her when you saw her that
8 night?

9 A Yes, sir.

10 Q Now, I want to ask you what time did you become aware
11 that the Joyner sister's were there at that party?

12 A I never knew they was coming until they came.

13 Q Okay. Do you recall if that was after your mom had
14 gotten there?

15 A Yes, sir.

16 Q Okay. And do you recall whether or not we're talking
17 past midnight now into the 24th or do you know?

18 A It was before midnight.

19 Q Okay.

20 A Like 11 to 12 around that time between the time.

21 Q Now, you had been at that party from seven until now
22 we're talking just before midnight?

23 A Yes, sir.

24 Q Had there been any problems at the party prior to the
25 arrival of the Joyner sisters?

1 A No, sir.

2 Q Now, once the Joyner sisters arrived, did you see
3 them with anybody else?

4 A Somebody was driving the car that came in. I don't
5 know her.

6 Q You never seen her before?

7 A No, sir.

8 Q Now, once they got there what, if anything, happened
9 next?

10 A It was all right for a little bit. They were inside.
11 We chose to stay outside.

12 Q Now, when you say we choose to stay outside, whom
13 else are you referring?

14 A Me and Kanisha.

15 Q All right. Now, at some point you said a little
16 while, do you recall how long that was before something
17 happened?

18 A It was like when they were leaving out the door.

19 Q And then what happened next?

20 A Words were exchange and we started fighting.

21 Q Now, with whom did you start fighting?

22 A Measha.

23 Q Okay. And Measha is Measha Joyner?

24 A Yes, sir.

25 Q Okay. Did somebody else start fighting as well?

1 A Kanisha fight Jolica because Jolica hit me while me
2 and her sister was fighting.

3 Q Okay. So know at this point it's you and Measha and
4 Kanisha Allen and Jolica Joyner fighting?

5 A Correct.

6 MR. TUCKER: If I may approach, your Honor?

7 THE COURT: Yes, sir.

8 BY MR. TUCKER:

9 Q Ms. Whitehead, I'm going to show you what's been
10 entered into evidence as State's Exhibit 2. And if you
11 could look on the map here and if you have to stand, would
12 just kind of point to the general area in the parking lot
13 where all this was going on?

14 A Me and Measha was fighting right here number one.
15 Kanisha and Jolica was fighting up in this area.

16 Q Okay. And where were you parked in terms your
17 vehicle?

18 A Right here.

19 Q Okay. So towards the front of the building?

20 A Yes, sir.

21 Q Okay. All right. Now, how did the fight ultimately
22 break up between the four of y'all?

23 A My mother grabbed me by my hoodie and told us to stop
24 fighting. When she broke us up, she walk me to the car
25 and told me to leave. She was actually telling all of

1 us to leave, but we chose to leave and left.

2 Q Now, let me ask this, your mom had told you to leave
3 and she escorted Measha to the car in which she arrived
4 in, is that correct?

5 A Yes, sir.

6 Q And was Jolica and Kanisha still fighting?

7 A They was find of lock up by hair, each other had each
8 other hair. And they was telling each other to let each
9 other go, but they really was still down. Then once I got
10 up and my mother shouting y'all need to just leave, y'all
11 need to just leave. They kind of separated and we left.
12 Jojo wasn't trying to leave.

13 Q I'm sorry I didn't mean to cut you off. Were you
14 aware that Carlos Jackson or Stew had fired a gun up into
15 the air as y'all were fighting trying to get y'all to
16 break up?

17 A Yes, sir.

18 Q Okay. Do you recall whether he fired one shot or
19 multiple shots?

20 A He fired one shot.

21 Q Okay, just one shot?

22 A Yes, sir.

23 Q Now, at that occurs and all the fighting had stopped
24 what, if anything, did you and Kanisha do?

25 A Say that again?

1 Q After the fighting stopped, after Carlos Jackson
2 fired the gun up into the air and the fighting stopped,
3 what, if anything, did you and Kanisha Allen do?

4 A Just got in the truck and left.

5 Q Okay. Did anybody else get in there with you?

6 A Yes, her aunt Wendy and her aunt Wendy's boyfriend at
7 the time. I believe his name was Moon. We took them
8 home.

9 Q Okay. And did do you recall how long it took y'all
10 to drop off -- they were dropped off at their house?

11 A I can't, but I can tell you we took them behind
12 Frances Marion somewhere up in that area on like Fire Tire
13 Road a trailer park over there.

14 Q And after you dropped them off what, if anything,
15 happened next?

16 A We coming up and Kanisha receive phone call from
17 KeeKee saying that ---

18 Q Now, in terms of not going into what KeeKee told you
19 or Kanisha, but did you understand what the gist of the
20 conversation was or what happened or what had happened?

21 A I did, but we didn't believe it because we left there
22 and she was somewhere else. So we were thinking she had
23 her information wrong until my mother call me and told me
24 the same thing.

25 Q But it was during this phone conversation that y'all

1 became aware that Chelsea Plowden had been shot?

2 A Yes, sir. So we went immediately to the hospital.

3 Q Okay. And when you say the information was wrong,
4 you didn't believe Chelsea Plowden had been shot?

5 A Yeah, I didn't believe it because she was in the
6 store and she don't know MeeMee, so I didn't understand
7 why she would be shooting at them if I wasn't there. We
8 got into not none of them, so that's why I didn't believe
9 it.

10 Q And it's on that point I want to ask you next
11 question. At any point during all the fighting or what
12 led up to the fight, did you see Chelsea Plowden involved
13 in any of it?

14 A No, sir.

15 Q So primarily if I'm correct, it was you, Measha
16 Joyner, Kanisha Allen and Jolica?

17 A Yes, sir.

18 Q And the fight involved the four of y'all, is that
19 correct?

20 A Yes, sir.

21 Q Did you see Chelsea Plowden bothering Measha Joyner
22 at any other way during the way?

23 A No, sir.

24 Q Now, once you arrive at the hospital, did law
25 enforcement ultimately arrive and talk to you?

1 A They talk to me as soon as I got there. They were
2 already there.

3 Q Okay. And just to be clear, you weren't there when
4 the shooting led to Chelsea Plowden's death occur, is that
5 correct?

6 A No, sir.

7 MR. TUCKER: I believe those are all the
8 questions I have.

9 THE COURT: All right. Ms. Parham.

10 MS. PARHAM: Thank you.

11 CROSS-EXAMINATION

12 BY MS. PARHAM:

13 Q Good morning.

14 A Good morning.

15 Q So how much time do you think transpired between
16 you're leaving and you're getting a phone call that
17 Chelsea Plowden had been shoot?

18 A I can't be exact, but I feel like it was 20 to 30
19 minutes.

20 Q And I believe because you were on your way to Frances
21 Marion and back?

22 A Yes, ma'am.

23 Q And so your testimony is is that after you left you
24 went to Frances Marion and back before you got the phone
25 call that she had been shot?

1 A We drop the aunt and her boyfriend off. And at that
2 veer off on Cheves Street right by hospice, that's where
3 we received the phone call.

4 Q Okay. And so is that 20 or 30 minute after you left
5 that you believe that happened?

6 A It was 20 to 30 minutes after. It happen high and so
7 long ago, I don't remember. I just know I wasn't there.

8 Q Okay. And how much time -- so that's after you left
9 20 to 30 minutes. How much time had elapsed between you
10 hearing Carlos Jackson firing the gun and your leaving?

11 A I heard him fire the gun probably five minutes after
12 that and took them to break Kanisha Allen up from Jojo,
13 pull them a part they had each other hair. So once they
14 took them a part, we left, so five minutes.

15 Q Okay. So five minutes after the gunshot to you
16 leaving approximately?

17 A Yes, ma'am.

18 Q And then 20 to 30 minutes approximately after you
19 leave until you believe Chelsea was shot?

20 A Until I received the phone call, yes, ma'am.

21 Q Okay. Do you believe you received that phone call
22 right after she was shot?

23 A I don't know.

24 Q Okay. Now, do you recall your mom calling you and
25 saying that Jojo shot her in the head?

1 A Yes, I do, but she was so out of it when she was
2 yelling that Jojo shot Chelsea in the head. Jojo shot
3 Chelsea in the head. I'm like, mom, I don't think you
4 know what you talking about.

5 Q Do you recall giving an interview right after this
6 happened to law enforcement Investigator Banister where
7 you say your mom called say Jojo shot her in the head.
8 And you said Jojo shot her in the head. And your mom
9 says, yes, and click. Those your exact words. You don't
10 recall that?

11 A No, ma'am.

12 Q Okay. Do you also recall when you're talking about
13 Carlos Jackson shooting some bullets plural in the air?

14 A I never said bullets. I know he fired one time.

15 Q Okay. And then after you said that do you recall
16 Banister, Detective Banister saying did he leave after he
17 fired those shots?

18 A Did who leave after they fired?

19 Q Well, what I'm saying is in other words on your
20 interview with Detective Banister do you remember saying I
21 just saw some bullets fired in the air nothing else. And
22 then Detective Banister ask you because I believe the word
23 if I heard it correctly would be bullets. Detective
24 Banister ask you a question did he leave after he fired
25 those shots? In other words, the detective after he heard

1 you say what you said says did he leave after he fired
2 those shots not that shot, but those shots plural?

3 A Carlos never left even after the shot. He never
4 left.

5 Q I understand that point. But my question is do you
6 remember Detective Banister asking you those shots ---

7 A No, ma'am, I don't.

8 Q --- rather than that shot?

9 A No, ma'am, I don't.

10 Q And do you recall your answer to Detective Banister
11 being, no, he was the one who called the police. He was
12 the one who made the 9-1-1 call?

13 A No, I wasn't there for him to make a 9-1-1 call, so I
14 don't know who made the 9-1-1 call.

15 Q Do you recall telling Detective Banister in your
16 interview with him that Carlos Jackson is the one who made
17 the 9-1-1 call?

18 A No, ma'am, I don't.

19 Q You don't recall that?

20 A No, ma'am.

21 MS. PARHAM: Judge, at this point I would ask
22 for a recess so that we can properly play her the audio
23 and then we would submit that to the jury.

24 THE COURT: All right, ladies and gentlemen, if
25 you'll take a brief recess. Please don't discuss the

1 facts of this case. We'll have you right back out. Thank
2 you so much.

3 (WHEREUPON, the jury retire to the jury room.)

4 THE COURT: Ms. Parham, do you intend to just
5 refresh this witness' recollection or how do you intend to
6 do this?

7 MS. PARHAM: Judge, I've already tried to
8 refresh her recollection and she denies it. And now my
9 plan is to offer extrinsic evidence of the statement. I
10 think it's important for the jury to hear it out of her
11 own mouth. And so what I'd like to do is make sure that
12 we're in agreement to start with portions and then I would
13 like to publish those to the jury.

14 THE COURT: Mr. Tucker.

15 MR. TUCKER: Your Honor, I don't know that I
16 necessarily have an objection to it, that would seem to be
17 the proper extrinsic rule of method to follow. Again, I
18 know that there is some case law out there that talks
19 about playing the entire thing as oppose to just playing a
20 snippet of it, but I agree I don't know that that would be
21 necessary here if that's the only issue that's in dispute.

22 THE COURT: Okay.

23 MS. PARHAM: And, Judge, we will -- we've
24 already given the court reporter the body cam that we
25 talked about yesterday. And we might need to talk about

1 that before we close cases, but at any rate we will put
2 the proper snippet. This is a place holder. We tried to
3 do it this morning, but we didn't know what she was going
4 to admit to.

5 THE COURT: So you're going to introduce the
6 statement into evidence?

7 MS. PARHAM: Yes. But first let me play it for
8 you and her and make sure we're in agreement. This would
9 be Defense Exhibit 2. Defendant's Exhibit 3.

10 THE COURT: Let me ask you this are you only
11 intending to play a portion of the statement into evidence
12 that you wish to play to the jury?

13 MS. PARHAM: Yes, that's what we are planning to
14 do.

15 THE COURT: And the State doesn't have an
16 objection to that?

17 MR. TUCKER: No, your Honor.

18 MS. PARHAM: And this would Defense Exhibit 3
19 your Honor would be -- I'm just calling them by the
20 numerical portion where it pulls up and the tape is
21 2-0-3-5.

22 THE COURT: What is it?

23 MS. PARHAM: Well, I have named them by where
24 they are on the time stamp on the video, so this is
25 2-0-3-5.

1 THE COURT: But this is Deandra Whitehead's ---

2 MS. PARHAM: But this is Defense Exhibit 3, yes.

3 THE COURT: Deandra Whitehead's ---

4 MS. PARHAM: Part of her statement, right, and
5 this is regarding her mom's comment about shooting Jojo in
6 the head.

7 THE COURT: Okay.

8 (WHEREUPON, Defense Exhibit 3 audio played for
9 the Court.)

10 MS. PARHAM: That's one, that's Defense Exhibit
11 3. Defense Exhibit 4 I call 2-3-3-4 because that's the
12 place in the video.

13 (WHEREUPON, Defense Exhibit 4 audio played for
14 the Court.)

15 MS. PARHAM: Okay, that was the bullets in the
16 air. Then 408 is Defense Exhibit 5.

17 (WHEREUPON, Defense Exhibit 5 audio played for
18 the Court.)

19 THE WITNESS: I didn't say call the police
20 Kanisha did.

21 THE COURT: The Court's issue this seems to be
22 confusing. I don't know that this is not going to confuse
23 the jury to do this in this fashion, but if there's no
24 objection. I mean, what does this even say.

25 MS. PARHAM: It says that Carlos Jackson is the

1 one who called 9-1-1.

2 THE WITNESS: But listen to who ---

3 THE COURT: All right, ma'am, I'm just going to
4 talk to the attorney's right now. Thank you.

5 MS. PARHAM: We could play it again.

6 THE COURT: All right, if you could play it
7 again.

8 MR. TUCKER: Your Honor, I think if we're going
9 to play multiple parts of it, I was thinking it was only
10 one or two. But if they're going to be multiple parts, I
11 guess, I agree that will be confusing to the jury. I
12 think the proper technique will be to play the entire
13 statement and that way they can hear the entire statement
14 as she gave law enforcement. I don't think it's that
15 long, so I don't think it will take all that long, but
16 then the jury can hear the entire statement and the
17 context which the statement was made.

18 THE COURT: And I think under the rules you have
19 the right to require that the entire statement come in and
20 certainly y'all can otherwise.

21 MS. PARHAM: Well, you know, I don't -- the only
22 thing that's inadmissible, I believe completely
23 inadmissible in the statement is any past disputes between
24 them and fighting in the past or any shooting in the past
25 or anything like that. There might be some of that in the

1 statement I can't remember off the top of my head. So
2 that is not admissible at all for the jury to hear.

3 MR. TUCKER: And I would tend to agree there
4 your Honor as long as we give an instruction to the jury
5 that what happened sometimes is when those statements are
6 clipped, it looks like it jumps. And if it's a time clock
7 down there the jury wonders about why it jumps from ---

8 THE COURT: I mean, I have a jury charge that
9 can address that, but my -- for purposes of keeping this
10 trial moving without going to redact this video, is there
11 an agreement that we can come to?

12 MS. PARHAM: Judge, I think -- yeah, I have to
13 go back and -- I can look at it at lunch again, but what I
14 like to play are these specific portions that contradict
15 what she testified to on the stand.

16 THE COURT: And when you place the entire video
17 into evidence, then you can publish whatever portion of it
18 want to to the jury in your cross-examination. So if
19 that's what you want to do, then the State could do
20 likewise in any way they like to, but for purposes of
21 continuing this trial, can we not do that now and then
22 redact video for purposes of putting it in.

23 MS. PARHAM: I don't remember off top of my head
24 everything that's in this video. What I would like to
25 offer -- it's just like a written statement, but it's a

1 video statement.

2 THE COURT: I understand.

3 MS. PARHAM: And so I would like offer the
4 pieces of her statement that contradict her testimony.
5 And so I'm not offering the whole video because I don't
6 remember off the top of my head everything in the video.
7 And I know there's some prejudicial inadmissible things,
8 but what I'm saying is these three statements contradict
9 her testimony and for the sake of brevity I was just
10 offering these three snippets.

11 THE COURT: But I understand the State's not
12 moving under the rules to require the entire video to be
13 placed into evidence if you're going to place it into
14 evidence. I think they have the right to do that.
15 Certainly, again, you have the right to publish only what
16 that portion of it that you like to to the jury. And then
17 during lunch break you all could redact whatever needs to
18 be redacted for the purposes of the statement being placed
19 into evidence for the jury to see at some later time.

20 MS. PARHAM: Okay.

21 THE COURT: Is that fair?

22 MS. PARHAM: That's fire.

23 THE COURT: All right.

24 MS. PARHAM: So but the way we're going to leave
25 this we're going to play these publish these three

1 portions?

2 THE COURT: That's up to you. Now, do you want
3 to -- does she need to lay the foundation or are we going
4 to stipulate this into evidence?

5 MR. TUCKER: As long as what we're stipulating
6 to is the entire statement coming in, but for the redacted
7 portion talking about the prior history between the two.
8 And I understand she's just going to play these three
9 portions from the statement before the jury.

10 THE COURT: All right.

11 MS. PARHAM: Thank you.

12 THE COURT: All right. We all understand that
13 if we can have the jury please. And then just after the
14 lunch hour if we're going to put the redacted statement
15 into evidence, right?

16 MR. TUCKER: Yes, sir. Now, you're just putting
17 the video not the text, correct?

18 MS. PARHAM: Right.

19 THE COURT: Yeah, I notice that the other day or
20 yesterday is there a way to do that?

21 MS. PARHAM: Yeah, it's funny because we have
22 these things on Drop Box because they were too large to go
23 on another system in our office and Drop Box just
24 transcribes it not accurately necessarily but just ---

25 THE COURT: Mary, can you stop the jury for one

1 second? Are we clear? Do we know how to do? I don't
2 have a problem with it popping up for a brief second to
3 find the place, but then it needs to just be the video.

4 MS. PARHAM: Okay.

5 THE COURT: I just don't want it to be on there
6 continuously. All right. It's come to our attention that
7 one of the jurors has a tooth ache. I'm not sure what's
8 going on right this second. The clerk's on that
9 situation.

10 (WHEREUPON, court at ease.)

11 (WHEREUPON, the jury came into open court.)

12 THE COURT: All right, Ms. Parham.

13 MS. PARHAM: Thank you, Judge. So at this time,
14 your Honor, I guess it will be I guess Defense Exhibit 3,
15 which will be this interview that we'll submit the entire
16 interview later as per the Court's ruling. But we're
17 going to play these three snippets without objection from
18 the State. So would you please cue 2-0-3-5 and this is
19 regarding who shot.

20 (WHEREUPON, Defense Exhibit 3 played for the
21 jury.)

22 MS. PARHAM: Okay. And then 2-3-3-4 regarding
23 bullets.

24 (WHEREUPON, Defense Exhibit 4 played for the
25 jury.)

1 MS. PARHAM: And then 2-4-0-8 regarding did he
2 leave after he fired those shots.

3 (WHEREUPON, Defense Exhibit 5 video played.)

4 MS. PARHAM: All right. Thank you.

5 BY MS. PARHAM:

6 Q Who is that sitting next to you in the interview
7 room?

8 A Kanisha Allen.

9 Q Kanisha Allen?

10 A Yes, ma'am.

11 Q And so the law enforcement officers there, the
12 detective there they interviewed y'all together?

13 A Yes, ma'am.

14 Q Did they ever interview you separately?

15 A Yes, they did.

16 Q When was that?

17 A I talk to them -- I talk to Mr. Banister by myself
18 and I believe I talk to Mr. Todd Tucker by myself as well.

19 Q Okay. When did you talk to Investigator Banister by
20 yourself?

21 A I don't know.

22 Q Before this or after this?

23 A After that before he -- somebody else had the case.

24 Q Okay. And then was that also reported that interview
25 with you by yourself with Detective Banister?

1 A I don't know.

2 Q Was it in the same interview room?

3 A I can't remember that far back, ma'am.

4 Q Okay. And but on this particular day, they
5 interviewed the two of you together?

6 A Yes, ma'am.

7 Q And this was your first interview with law
8 enforcement?

9 A Yes, ma'am.

10 Q And they interviewed y'all together rather than
11 separately?

12 A Yes, ma'am.

13 Q Okay. Now, when the detectives saying did he leave
14 after he fired those shots, no, he was the one who called
15 the police. He's the one who called 9-1-1 to whom were
16 you referring?

17 A Kanisha said that not me.

18 Q Okay. You said yeah, yeah who was she referring to?

19 A From watching the video Carlos Jackson.

20 Q Right. Now, when you left you said y'all had four
21 people in the car you, Kanisha, your aunt Wendy and Mute?

22 A Yes, ma'am.

23 Q What's Mute's real name?

24 A I don't know him.

25 Q You don't know. How did they happen to ride with

1 you?

2 A Because Wendy is Kanisha's aunt. She gave her a
3 ride. He was with her.

4 Q Okay. But you don't know his real name?

5 A No, ma'am.

6 MS. PARHAM: Thank you. I believe that's all I
7 have.

8 MR. TUCKER: And just briefly on redirect.

9 REDIRECT EXAMINATION

10 BY MR. TUCKER:

11 Q Ms. Whitehead, when your mom called you and told you
12 about what happened about Jolica shooting Chelsea in the
13 head was she upset?

14 A Yes, and I know she had it wrong anyway because she
15 don't know MeeMee or her name.

16 Q But your mom was upset?

17 A Yes, she meant to say Jojo sister I know that.

18 Q Okay. Now, with regards to your recollection about
19 what happened, how many times did Carlos Jackson fire up
20 into the air?

21 A One time in the air.

22 Q And you're sure about that?

23 A Yes, sir.

24 MR. TUCKER: Those are all the questions I have,
25 your Honor.

1 THE COURT: All right. Ms. Whitehead, thank you
2 for being here. You're free to step down. Is there any
3 objection to being released from the subpoena?

4 MR. TUCKER: None from the State, your Honor.

5 MS. PARHAM: No, your Honor.

6 THE COURT: Thank you, ma'am.

7 (WHEREUPON, the witness leaves the witness
8 stand.)

9 THE COURT: Mr. Tucker.

10 MR. TUCKER: Your Honor, at this time the State
11 would call Kanisha Allen to the stand.

12 THE CLERK: If you will please walk to the stand
13 and place your left hand on the Bible and raise your right
14 hand. Do you swear or affirm the testimony you give in
15 this case to tell be truth, the whole truth, and nothing
16 but the truth so help you God?

17 THE WITNESS: Yes, I do.

18 THE CLERK: Please be seated and state your name
19 for the record.

20 THE WITNESS: My name is Kanisha Allen.

21 MR. TUCKER: May it please the Court.

22 THE COURT: Yes, sir.

23 WHEREUPON,

24 Kanisha Allen,

25 after first having been duly sworn, testified as follows:

DIRECT EXAMINATION

1
2 BY MR. TUCKER:

3 Q Ms. Allen, you make sure you speak right into the mic
4 so everyone can hear you, okay.

5 A Yes, sir.

6 Q Ms. Allen, where do you live?

7 A I stay in Florence.

8 Q And how long have you lived in Florence?

9 A All my life.

10 Q And, again, not polite to ask, but I must anyway how
11 old are you?

12 A I'm 34.

13 Q All right. What kind of work do you do?

14 A I'm assistant director at Freedom Plasma in Sumter,
15 South Carolina.

16 Q And how long have you had that job?

17 A At that center two years at that center.

18 Q And what kind of work do you do prior to that?

19 A Same thing, but it was Octapharma Plasma in Florence.

20 Q Okay. Now, Ms. Allen, I want to direct your
21 attention back to the evening of March 23rd of 2019 into
22 the morning of March 24, 2019 do you recall where you
23 were?

24 A Yes.

25 Q And where was that?

1 A Well, I was at home March 24th, but March 23rd I was
2 attending a party.

3 Q Okay. I need you to speak up just a little bit so
4 everybody can hear you. Now, you mention a party where
5 was the party let me ask?

6 A It was around the corner from my grandma house, which
7 was the store I grew up going to every day, which we call
8 Ken Store.

9 Q Okay. Is that on Coit Street and Sumter Street?

10 A Coit is beside Majority Baptist Church.

11 Q Okay. Didn't mean to leave the church out. Now, do
12 you recall what time you went to the party?

13 A I really can't give you a time, but it was nighttime,
14 so I was there around eight, 8:30.

15 Q Okay. You weren't looking at a watch when you were
16 going?

17 A I was not.

18 Q Okay.

19 A It was time to party.

20 Q Who did you go to the party with?

21 A My and girlfriend Deandra Whitehead.

22 Q Now, do you recall when you arrived at the party --
23 let me ask you this, why was the party being given?

24 A It was my cousin birthday.

25 Q And who's your cousin?

1 A Carlos Jackson.

2 Q Now, is he referred to as Stew?

3 A Stew.

4 Q Now, was Gloria Whitehead's birthday being celebrated
5 that evening?

6 A It was her birthday was on the 23rd. His was on the
7 26th, so we brought them together and did a celebration.

8 Q Okay. Now, do you recall if whether or not Gloria
9 Whitehead was at the party when you and Deandra arrived?

10 A I can't recall. I really can't, say she came
11 afterwards. We were there first.

12 Q But at some point during the evening you became aware
13 that Gloria Whitehead was there?

14 A Yes.

15 Q Now, do you recall seeing Carlos Jackson there at the
16 party?

17 A Of course.

18 Q Do you know the defendant in this case Measha Joyner?

19 A I do.

20 Q And do you know her sister Jolica Joyner?

21 A Yes.

22 Q And were they at the party when you first arrived?

23 A No.

24 Q Now, did you also know the victim in this case
25 Chelsea Plowden?

1 A Yes.

2 Q And how well did you know Chelsea?

3 A I know Chelsea well. I spend most of my days when I
4 got off work with Chelsea at my grandma house.

5 Q And do you recall how old she was on the night that
6 this happened?

7 A I want to say she was either 20, 21. I'm not so
8 sure.

9 Q Okay, 23 does that sounds about right?

10 A It does.

11 Q She was in her early 20's?

12 A She was in her early 20's.

13 Q Okay. Now, at some point did you become aware that
14 the Joyner sisters had arrived at the party and were
15 actually there?

16 A Yes.

17 Q And do you recall what time this occurred?

18 A I'm not too sure, but it probably could have been 30,
19 to 40 minutes after we were there.

20 Q Okay. So if you got there just before midnight
21 around that ballpark is when they got there?

22 A Yes.

23 Q Now, do you recall there being any trouble at the
24 party before the Joyner sisters arrived?

25 A Everybody was having a good time. There was no

1 trouble.

2 Q Now, if this was a birthday party, I'm guessing that
3 perhaps everybody were friends and family of each other
4 would that be fair to say?

5 A Mainly family.

6 Q Okay. Now, after they arrived, did you become aware
7 that there was an issue or was there a problem after they
8 arrived or shortly thereafter?

9 A I did.

10 Q And do you recall how that occurred?

11 A Well, the issue was already going on prior to them
12 being there.

13 Q Before we get -- don't go into what happened before
14 just what happened that night. But do you recall the
15 circumstances under which the fight took place after they
16 arrived?

17 A Yes.

18 Q Okay. And could you tell me a little about that?

19 A Well, before they even went into the store, it was a
20 whole bunch of stare downs. Me and Deandra was sitting
21 outside in my truck. I was actually sitting in the
22 passenger side and she was standing in front of me. So
23 when they walked in, of course, it was a little tension,
24 but the whole time me and Deandra stayed outside because
25 we already knew it would be tension, so we stayed outside

1 majority of the party inside my truck. Once they walk out
2 the store to walk past my truck words were exchanged.

3 Q All right. Let me approach if I may. And I'm going
4 to show you what's been entered into evidence already as
5 State's 2. And I'm going to hold this up over where you
6 can see it and the jury can see as well. Could you point
7 to the area there on the map this is the front of the
8 store and this is the parking lot where you were parked?

9 A I was here because I was parked directly like in
10 front of the store door because that's the door of Kenny
11 Store side parking lot and it's the side parking lot. So
12 I had my truck somewhere here.

13 Q Okay. And you testified that they came by and then
14 they went inside and then they came back out?

15 A Yes, sir.

16 Q Do you recall how much time took place or how much
17 time elapsed from when they went in until they came back
18 out?

19 A Probably, I want to say an hour and maybe an hour and
20 a half not too sure.

21 Q Okay. And when they came out what happened?

22 A When they came out, Measha say something to Deandra
23 and then words were exchanged, so they immediately started
24 fighting. Jolica jumped in so, of course, I jumped in to
25 fight. So me and Jolica was fighting like the side of my

1 car and I don't know how Deandra and Measha made it by
2 almost the door of Kenny Store, but they were fighting
3 right there against the wall. And I could see that
4 because once I looked up, I can see right in front of me
5 to the side I can see Deandra and Measha fighting.

6 Q Okay. Now, you were fighting with Jolica Joyner?

7 A With Jolica.

8 Q And Deandra was fighting with Measha Joyner?

9 A Measha.

10 Q Okay. And what occurred as y'all were fighting?

11 A As we were fighting, we kept fighting. It seem like
12 a long time, but it was probably every bit of about three
13 or four minutes. And then I could hear my cousin yelling
14 telling us to stop fighting.

15 Q Now, when you say your cousin, to whom are you
16 referring?

17 A Carlos, Stew.

18 Q Okay. And then what happened?

19 A He let off a gun in the air. And at that moment, it
20 cease where everybody spreaded apart, but I couldn't get
21 apart from Jolica because she had my head on top of her,
22 so we wasn't moving until they pull us apart. I can't
23 even remember who pull us a part. So once they pull us
24 apart I walk back to my truck and stood by my truck and
25 was telling Deandra let's go, let's go. So she still was

1 not coming at that moment and then she finally came. And
2 my aunt was with me her name is Wendy and her boyfriend.
3 I had to take them home, so they got in the truck still
4 didn't leave immediately. So once Deandra got in the
5 truck, we drove off.

6 Q Okay. And when you say Carlos fired a round up into
7 the air, you recall how many shots were fired?

8 A One time.

9 Q That was it just once?

10 A One time.

11 Q Now, once everybody got in the truck, you indicated
12 y'all left?

13 A Yes.

14 Q And do you recall where you went when y'all left the
15 Quick Stop?

16 A Went to go drop my aunt off at the house her and
17 boyfriend and then we were on our way back.

18 Q Okay. And where did you live, where did you drop
19 them off?

20 A Out by Frances Marion. I don't know the exact
21 neighborhood, but it's about past Frances Marion. It's at
22 Dollar General. You make that right to that neighborhood
23 I'm not too sure.

24 Q And what, if anything, occurred after you dropped
25 your aunt and her boyfriend off?

1 A After I received that call, I got a call from my
2 sister who was in New York at the time telling me that
3 Chelsea was shot and I'm telling her, no, isn't shot.
4 Because I just left the store nobody was shooting because
5 I left. And when I left, nobody was shooting at all.

6 Q Okay. And did you become aware that in fact that had
7 occurred?

8 A Yes, because Deandra mama was calling her at the time
9 too and just told her like Chelsea got shot.

10 Q Could you hear what she was saying to Deandra
11 Whitehead?

12 A She was screaming.

13 Q She sound distraught?

14 A Yes.

15 Q Okay. And as a result of that phone call, what, if
16 anything, you did you and Deandra do?

17 A We went straight to the hospital.

18 Q Okay. And, of course, did Investigator Banister show
19 up at the hospital sometime thereafter?

20 A He did.

21 Q And what, if anything, occurred, did you and Deandra
22 speak with him?

23 A We did.

24 Q And do you recall whether that conversation took
25 place?

1 A It took place initial conversation was at the water
2 company at that office.

3 Q Okay. And was that as y'all were there at the
4 hospital or you said what company?

5 A The water company, that's the police department I
6 believe.

7 Q Okay. Where the old water company use to be?

8 A Yes, sir.

9 Q All right. Do you recall speaking to Investigator
10 Banister there at the hospital?

11 A We did.

12 Q Okay. You and Deandra both speak to him there?

13 A We did.

14 Q And then do you recall how much time elapse from that
15 conversation until when y'all came down to the police
16 station to give a statement?

17 A I'm not too sure.

18 Q Okay. Would it have been within a day or two?

19 A Probably was -- I would say the next day, but I'm not
20 so sure. But it was in that time frame of a day or two
21 because it was -- it was hard to have that conversation
22 with him.

23 Q I understand. And I understand you were still under
24 the stress of the events that had occurred, but at any
25 rate did you and Deandra came down and ultimately talk to

1 Investigator Banister?

2 A Yes, sir.

3 Q I want to be clear and I want the ladies and
4 gentlemen of the jury to be clear as well. You and
5 Deandra had already left the Quick Stop before the
6 shooting that involve Chelsea and everybody else?

7 A We were long gone.

8 Q Okay.

9 MR. TUCKER: I believe those are all the
10 questions I have, your Honor.

11 THE COURT: All right.

12 CROSS-EXAMINATION

13 BY MS. PARHAM:

14 Q Good morning.

15 A Good morning.

16 Q So y'all were long gone?

17 A Yes.

18 Q How long gone?

19 A I don't want to give an estimated time, but whatever
20 it takes to get from the Quick Stop to out there by
21 Frances Marion on the way back, so I know it had to be
22 over 20 minutes.

23 Q Okay. Over 20 minutes. Then how much time had
24 elapsed between that shot that you talk Carlos Jackson
25 firing and when you left?

1 A He let that shot off it probably -- it couldn't have
2 been no more than five minutes, five to ten minutes.

3 Q Okay. So he fires that round and five or ten minutes
4 goes by. Then y'all leave. And then 20 minutes later you
5 get phone call?

6 A From KeeKee.

7 Q Okay. You told the prosecutor that you had spoke to
8 Detective Banister in the hospital. Do you know who else
9 was with him in the hospital?

10 A No.

11 Q Do you know if he was recording that statement?

12 A I'm not too sure.

13 Q Was he taking notes when he spoke to you with the
14 note pad?

15 A He was.

16 Q He was. Was anyone else present when you were
17 talking to him at the hospital?

18 A I want to just say it was just me, him and Deandra.

19 Q Okay. On when you spoke with Detective Banister at
20 the station which we've seen the video you were
21 interviewed together, correct, you and Deandra were
22 interviewed together?

23 A Yes.

24 Q Not separate. Were you ever interviewed separately?

25 A No.

1 Q Always together?

2 A Yes.

3 Q And in that tape recorded interview, they ask you if
4 Carlos Jackson left after firing the gun and you said no.
5 Do you remember what he said?

6 A Can you repeat that for me?

7 Q Yeah. What did Carlos Jackson do after firing the
8 gun?

9 A Well, I'm not too sure, again, because I was top of
10 Jolica. I was just know that they were trying to get us
11 to separated at that time.

12 Q Right. Do you recall telling law enforcement that he
13 did not leave the scene, that he was the one who called
14 the police. He was the one who called 9-1-1?

15 A I wouldn't know who call the police because I was
16 already gone. So I believe having a conversation with
17 Carlos he was the one who stated he called the police, but
18 I wouldn't be able to say that.

19 Q But he told you that and you told that to the police,
20 correct?

21 A I don't recall.

22 Q Okay.

23 MS. PARHAM: I would like to play what's Defense
24 Exhibit 3 2-4-0-8.

25 (WHEREUPON, Defendant's Exhibit 3 played for the

1 video played.)

2 BY MS. PARHAM:

3 Q Does that refresh your memory that you told the
4 police that Carlos Jackson is the one who called 9-1-1?

5 A Of course, it's on camera.

6 Q Okay. So now you remember making that statement?

7 A I say I don't recall, but because I already know that
8 Carlos was outside because he let the shot off but
9 transpired after me and Deandra got in the truck left, I'm
10 not too sure about.

11 Q Do you recall a conversation in the same interview
12 room about Gloria Whitehead calling y'all and saying Jojo
13 shot her in the head. Jojo shot her in the head, yes,
14 click. You remember that?

15 A I don't recall.

16 MS. PARHAM: I would just like to play 2-0-3-5.

17 (WHEREUPON, audio played for the Court .)

18 BY MS. PARHAM:

19 Q Does refresh your memory?

20 A It does.

21 Q Okay. During the break after Gloria Whitehead
22 testified this morning, did Detective Banister come out of
23 this courtroom and talk to you?

24 A Detective Banister?

25 Q The man sitting here at the government's table?

1 A No.

2 Q You don't recall talking to him during the break?

3 A Right here?

4 Q Yes.

5 A Outside?

6 Q Yes.

7 A No, I don't recall talking to him at all.

8 MS. PARHAM: Okay, nothing further.

9 THE COURT: Any redirect?

10 MR. TUCKER: Briefly, your Honor.

11 REDIRECT EXAMINATION

12 BY MR. TUCKER:

13 Q Ms. Allen, when Gloria Whitehead called Deandra and
14 you said she was talking loud. Again, I ask you was she
15 upset is that still your testimony she was upset when she
16 said ---

17 A She was upset. She was screaming in tears.

18 Q Okay. And again your testimony is that you had
19 already left and don't know who called 9-1-1?

20 A I was left and gone from Kenny Store good 30 minutes,
21 20, 30 minutes gone.

22 MR. TUCKER: That's all, I have, your Honor.

23 THE COURT: All right. Thank you, Ms. Allen,
24 you can step down. Is there any objection to her being
25 released from her subpoena?

1 MR. TUCKER: Not from the State, your Honor.

2 MS. PARHAM: Well, just a potential witness,
3 your Honor.

4 THE COURT: All right, Ms. Allen, please
5 understand that you may be recall, okay.

6 THE WITNESS: Yes, sir.

7 (WHEREUPON, the witness leaves the witness
8 stand.)

9 THE COURT: Okay. Mr. Tucker, can the attorneys
10 approach a minute?

11 MR. TUCKER: Yes, your Honor.

12 (WHEREUPON, a bench conference was held in the
13 presence of the jury, but out of the hearing of the
14 jury.)

15 THE COURT: Mr. Tucker, you want to call your
16 next witness.

17 MR. TUCKER: Your Honor, at this time the State
18 would call Tanisha Timmons to the stand.

19 THE CLERK: If you will please come up to the
20 stand. If you will please place your left hand on the
21 Bible and raise your right hand. Do you swear or affirm
22 the testimony you give in this case to the truth, the
23 whole truth, and nothing but the truth so help you God?

24 THE WITNESS: Yes, ma'am.

25 THE CLERK: Please be seated and then state your

1 full name for the record.

2 THE WITNESS: Tanisha Timmons.

3 WHEREUPON,

4 Tanisha Timmons,

5 after first having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. TUCKER:

8 Q And, Ms. Timmons, I know you're a little bit soft
9 spoken. I need you to lean a little closer to that mic
10 and speak up if you can, okay.

11 A Tanisha Timmons.

12 Q Thank you so much.

13 MR. TUCKER: May it please the Court.

14 THE COURT: Yes, sir.

15 BY MR. TUCKER:

16 Q Ms. Timmons, where do you live?

17 A Florence, South Carolina [REDACTED]

18 Q And how long have you lived at [REDACTED]

19 A Five -- about five years.

20 Q And have you been in Florence County all your life?

21 A Well, off and on.

22 Q Okay. But better part of it?

23 A Yes, for the most part yes.

24 Q And where do you work?

25 A Work for Monster Dot Com. I work from home.

1 Q And how long have you worked for Monster Dot Com?

2 A About 12 years.

3 Q And did you have any children?

4 A I have two.

5 Q And how old are they?

6 A Twenty-one and five.

7 Q Now, I want to direct your attention to the evening
8 of March the 23rd of 2019 and into the following morning
9 of March the 24th, okay?

10 A Yes, sir.

11 Q And let me first ask you how do you know Jolica
12 Joyner and Measha Joyner?

13 A We're friends actually. I met them when use to live
14 in North Florence through another person, that's how we
15 became friends.

16 Q Okay. And when you moved to [REDACTED] did Jolica
17 Joyner wind up being a neighbor?

18 A Well, she was there first and then I moved there.

19 Q I got you. Now, again, going back to the date of
20 March the 23rd, did you become aware about a birthday
21 party that was taking place at Coit Street Quick Stop?

22 A Yes, yes.

23 Q And how did you find out about that?

24 A Through Jolica.

25 Q Were you aware of how Jolica knew that there was a

1 party there?

2 A It was her child's father's party.

3 Q Okay. And do you know who that was?

4 A I can't remember his name, but, yeah.

5 Q Okay. And do you recall how old your five year old
6 was at that time?

7 A She was six or seven months.

8 Q Okay. And I would imagine might have been an
9 attractive proposition to kind of get out of the house for
10 that evening?

11 A Yeah.

12 Q Okay. And do you recall actually attending or
13 driving to the Quick Stop to attend the party?

14 A Yes.

15 Q And who was with you?

16 A Jolica and Measha Joyner.

17 Q And with regards to what time y'all left and what
18 time y'all got there, do you recall roughly when that was?

19 A I don't know. I don't remember the time.

20 Q Okay. Was it at dark?

21 A Yeah, it was night.

22 Q Okay. Now, when you got there you were driving your
23 car?

24 A Yes, sir.

25 Q And what kind of car was that?

1 A A white Ford Fusion.

2 Q And how many doors does a Fusion have?

3 A Four.

4 Q Was it four door?

5 A Yes, sir.

6 Q Okay. Now, when you got to the Quick Stop, where did
7 you park.

8 A On the side of the building close to Sumter Street.

9 Q And if I may approach. I'm going to show you what's
10 been entered into evidence as State's Exhibit 2. Ms.
11 Timmons, I'm going to put this close to you, so you don't
12 have to stand up so that jury can see, but if this is the
13 Quick Stop and this is the parking lot and this is Sumter
14 Street you recall where you were parked?

15 A Like right over here.

16 Q Okay. All right. Now, when you parked, did you back
17 in or did you pull in?

18 A I backed in because I was facing the Sumter Street.

19 Q Got you. Okay. So the front of your car was facing
20 Sumter Street?

21 A Yes, sir.

22 Q Okay. Now, what did y'all do when you got out of the
23 car?

24 A Went inside.

25 Q Okay. And what occurred next?

1 A Nothing we were just in there -- well, I was in there
2 having a good time. Jolica she was just more so laid back
3 and she didn't want go at first. So I kind of convinced
4 her to go because I wanted to get out of the house.
5 Measha Joyner just tagged along with us. And so like I
6 said I was in there having a good time. Measha was
7 sitting down. And Jolica she was just standing up not
8 really being herself, so I knew she didn't want to be
9 there to begin, so I'm not sure how we long stayed. But
10 while she was there, I was like what's wrong and she was
11 like I just -- I was like okay. She didn't want to be
12 there. So, again, I don't know how long we stayed, so we
13 end up getting ready to leave. So we're leaving out of
14 the door. I don't know the order, but as we were leaving
15 out of the door someone grabbed Jolica from my left.
16 Somebody grabbed Measha from my right. And then I was
17 pulled back not in an aggressive manner or anybody trying
18 to fight me. So after I got away from the person, I was
19 going to help Jolica, but by the time I was getting loose
20 I saw Measha Joyner come from my right, so I get her. And
21 I take her and I put her in the car. And as I'm putting
22 her in the car, I hear shots ring out. So I'm throwing
23 all my stuff in the -- I put her in the backseat behind
24 the passenger side.

25 Q Now, when you say you put her in the backseat who are

1 you referring?

2 A I'm sorry. I put Measha in the backseat behind the
3 passenger side and then that's when I heard gunshots ring
4 out. So I open the passenger door and threw all my stuff
5 in the floorboard of the passenger seat to run back to go.

6 Q Okay. I'm sorry I didn't mean to cut you off?

7 A No problem.

8 Q You mention something that was interesting. You said
9 you threw your stuff into the floorboard of the front
10 seat?

11 A Yeah, my keys and my pocketbook and my phone and all
12 that.

13 Q Okay. So when you came out, you had something in
14 your hand the pocketbook?

15 A Yeah, my wristlet.

16 Q Got you.

17 A So I threw all of that in the floorboard of the car
18 because I was worried about Danielle and making sure --
19 Jolica to make sure that she was okay. So as I'm running
20 to go find her, she's meeting me, so we meet each other.
21 So I get her and I put her in the car close door. I get
22 in on the driver side. And as I'm pulling off, that's
23 when I hear shots ring out of my backseat.

24 Q Okay. And so you heard gunshots coming from the
25 backseat of your car?

- 1 A Correct.
- 2 Q And who was in the backseat of your car?
- 3 A Measha.
- 4 Q Okay. Did you see Measha shooting?
- 5 A No.
- 6 Q But you heard the gunshots coming from the backseat?
- 7 A Correct.
- 8 Q And that's where Measha was sitting?
- 9 A Correct.
- 10 Q Did you see Jolica shooting?
- 11 A No.
- 12 Q She was sitting to your right?
- 13 A Correct.
- 14 Q Okay. Did any of the gun fire come from the front of
- 15 the car?
- 16 A No, sir.
- 17 Q All of the gun fire that you heard came from the
- 18 backseat of the car?
- 19 A Yes, sir.
- 20 Q Okay. Now, you mention as you put Measha in the car,
- 21 Measha got into the backseat of the car. She was where?
- 22 Was she on the driver side or passenger side?
- 23 A She was in the back behind the passenger seat.
- 24 Q Okay. You mention that you heard gun fire as this
- 25 was going on. You heard a shot. Do you recall if it was

1 a single shot or how many shots?

2 A Which time?

3 Q As you were putting Measha before you started to pull
4 off?

5 A I don't know how many it was. I just -- I know I
6 heard shots and I just got frantic because I wanted to
7 make sure my friend was okay.

8 Q All right. So you heard a shot, is that correct?

9 A Yeah.

10 Q Okay, got you. And then, of course, you describe
11 what happened next in terms of when you got Jolica and you
12 put her in the car?

13 A Correct.

14 Q And then as you were pulling off, again, I want to
15 make sure I'm clear in which direction were you pulling?

16 A To the left.

17 Q To the left. So you were going -- again, if I could
18 approach just want to make sure I'm clear.

19 A Yes, sir.

20 Q Again, I'm going to refer to State's Exhibit 2 make
21 sure I don't get that so close to you. But in which way
22 if you were parked in this right?

23 A Parked here and pulling out going down towards Irby.

24 Q So you pulled out and went this way?

25 A Yes, sir.

1 Q Okay. And when you heard the gun fire coming from
2 your backseat, did it surprise you?

3 A Of course, it did. I wasn't expecting it, so I'm
4 like what's going on, why would you do that.

5 Q Did she respond?

6 A I can't remember if did or she didn't.

7 Q Okay. Did y'all say anything to one another as you
8 drove back to your house?

9 A Honestly, I don't remember. I just know we were so
10 scared and frantic everybody was just in shock pretty
11 much.

12 Q And when you say everybody would that be you mostly?

13 A Myself, yes. I know I was. I can say that I know I
14 was because I wasn't expecting it.

15 Q All right. But what happened when y'all got back
16 [REDACTED]

17 A I went home and Jolica and Measha went to Jolica's
18 house because she stays right behind me. She stayed right
19 behind me.

20 Q Okay.

21 A And then Measha Joyner if I'm not mistaken. I think
22 we up taking her to the mall, so she can go home to back
23 Columbia.

24 Q Okay. And at some point and we're now into March the
25 24th morning would that be fair to say?

1 A Yes, sir.

2 Q Okay. At some point did you become aware that
3 someone had been injured or someone had been shot?

4 A Not until the next early early morning. It was light
5 time by then.

6 Q Okay.

7 A That's when I found out.

8 Q And what did you do as a result of finding that out
9 ultimately?

10 A Well, Jolica was actually calling me all night long,
11 but, you know, I had already been partying. I was sleep,
12 so I never did answer. I think end up calling her to
13 actually find out what happened because I didn't find out
14 from her. I found out through someone else.

15 Q Okay. And after you found out, what did you do?

16 A I called her to see what was going on.

17 Q Did you call anybody else after that?

18 A Not that I can recall, no.

19 Q Do you recall talking to the police later that day?

20 A Okay. Yes, I did after I found out everything that
21 happened and that my car was like in the news saying that
22 it was an additional car, you know, in the -- that my car
23 was in the actual scene. I took it upon myself to reach
24 out to the detective investigator or whoever, so I can get
25 myself clear because I know I didn't do anything wrong.

1 So, yeah, end up talking to the detective or the officer
2 whoever his name is.

3 Q And after you spoke to him, did you make arrangements
4 to come down and give him a statement at the police
5 department?

6 A I did.

7 Q And is that what you did later that day did?

8 A I did.

9 Q And after you gave your statement, did you have any
10 other involvement, did you to talk to anybody else with
11 law enforcement regarding this matter?

12 A I didn't.

13 Q And, again, I just want to make sure I'm clear and
14 the jury is clear. As you were pulling out of the parking
15 lot and you heard gun fire where was that gun fire coming
16 from?

17 A From the backseat.

18 Q And, again, just so I'm clear who was in the backseat
19 of the car?

20 A Measha.

21 Q Okay.

22 MR. TUCKER: Those are all the questions I have,
23 your Honor.

24 THE COURT: Ms. Parham.

25 MS. PARHAM: Thank you.

CROSS-EXAMINATION

BY MS. PARHAM:

Q Good morning almost afternoon.

A Good morning.

MS. PARHAM: May I approach the witness?

THE COURT: Yes, ma'am.

BY MS. PARHAM:

Q So would you please point exactly where you were parked on this map?

A Well, I don't know exactly, I just know I was on this side right here facing.

Q Backed in?

A Yes, ma'am, backed in facing ---

THE COURT: Can everybody see that?

BY MS. PARHAM:

Q Okay. And so when you said that y'all were leaving the Quick Stop you said that Measha and her sister were grabbed?

A Yeah, when we were coming out the door, yes, ma'am.

Q Who grabbed them?

A I don't know.

Q But when you say grabbed, what do you remember seeing?

A Like grabbing them to fight them, like grabbing them -- not as far as Measha because when they took her behind

1 me, so I couldn't see.

2 Q So y'all are literally the three of you are getting
3 ready to leave?

4 A Correct.

5 Q And they walk out the door and they're grabbed?

6 A Correct.

7 Q And both of them were involved in fighting once
8 they're grabbed?

9 A Correct.

10 Q And then someone pulled you, but did not hit you or
11 anything like that?

12 A Correct.

13 Q How long would you say that went on?

14 A Honestly, I don't know.

15 Q Right. And then you said shots rang out?

16 A No shots didn't ring out until I went and put Measha
17 in the car.

18 Q Okay. So you put Measha in the car. Did anyone
19 assist you in putting Measha in the car?

20 A No.

21 Q You did that by yourself?

22 A Correct.

23 Q So you went by yourself to put Measha in the car?

24 A Correct.

25 Q Was she injured?

1 A No, not that I can tell. I just know she was kind of
2 like pulling up her pants.

3 Q Okay. And so you go put her in the car for what
4 purposes?

5 A So I can go back and get Jolica.

6 Q Okay. And so when did you hear shots?

7 A When I put Measha in the car.

8 Q Okay. And how many shots did you hear?

9 A I don't know. I can't remember. I can't tell you at
10 least one.

11 Q Okay. Was it more than one?

12 A I don't know. I know it was at least one.

13 Q At least one?

14 A Yeah.

15 Q Okay. And so did you see who was shooting?

16 A I didn't.

17 Q Okay. And then what happened?

18 A Like I said, once I put her in the car and I heard
19 the shots, I threw my stuff inside of the floorboard of
20 the passenger seat and went to run back and go find
21 Jolica. And I was going to find her she was actually
22 meeting me and I got her and put her in the car and we
23 left.

24 Q Was she injured?

25 A Yes.

1 Q And how badly was she injured?

2 A All I saw was like her lip and some blood.

3 Q Okay. And then how much time transpired before you
4 heard the shots coming from the back of your car?

5 A I mean as soon as I got in the car, close door, crank
6 up, put it in drive and as soon as I'm pulling off.

7 Q Okay. So I know it's not exact thing, but in your
8 best estimate how much time transpired between you hearing
9 the shots when you're getting Measha in the car and when
10 you pulled off?

11 A Honestly, I don't know. I can't really give you an
12 estimate because I don't know.

13 Q I mean, was it five minutes, one minute, 30 minutes?

14 A I mean, in the heat of things one minute could feel
15 like a lifetime, you know what I mean, so I really don't
16 know.

17 Q Okay. Was it only enough time for you to go back get
18 and get Jolica ---

19 MR. TUCKER: Objection. I think she's asked and
20 answered that to the best of her ability in terms of how
21 much time took place.

22 THE COURT: All right. I'm going to hear the
23 question and then I'll make a ruling.

24 BY MS. PARHAM:

25 Q Tell us everything that you did to the best of your

1 memory between hearing the shots when you put Jolica in
2 the car and what you did before you drove off?

3 A Put Jolica in the car?

4 Q Excuse me Measha in the car.

5 A Go ahead.

6 Q Tell us what you did before -- between the shots
7 that you heard when you're putting Measha in the car and
8 tell us what you did before hearing the shots out the back
9 of your car?

10 A Okay. So after I put Measha in the car, I hear
11 shots, so I'm frantic. I take my wristlet, me keys, my
12 phone everything that I had and I had throw into the
13 floorboard of the passenger seat. I go back to go find
14 Jolica. And as I'm going back to find her -- well, Jolica
15 she's meeting me at the same time. So we meet each other,
16 I get her. I put her in the passenger side of the car. I
17 close the door. I get inside the driver side of the car,
18 crank up, put it in drive, pull off, and then I hear the
19 shots out of the back side of the back door -- well,
20 backseat.

21 Q And that's everything that happened to your memory
22 between those two sets of shots?

23 A Yes, ma'am.

24 Q Okay. What did you -- how many shots did you hear
25 out the back of your car?

1 A I don't remember.

2 Q And then did you hear more shots as you were leaving
3 as you were going down the road could you hear more shots?

4 A I couldn't. I couldn't hear any more shots, but I
5 was told that they were shooting back, so I don't know. I
6 just heard ones that were coming out of my back window.

7 Q Okay. And what you mean you were told they were
8 shooting out?

9 A After the fact, I heard -- I guess, they were
10 shooting back at us.

11 Q Okay. Now, when you went to [REDACTED] who lives
12 there?

13 A I do with my kids.

14 Q Right. And what street does Jolica live on?

15 A She stayed on the same road. She just stayed trailer
16 behind me.

17 Q Right. And that's Jolica's house?

18 A Correct.

19 Q Where did Measha live at this time?

20 A I think Columbia.

21 Q She didn't live in Jolica's house on [REDACTED]

22 A No, ma'am.

23 Q All right. And when you said something earlier, you
24 said something about you were meeting with law enforcement
25 because you heard something you use the word additional

1 car. There was an additional car they were looking for?

2 A Well, it was one about her truck and also my car was
3 suppose to be ---

4 Q And that's why you went to the police?

5 A Correct.

6 Q I wanted to clarify that. Did you ever see Measha
7 Joyner with a gun?

8 A No, ma'am.

9 Q Okay. Did you ever see her hanging out the back
10 window of your car?

11 A No, ma'am.

12 Q Would you have seen that while you were driving on
13 your rear view mirrors?

14 A If I was paying attention maybe, I probably would
15 have, but I didn't.

16 Q You didn't see her hanging out any window or
17 anything?

18 A I did not.

19 Q Okay. Do you remember seeing -- well, strike that
20 ---

21 MS. PARHAM: That's all I have. Thank you.

22 THE COURT: All right. Any redirect?

23 MR. TUCKER: Just a couple things on redirect.

24 REDIRECT EXAMINATION

25 BY MR. TUCKER:

1 Q Ms. Timmons, where was Measha when you and Jolica
2 were talking about going to the party. In other words,
3 where did y'all leave from?

4 A We were at my house first and then Jolica went to her
5 house, which is like again behind me and then we left.

6 Q So Measha was at Jolica's house?

7 A Well, all three of us was at my house at first and
8 then we went Jolica's house because like I said she didn't
9 want to go. So we went over there and I try to convince
10 her too because I wanted to get out the house.

11 Q But Measha was over at her sister's house Jolica
12 there on [REDACTED] is that fair to say?

13 A Yeah.

14 Q Okay. Had you ever seen her over there before?

15 A I have.

16 Q She been over there a lot?

17 A I mean, she's her sister so.

18 Q Now, with regards to not seeing Measha Joyner
19 shooting out the back window, but you heard gun fire
20 coming from your back car or backseat of your car, right?

21 A Correct.

22 Q And, again, I hate to ask you for the 15th time, but
23 I'm afraid I must. Who was in the backseat of the car?

24 A Measha.

25 Q And that's where the gun fire was coming from?

1 A Yes, sir.

2 MR. TUCKER: Thank you. That's all I have.

3 THE COURT: All right. All right, Ms. Timmons,
4 thank you, ma'am. You can step down. Is there any ---

5 MR. TUCKER: And your Honor this may be a good
6 time to break for lunch.

7 THE COURT: All right. Is there any objection
8 to Ms. Timmons being released from subpoena?

9 MR. TUCKER: None from the State, your Honor.

10 MS. PARHAM: Thank you, your Honor.

11 THE COURT: Thank you, ma'am.

12 (WHEREUPON, the witness leaves the witness
13 stand.)

14 THE COURT: All right, ladies and gentlemen,
15 thank you so much for your patience and your attention
16 thus far. We're going to take lunch break at this time.
17 I ask that you not speak about this case with anybody and
18 be back here at 1:30. All right. Thank you so much for
19 your time.

20 (WHEREUPON, the jury was excused for a lunch
21 break.)

22 THE COURT: All right. We'll be at recess until
23 1:30.

24 (WHEREUPON, a lunch break was taken.)

25 THE COURT: All right. Is everybody back and

1 ready to go.

2 MR. TUCKER: Ready, your Honor.

3 MS. PARHAM: Yes, your Honor.

4 THE COURT: I'll tell you that -- and I'm not --
5 so juror could be an issue may not be, I just put it on
6 the record and we can talk about it. Juror number six
7 Ms. Barden. I think she first let either the clerk's
8 office or the bailiffs know that she wasn't -- well, it's
9 first she didn't have a ride.

10 THE BAILIFF: First, she didn't have a ride.
11 Her grandmother was in hospice and today she died.

12 THE CLERK: Each day it's been something
13 different.

14 THE COURT: She may or may not be the same juror
15 that has a tooth ache. So in other words, you know, I
16 haven't talk to her. Nobody's talk to her. This is just
17 reports that she's given personnel here in the courthouse
18 that first she didn't have a ride. And then that her
19 grandmother was in hospice and now that her grandmother
20 has passed away. And like I say there's a also a juror
21 that's reported to have a tooth ache, but it could be the
22 same juror. It might not be. I'm not sure how we could
23 figure that out. I'm not sure who they told.

24 THE BAILIFF: They didn't tell me.

25 THE COURT: How do we know that they had a tooth

1 ache?

2 THE BAILIFF: One of the other jurors told me.

3 THE COURT: That somebody else had a tooth ache?

4 THE BAILIFF: Yeah.

5 THE COURT: So we could do absolutely nothing at
6 this point in time or we could try to figure the situation
7 out. I'm open to suggestions. Mr. Tucker.

8 MR. TUCKER: Your Honor, with regards to the
9 grandmother, did I understand that the grandmother's
10 passed away?

11 THE CLERK: That's what she -- when we broke for
12 lunch, she went downstairs to our office and told Cheryl
13 that, she has not told any of us up here that. Like I
14 said Monday, it was she didn't have a ride. Yesterday,
15 grandma was in hospice. Today grandma has died, but she
16 didn't tell anybody up here. She waited 'til we broke for
17 lunch and then went downstairs and told the office.

18 MR. TUCKER: Your Honor, I just suggest making
19 an inquiry of that juror as to whether or not that's
20 actually the case. If so, I don't know how much attention
21 she can give the case with the grandmother passing away at
22 this point. And maybe the suitable thing to do would be
23 to replace her with an alternate. I don't know how close
24 she was to her grandmother, but I'm assuming.

25 THE COURT: No, I understand. Ms. Parham.

1 MS. PARHAM: We got no objection to that. I
2 think that's the best course of action.

3 THE COURT: Shall we bring her in and just ask
4 her?

5 MS. PARHAM: I think so, Judge. And then after
6 you ask her, may I run to the restroom one more time
7 before we begin?

8 THE COURT: Sure. If we can have, Ms. Barden.

9 THE BAILIFF: Yes, sir.

10 (WHEREUPON, My'asia Barden juror number 6 enters
11 the courtroom.)

12 THE COURT: How you doing?

13 JUROR: I'm doing good.

14 THE COURT: All right. You're, Ms. Barden?

15 JUROR: Uh-huh.

16 THE COURT: Now, it's been brought to our
17 attention that your grandmother might have passed away, is
18 that right?

19 JUROR: Yes, sir.

20 THE COURT: And that was today?

21 JUROR: Last night.

22 THE COURT: Last night. All right, ma'am. Were
23 you also the one that had issues with a tooth or you don't
24 know about that?

25 JUROR: No, that's not me.

1 THE COURT: Okay. All right. Would it be a
2 burden to you continue as a juror? I mean, are you asking
3 to be relieved at this time.

4 JUROR: Yes, sir, I rather be with my family at
5 this time.

6 THE COURT: All right. Well, we certainly
7 understand that. We're sorry for your lose. And we'll go
8 ahead and excuse you, okay. Thank you. All right. Do
9 you have anything in the room?

10 THE BAILIFF: I have her phone.

11 THE COURT: So she can go out. All right.
12 Thank you.

13 (WHEREUPON, juror number six My'asia Barden is
14 excused by the Court.)

15 (WHEREUPON, a break was taken.)

16 THE COURT: Okay. All right. Ms. Parham, since
17 you're up will you do the selection of the new member of
18 the jury randomly between those two can only have one. Is
19 there any objection to that from the State?

20 MR. TUCKER: None, your Honor.

21 THE COURT: All right, seems that we have number
22 98 Carlos McDuffie will now be a member of the jury, okay.
23 All right, we ready for the jury?

24 MR. TUCKER: Yes, your Honor.

25 MS. PARHAM: Yes, your Honor.

1 THE COURT: If we can have a the jury please.

2 (WHEREUPON, the jury came into open court.)

3 THE COURT: Mr. McDuffie, you have been selected
4 to serve as a member of the 12 jurors, okay. Thank you,
5 sir. Mr. Tucker.

6 MR. TUCKER: Thank you, your Honor. May it
7 please the Court. At this time the State would call
8 Jamares Robinson to the stand.

9 THE CLERK: Sir, if you'll please approach the
10 stand and place your left hand on the Bible and raise your
11 right hand. Do you swear or affirm the testimony you give
12 in this case to be the truth, the whole truth, and nothing
13 but the truth so help you God?

14 THE WITNESS: Yes.

15 THE CLERK: Please be seated and then state your
16 full name for the record?

17 THE WITNESS: I m Robinson.

18 MR. TUCKER: May it please the Court.

19 THE COURT: Yes, sir.

20 WHEREUPON,

21 Jamares Robinson,
22 after first having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. TUCKER:

25 Q Mr. Robinson, where do you live?

1 A I'm in Lamar now.

2 Q And how long have you lived there?

3 A I just recently moved there within two or three
4 weeks.

5 Q And where did you live before that?

6 A Darlington.

7 Q And how long did you live in Darlington?

8 A About four or five years.

9 Q Okay. A life long resident of the Pee Dee area?

10 A Yeah.

11 Q Okay. How old are you, sir?

12 A Thirty-three.

13 Q And where do you work?

14 A I just started working at Honda.

15 Q I'm sorry.

16 A Honda manufacturing.

17 Q A good place to work. With regards to your ties to
18 the area, I want to direct your attention to March the
19 23rd 2019, the evening thereof. You recall where you
20 were?

21 A Say it again?

22 Q Do you recall where you were on March 23rd 2019 in
23 the evening? You recall attending a party at the Quick
24 Stop there on Coit Street?

25 A Yeah, uh-huh.

1 Q Okay. Now, I need you to answer yes or no for me,
2 okay. All right. Do you recall what time you arrived at
3 the party?

4 A I'm not sure. It was around the evening time.

5 Q Okay. So it was dark out?

6 A Yeah, kind of.

7 Q Now, had you ever been to the Quick Stop before?

8 A I was raised around there.

9 Q Okay. Now, do you know what the purpose the party
10 was or benefit party was being given for that night?

11 A It was a birthday party for Stew.

12 Q When you say Stew do you know Stew real name?

13 A Carlos.

14 Q Carlos. Are you referring to Carlos Jackson?

15 A Yeah.

16 Q Okay. Do you know the other people who were present
17 at the party? I know there were a lot, but did you know
18 the vast majority of them?

19 A I knew the majority of them, yeah.

20 Q Okay. Let me ask you this, did your mother Angela
21 Robinson and your sister Brianna Robinson ultimately
22 arrive at the party as well?

23 A Yes, sir.

24 Q And are you familiar with Gloria Whitehead?

25 A Yes.

- 1 Q And her daughter Deandra?
- 2 A Yes.
- 3 Q I believe she has another daughter Latrice Goodman?
- 4 A Yes.
- 5 Q Okay. So you knew all those people?
- 6 A Yes.
- 7 Q Did you know Chelsea Plowden the victim in this case?
- 8 A I knew her too, yeah.
- 9 Q And how well did you know her?
- 10 A We were close. I consider her a friend.
- 11 Q Okay. And was she there at that party as well?
- 12 A She was.
- 13 Q And how well did you know the defendant in this case
- 14 Measha Joyner?
- 15 A I just know of her. I seen her around. I really
- 16 don't know her personally.
- 17 Q Okay. But when you would see her, you would
- 18 recognize her as Measha Joyner?
- 19 A I mean, yeah, I knew her as MeeMee.
- 20 Q Okay. So MeeMee and Measha Joyner are the same
- 21 person?
- 22 A Yeah.
- 23 Q Okay. How about her sister Jolica Joyner?
- 24 A I know her too.
- 25 Q And did you know her by a nickname?

- 1 A Jojo.
- 2 Q Okay. But you know both of those when you saw her
- 3 in terms of recognizing them?
- 4 A Yeah.
- 5 Q Okay. Now, I want to ask you while you were at the
- 6 party for Carlos that night the evening of the 23rd, did
- 7 something happen at the Quick Stop in terms of a fight?
- 8 A It did.
- 9 Q Go ahead.
- 10 A MeeMee and Dee was fighting and Jojo and Nish.
- 11 Q Now, let me make sure I understood the parties
- 12 correctly. You MeeMee meaning Measha Joyner?
- 13 A Yes.
- 14 Q And Dee are you referring to Deandra Whitehead?
- 15 A Yeah.
- 16 Q And Nish is Kanisha Allen?
- 17 A Right.
- 18 Q And that would make Jojo Jolica Joyner?
- 19 A Right.
- 20 Q Now, were you outside and witness the fight between
- 21 those parties?
- 22 A Yeah.
- 23 Q What did you see in terms of a fight?
- 24 A Say they went outside they just -- words exchange and
- 25 then they just start fighting.

1 Q Okay. And ultimately was anyone able to break the
2 fight up or did they stop fighting for a period?

3 A They kind of stop fighting. Like somebody went in
4 the store and like yell they fighting. And when everybody
5 came out the door, that's when they kind of came in and
6 kind of disperse.

7 Q Now, were you outside when Carlos Jackson fired the
8 shot into the air and try to get them to stop fighting?

9 A Yes.

10 MS. PARHAM: Objection to his leading the
11 witness, your Honor.

12 MR. TUCKER: I can rephrase, your Honor.

13 THE COURT: All right. Thank you.

14 BY MR. TUCKER:

15 Q Did anything happen in terms of gunshot being fired?

16 A Like I say, everybody came outside. And Carlos came
17 outside and everybody seen what was going on commotion.
18 So he shot up in the air, that's when everything kind of
19 scattered around and Marcus was -- Demarcus was right
20 there beside me too.

21 Q Okay. And let me ask you Demarcus you referring to
22 is Demarcus Bluett?

23 A Yeah.

24 Q And do you recall how many shots Stew fired up into
25 the air Carlos Jackson?

1 A It was one.

2 Q Just one?

3 A Yeah.

4 Q And what happened after Carlos Jackson fired the shot
5 up into the air?

6 A Everybody kind of like scurried, you know what I'm
7 saying kind of going into their areas like, oh, like all
8 one time. You know, like when roaches see the light, they
9 scurry out.

10 Q Okay. And then did anything happen after that?

11 A I know I was walking back and forth and I seen Nish
12 Kanisha and Deandra they left. And then I seen them
13 leaving -- well, going to the car. And like I say
14 everybody was going to their respected areas. I kept
15 looking back and next thing you know we heard -- I heard
16 three gunshots.

17 Q Okay. Let me make sure I'm clear on the sequence of
18 events. You said some people left and you said Nish and
19 Dee?

20 A Yeah.

21 Q To whom are referring? Are you referring to Kanisha
22 Allen?

23 A Yes.

24 Q And Deandra Whitehead?

25 A Those are the first two that left. And then like I

1 say my mom, my sister, I was telling them to leave because
2 all the stuff that was going on.

3 Q Okay. And you said they were walking towards their
4 car who were referring there?

5 A My mom and my sister. My mom and sister were walking
6 to the car. And then Measha and Jojo and the other person
7 they was with they was walking to the car too.

8 MR. TUCKER: Okay. And if I may approach, your
9 Honor?

10 THE COURT: Yes, sir.

11 BY MR. TUCKER:

12 Q And, Mr. Robinson, I'm going to show you what's been
13 entered as evidence as State's 2. And I'm going to hold
14 this up where you can see it and be able to point to a
15 couple of things when I ask you. Do you recall where you
16 were when you saw the Joyner sister's walking towards
17 their car with the other person?

18 A Like right there.

19 Q So you were kind of at the coroner?

20 A Uh-huh.

21 Q And do you recall where they were parked and the
22 direction they were walking to get to their car?

23 A They was parked somewhere over here.

24 Q Okay, over here?

25 A This area somewhere like -- the car there.

1 Q Okay. And you mention your mom was there. Do you
2 recall where she was parked?

3 A She was parked somewhere up in here too.

4 Q Up in here?

5 A Uh-huh.

6 Q Okay. All right. And you mention that you heard
7 three shots after. Do you recall see anything or where
8 those shots were coming from?

9 A When I seen them, I look in that direction. I just
10 seen a white car and I seen like somebody hanging out the
11 window. All I seen was a flash.

12 Q Okay. And what did you understand that flash to
13 represent?

14 A A gunshot.

15 Q And what happened next?

16 A After I seen the gunshots, I thought like Latrice,
17 her brother Bolo and Chelsea was behind me. So as I seen
18 the gunshots, I looked. I kind of moved them out the way
19 and move forward to the gunshots.

20 Q Okay. And let me ask you this now going back to when
21 Carlos Jackson fired his weapon up into the air to break
22 the fight up, did you see Chelsea Plowden after that?

23 A I didn't Chelsea. I didn't know Chelsea was hit
24 until I came back because like I said I was going forward.

25 Q Right. Now, I'm asking you before this shots started

1 being fired in your direction but after ---

2 A When I turn, I was talking to Tricee and Chelsea and
3 Bolo. We was talking ---

4 Q Okay. And let me stop you there was that after
5 Carlos Jackson had fired his shot up into the air?

6 A Yes.

7 Q Do you recall how many minutes elapsed from when that
8 shots was fired until ---

9 A It was a while everything had -- when he shot,
10 everything had broke up, so it's like everybody was just
11 trying to see going on. It's probably like ten, 15
12 minutes later something like that.

13 Q And after the shots were fired, you indicated that
14 you look this way and from the white car you saw a flashes
15 that you took to mean gun fire?

16 A Uh-huh.

17 Q Okay. And could you tell from where the car the
18 shots were coming from? In other words were they coming
19 from the back or the front?

20 A It was back had to be back.

21 Q Okay. And you sure it's that?

22 A Positive.

23 Q And what, if anything, did you do then?

24 A What I do then?

25 Q Uh-huh.

1 A Like I said, I move forward and drew my weapon and I
2 start shooting.

3 Q Okay. Did you start firing only after those shots
4 started coming your way?

5 A Yeah.

6 Q And when you said you saw them walking towards the
7 car Measha Joyner and Jolica Joyner, did you see what part
8 of the car Measha Joyner got in?

9 A It was dark around that area. I'm not exactly sure
10 what part of the car she got in car. I know she got in
11 the car.

12 Q Okay. Do you know if she was in the back or the
13 front?

14 MS. PARHAM: I believe he's asked and answered
15 he didn't know what part of the car she was in.

16 BY MR. TUCKER:

17 Q But you saw the flashes coming from the car?

18 A I did.

19 Q Okay. Now, once you started to return fire, the car
20 continue down Sumter?

21 A Yes.

22 Q All right. And after that did you turn to see if
23 anybody else was hit?

24 A I stopped shooting once I seen my car was right
25 there. They went around my car. And when I seen them

1 went around the corner, I stopped. And I realize my car
2 was right there I stop shooting. And then I turned around
3 and went back to where I was at the corner of the store
4 and I heard Latrice screaming.

5 Q And did you find out why she was screaming?

6 A Chelsea Plowden was on the ground shot in the head.

7 Q Okay. Chelsea Plowden?

8 A Yeah.

9 Q And what happened next in terms of -- did you stay
10 there or did you leave?

11 A I left. I eventually left.

12 Q Okay. And were you contacted by law enforcement
13 thereafter?

14 A Shortly after.

15 Q Okay. And what did you do after being contacted by
16 law enforcement?

17 A I met with the investigator.

18 Q Okay. And did you provide a statement to him about
19 what you had seen?

20 A I did and I turn my weapon in.

21 Q Okay. Do you recall what kind of weapon that was?

22 A It was a FMK nine millimeter.

23 Q And you turn that into Investigator Banister?

24 A Yes.

25 Q Okay. Now, did you see anybody else out there

1 shooting that night?

2 A Nobody, but the person I was shooting at.

3 Q Okay. And that person was in a car?

4 A A white car.

5 Q You saw the Joyner sisters walk toward?

6 A Yes.

7 MR. TUCKER: Beg the Court's indulgence for just
8 a minute. I believe those are all the questions I have,
9 your Honor.

10 THE COURT: Ms. Parham.

11 MS. PARHAM: Thank you, Judge.

12 CROSS-EXAMINATION

13 BY MS. PARHAM:

14 Q Good afternoon. How do you know Deandra Whitehead
15 and Gloria Whitehead?

16 A Grew up with them when I move back here.

17 Q Have you known them all your life?

18 A I wouldn't say all my life, but a good part of my
19 life.

20 Q Most of your life. How do you know Kanisha Allen?

21 A Grew up with her.

22 Q Do you know Demarcus Bluett?

23 A I know him, yeah.

24 Q How you know him?

25 A He is the father of Kanisha's cousin, I guess.

- 1 Q Okay.
- 2 A The baby father I mean.
- 3 Q Did you see him there that night?
- 4 A I did.
- 5 Q Did you see him fire any weapons that night?
- 6 A I didn't see him fire any weapons, but I didn't see
- 7 him fire any no weapons.
- 8 Q You didn't see him shoot?
- 9 A No.
- 10 Q Did you see him with a gun that night?
- 11 A Yeah.
- 12 Q Did you see other people with guns that night?
- 13 A Stew, him and me.
- 14 Q Okay. Did you see other people with guns that night
- 15 pardon me?
- 16 A See anybody else with guns, no.
- 17 Q Yes.
- 18 A The three -- the four people who I said.
- 19 Q Okay. So when Stew fired that shot how many shots
- 20 did you hear when he fired that shot?
- 21 A It was one shot.
- 22 Q One shot. No other shots? I'm sorry you're going to
- 23 have to answer yes or no just because she has to take it
- 24 down.
- 25 A No.

- 1 Q No other shots?
- 2 A No other shot just one shot in the air.
- 3 Q And then after that shot was fired what happened
- 4 where did Stew go?
- 5 A He in the same area like he didn't really move.
- 6 Q He didn't move?
- 7 A No.
- 8 Q So let me ask you on this board there where was Stew
- 9 when he fire the shot?
- 10 A He was like in this area right here.
- 11 Q Okay. And then after he fired the shot you said he
- 12 just stayed there?
- 13 A Yeah, like he was moving around, but he was talking,
- 14 you know what I'm saying?
- 15 Q Talking to who out there?
- 16 A He was talking out loud to everybody.
- 17 Q Were you out there the whole time?
- 18 A Majority of it, yeah, I was moving around.
- 19 Q And you saw him out there the whole time?
- 20 A He came out when the person went into the store and
- 21 told them that something was going on, that's when he came
- 22 out.
- 23 Q And then did he stay outside or go back in the store?
- 24 A He stayed outside.
- 25 Q Okay. And so he was outside during the time period

1 between him shooting the gun and these other gunshots that
2 you heard?

3 A Yes.

4 Q How much time had transpired between when he shot and
5 these other gunshots that you heard?

6 A It was good a little minute. Like I say, when he
7 shot everybody disperse. It was like a good like I say 15
8 maybe 20 minute max.

9 Q And so you said that you saw three shots, three
10 flashes?

11 A I heard three shots.

12 Q Heard three shots?

13 A Yes, and I looked and I seen she just kept shooting,
14 so I seen the flashes.

15 Q Okay. How many total shots did you hear?

16 A After everything calm down, I only heard the three
17 shots. And I looked up that's when I seen the shots,
18 that's when I see who was shooting, what was going on.

19 Q Okay. And then you said you pushed the girls back?

20 A Yeah, it was Tricee and Chelsea behind me and
21 Tricee's brother who was there also.

22 Q Okay. And you said you pushed them back after you
23 heard the shots?

24 A Yes.

25 Q So they were still standing behind you when you heard

1 those shots?

2 A Yes.

3 Q Okay. And you pushed them back and then that's when
4 you begin shooting?

5 A Right.

6 Q All right. And how many times do you believe you
7 shot?

8 A At least about six times.

9 Q Six times?

10 A Yeah.

11 Q Could it have been more?

12 A I had a sixteen round clip.

13 Q You had a 16-round clip?

14 A I believe so.

15 Q And so you believe you shot at least six times?

16 A Yeah.

17 Q What's the most rounds you could have fired?

18 A Seven when it wasn't that much.

19 Q Six to seven rounds?

20 A Yeah.

21 Q Did you actually kind of run after the car shooting?

22 A Yes.

23 Q You did. And so you followed the car down the road
24 shooting?

25 A No.

1 Q You did not?

2 A No, I did not get out the parking lot. I say stopped
3 shooting when I seen my car.

4 Q That's a question I had. Was your car?

5 MS. PARHAM: May I approach again?

6 BY MR. TUCKER:

7 Q Where was your car?

8 A I was park on the side up in there.

9 Q Okay. So you ran this way shooting and stopped when
10 you got to your car?

11 A I got like right up here and that's when I stopped
12 when I seen my car.

13 Q You stop right here?

14 A Yeah.

15 Q Okay. And so when you got to your car, that's when
16 you stopped shooting?

17 A I didn't get to my car.

18 Q When you saw your car?

19 A Yeah.

20 Q Why did you stop when you saw your car?

21 A Because I didn't want to shoot up my car.

22 Q Okay. You were shooting in that direction of your
23 car?

24 A Yes, yes.

25 Q Okay. And then you're like, oh, my car's there I

1 better stop?

2 A Uh-huh.

3 Q Did you hear other shots going off behind you?

4 A No.

5 Q Okay. Did you ever call police or report anything or
6 did the police call you?

7 A I didn't report it. The police was already called
8 before I even left the scene.

9 Q Were you there with the police?

10 A No.

11 Q Did you leave the scene before police got there?

12 A I did.

13 Q Okay. And did you ever come back or anything?

14 A Yeah, came back once KeeKee the one who called or got
15 in touch with me and let me know that, okay, we got to go
16 up there and tell them what going on.

17 Q And so then you went to the police station?

18 A Uh-huh.

19 Q Okay. And did you sit in the interview room with the
20 detectives at the police department?

21 A I have to think it was a while ago. I think it was
22 -- it might have just been a closed area. I'm not sure if
23 it was a conference room. I don't remember.

24 Q Did they you tell you your interview was being audio
25 or video recorded?

1 A He was taking notes. I kind of figure maybe he was
2 recording.

3 Q Okay. When you say he was taking notes, are talking
4 about Detective Banister right here?

5 A Yeah. It was a while, I don't remember.

6 Q Okay. You remember him taking notes?

7 A Yeah.

8 Q And you were in a closed room?

9 A Yeah.

10 Q And you don't remember whether they said you were
11 being audio and video recorded?

12 A No.

13 Q Okay. Let me ask you after this happened were you
14 arrested for -- in June 10th of 2020 were you arrested for
15 attempted murder and possession of a weapon during a
16 violent crime?

17 A I was.

18 Q And you were arrested here in Florence for that?

19 A In Darlington County, yeah.

20 Q Okay. It was prosecuted in Florence County, is that
21 correct?

22 A Right.

23 Q Okay. And you were just arrested in Darlington
24 County for the Florence County charge?

25 A Right.

1 Q And so that was prosecuted by the Solicitor's office
2 here in Florence?

3 A Right.

4 Q Okay. And did they dismiss your attempted murder
5 charge and your possession of a weapon during a violent
6 crime charge?

7 A They did. They drop all that.

8 Q And they let you plead to criminal domestic violence
9 second degree, is that correct.

10 A I believe it's second degree.

11 Q And you pled on October 25th of '22?

12 A Uh-huh, yes, ma'am.

13 Q And you got three years probation?

14 A Right.

15 Q And you're currently on probation?

16 A Right.

17 Q With Florence County?

18 A Right.

19 Q Okay. But being supervised out of Darlington if you
20 live there?

21 A That's where I stay Darlington County.

22 Q And did you turn in a firearm with that charge?

23 A I did.

24 Q And prior to that did you have just disorderly
25 conduct and shoplifting convictions?

1 A That was when I first moved here, yeah.

2 MS. PARHAM: Okay. Just one moment, your Honor.
3 That's all I have, thank you.

4 THE COURT: All right, any redirect?

5 MR. TUCKER: Briefly, your Honor.

6 REDIRECT EXAMINATION

7 BY MR. TUCKER:

8 Q Mr. Robinson, I want to clear up a couple of things.
9 Now, your testimony was that when you first heard the
10 shots coming the car in which the Joyner sisters had
11 gotten into, you turn and try to push people out of the
12 way and Chelsea was one of those people?

13 A She was.

14 Q Again, you weren't wearing a stopwatch or anything
15 like that, so you don't know how much time it took from
16 when you heard the shot to when you turned?

17 A I don't know.

18 Q Fair to say it happened pretty quick though, right?

19 A It did.

20 Q Okay. But you're confident that Chelsea was ---

21 MS. PARHAM: Objection leading, Judge.

22 THE COURT: All right. Well, I haven't heard
23 the question.

24 BY MR. TUCKER:

25 Q Was Chelsea still alive after Carlos Jackson fired

1 that round up into the air?

2 A Yes, she was. Like I said, I was talk to her. We
3 was talking about what was -- when after a fight or
4 something you like, oh, shoot, man, what the heck happen
5 this, that and the third. And then all you heard was
6 shots like.

7 Q And she was still alive until the shots started
8 coming from the car of where the Joyner sisters were?

9 A Yeah.

10 Q And you only returned or you pulled your weapon and
11 fired after they started firing?

12 A After I heard them shots. I would have never did it
13 if I ain't heard no shots.

14 MR. TUCKER: That's all the questions I have,
15 your Honor.

16 THE COURT: All right, Mr. Robinson, you can
17 step down. Thank you, sir. Is there any objection to him
18 being released from his subpoena.

19 MR. TUCKER: Not from the State, your Honor.

20 THE COURT: Anything from the defense?

21 MS. PARHAM: Just a potential witness, your
22 Honor.

23 THE COURT: All right, Mr. Robinson, please
24 understand you're still under subpoena, okay, but you free
25 to go.

1 (WHEREUPON, the witness leaves the witness
2 stand.)

3 THE COURT: Yes, sir.

4 MR. TUCKER: May it please the Court. Your
5 Honor, at this time the State would call Brianna Robinson
6 to the stand.

7 THE CLERK: Will you please step up to the stand
8 place your left hand on the Bible and raise your right
9 hand. Do you swear or affirm the testimony you give this
10 court to be the truth, the whole truth, and nothing but
11 the truth so help you God?

12 THE WITNESS: Yes, ma'am.

13 THE CLERK: Please be seated and then state your
14 full name for the record?

15 THE WITNESS: Brianna Nicole Robinson.

16 MR. TUCKER: If you pull up close to that
17 microphone.

18 THE WITNESS: Brianna Robinson.

19 MR. TUCKER: Okay. May it please the Court.

20 THE COURT: Yes, sir.

21 WHEREUPON,

22 Brianna Robinson,

23 after first having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25

1 BY MR. TUCKER:

2 Q Ms. Robinson, where do you live?

3 A Darlington [REDACTED]

4 Q And how long have you lived there?

5 A I just move there.

6 Q And where did you live before then?

7 A [REDACTED]

8 Q And was that in Florence or Darlington County?

9 A Darlington County.

10 Q And how long had you lived there?

11 A Eight years.

12 Q Okay. You are a life long resident of the Pee Dee
13 area?

14 A Yes, sir.

15 Q Okay. And how old are you, Ms. Robinson?

16 A Twenty-seven.

17 Q Now, I want to direct your attention to an incident
18 that happened at the Quick Stop on Coit Street back on
19 March the 23rd of 2019 do you recall that?

20 A Yes, sir.

21 Q And I want to begin by asking do you recall what time
22 you got to the party taking place there?

23 A I'm going to say like nine, 9:30 maybe.

24 Q Okay. Fair to say, it was dark out when you got
25 there?

- 1 A Yeah, it was late.
- 2 Q And do you recall who you travel to the party with?
- 3 A My mom Angela.
- 4 Q Okay. Now, when you two got to the party, did you
- 5 recognize most of the people in attendance?
- 6 A Yeah.
- 7 Q And do you recall for whom the party was being given?
- 8 A Yes, sir.
- 9 Q Who was that?
- 10 A Stew.
- 11 Q Okay. And, again, do you know Stew's full name when
- 12 I say full name first and last name?
- 13 A Carlos.
- 14 Q Carlos?
- 15 A Uh-huh.
- 16 Q Are you referring to Carlos Washington?
- 17 A No.
- 18 Q I'm sorry Carlos Jackson?
- 19 A Yes, sir.
- 20 Q So Stew is Carlos Jackson?
- 21 A Yes, sir.
- 22 Q Now, when you got to the party with your mother, did
- 23 anything happen later on that evening?
- 24 A Yeah.
- 25 Q And let me ask you another question when you got to

1 the party, did you see either Measha Joyner or Jolica her
2 sister there?

3 A When I got there, no.

4 Q And how well do you Measha Joyner and her sister
5 Jolica?

6 A I don't know them by like by what I know her by?

7 Q Absolutely.

8 A Well, I don't MeeMee that well -- well, at all
9 actually, but I know of her sister which is Jolica.

10 Q Okay. Now, when you say MeeMee, you are referring to
11 MeeMee or Measha Joyner, is that correct?

12 A Uh-huh.

13 Q All right. Were you able to recognize them when you
14 saw them that evening?

15 A When I saw them, yeah, because they told me who she
16 was at that point.

17 Q All right. Now, at some point did Measha Joyner and
18 her sister Jolica arrive there at the Quick Stop for the
19 party?

20 A Uh-huh.

21 Q Okay. I'm going to need you to say yes or no.

22 A Yes, sorry.

23 Q Now, after they got to the party, did anything happen
24 a short time after they arrived?

25 A Yeah.

1 Q And what happened?

2 A Somebody got hurt.

3 Q Okay. Now, was there a fight before somebody got
4 hurt?

5 A Yes, sir.

6 Q And were you there and did you see the fight?

7 A Personally, when it first started, no, but initially
8 I made my way out the door, yeah.

9 Q Okay. And when you came out the door were you able
10 to see anything in terms of who was fighting whom?

11 A Who was fighting who, no, but I could see the
12 scuffle, yeah.

13 Q Okay. So you just saw people scuffling would that be
14 fair to say?

15 A Yes, sir.

16 Q Okay. Now, were you outside when Stew Carlos Jackson
17 came out and fired a round up into the air?

18 A No.

19 Q Okay. Did you hear that?

20 A I heard it, but, no, I didn't see it, no.

21 Q Okay. After that occurred is that when you went
22 outside?

23 A Me and my mama we heard somebody say that they were
24 fighting outside and that's when me and mama went out just
25 to see being noseey.

1 Q Okay. And if I may approach. And, Ms. Robinson, I'm
2 going to show you what's been moved into evidence as
3 State's Exhibit 2 and I'm going to hand or try to do this
4 so that don't have to get up from where you are, so that
5 the jury can see, but when you and your mom arrived at the
6 party where did y'all park?

7 A We were ---

8 Q So I'm going to follow was it up in this area?

9 A Yeah.

10 Q And do you recall whether -- was it you driving or
11 your mom?

12 A My mom.

13 Q Do you recall whether she pull in head first into the
14 parking space or whether she backed in?

15 A She backed in.

16 Q Okay. All right. And when you came out and saw the
17 people scuffling, where on the map did you see this
18 occurring?

19 A In between one and two.

20 Q Okay. So it's kind of toward the front?

21 A Uh-huh. Yes, excuse.

22 Q Okay. Now, after the fight broke up what, if
23 anything, occurred after that?

24 A After the -- I'm just going to say it was a second
25 shot in the air after that happen, it kind of like

1 everybody kind of disperse after that was trying to gather
2 their things and leave.

3 Q Okay. Were you up front when -- did you actually see
4 Deandra and Kanisha leave?

5 A I did. I saw them drive off so, yeah.

6 Q Okay. And what happened after that?

7 A Commotion.

8 Q Okay. And when you say commotion, could you be a
9 little bit more specific?

10 A After they left, we were getting our things and
11 leaving as well, but no sooner than that that's when we
12 heard the extra shots.

13 Q Okay. Now, when you say we, are you referring to
14 your mother?

15 A Me and my mom, yeah.

16 Q Okay. And do you recall did you hear gunshots?

17 A Yeah.

18 Q Okay. And, again, if I could approach, I'm going to
19 where were you when you heard the gunshots. And, again,
20 show you State's Exhibit 2?

21 A I got right past three. I'm just using the numbers,
22 but I got right in between here and that's when I started
23 hearing the shots right when I bust the corner going to my
24 car because my brother was telling me to leave.

25 Q And you know where your mother was at this time?

1 A I'm just going to say she was ahead of me because I
2 didn't see her, no.

3 Q Okay. But y'all were both going to the car?

4 A We were going to the car because my brother was
5 telling us to leave, yeah.

6 Q Okay. And when you heard the gun fire, did you turn
7 and look in the direction of which you heard the gun fire?

8 A Absolutely.

9 Q Okay. And what did you see?

10 A Somebody hanging out the window shooting.

11 Q Okay. And did you recognize that person?

12 A Yeah.

13 Q Who was it?

14 A MeeMee.

15 Q Okay. And by MeeMee do you mean Measha Joyner?

16 A Uh-huh.

17 Q And I need you to say yes or no?

18 A Yes.

19 Q Okay. And do you recall in what area you saw her
20 hanging out the window and shooting?

21 A By the time I turned the corner, I was here. They
22 were somewhere in between.

23 MS. PARHAM: Your Honor, I would just ask that
24 he not point to the map before she answers the question.

25 MR. TUCKER: Well, what I'm trying to do ---

1 A Well, he trying to get closer to me, but I can hold
2 it if you need me to.

3 Q Okay, go right ahead.

4 A But I was in between here, but I saw them coming from
5 somewhere over here.

6 Q Okay. But you saw her in the car?

7 A Absolutely.

8 Q And you recall if she was in the back of the car?

9 A Uh-huh, yes.

10 Q And you are certain that it was Measha Joyner you saw
11 hanging out the window and shooting?

12 A Positive.

13 Q Okay. Now, before the shooting you know Chelsea
14 Plowden, do you not?

15 A Right.

16 Q At some point after the shooting started, were you
17 able to determine or did you see Chelsea Plowden after
18 that?

19 A After that I turned the corner, no.

20 Q Okay. What happened after the shooting started?

21 A After the shooting started, I was like a bunch of gun
22 fire, so I kind of jumped in the car with my mom just to
23 duck out of the way because I ain't know where they're
24 coming from. But jump in the car and I thought about my
25 brother because I knew I left him over there in that area.

1 So I was calling for my brother. I was Jay, Jay, and
2 that's when I heard -- I'm just going to call him by his
3 street name, so that's all I know. I heard Tricee
4 screaming really really loud because you could hear her
5 down the street screaming and she was like Chelsea got
6 shoot. And that's when we walked over to the side and
7 that's when I saw her laying on the ground.

8 Q And when you said we?

9 A We, me and my mama.

10 Q Okay. Now, after you see this what, if anything, did
11 you and your mom do?

12 A Leave.

13 Q Okay. Y'all left together?

14 A Yeah.

15 Q Do you recall who was driving?

16 A My mama.

17 Q Okay. And do you recall where you went after that?

18 A Home.

19 Q And do you recall at some point thereafter meeting
20 with the investigator in this case?

21 A The following day.

22 Q Okay. And did you go there with your mom?

23 A Yes, sir.

24 Q Okay. And did you tell him pretty much everything
25 that you testified to here today?

1 A Absolutely.

2 Q Okay. And, again, I just need to be clear you are
3 sure that it was Measha Joyner who was shooting out the
4 back of that car?

5 A Positive.

6 Q Okay. And, Ms. Robinson, I'm going to ask if you see
7 Measha Joyner in the courtroom here today?

8 A Yeah, yes.

9 Q Do you see her?

10 A Yes.

11 Q Could point to her please? And is that Measha Joyner
12 sitting there next to her attorney?

13 A Yeah, with the glasses.

14 MR. TUCKER: Your Honor, I like for the record
15 to reflect she's identified the defendant Measha Joyner.

16 THE COURT: It does.

17 MR. TUCKER: Okay. I believe those all the
18 questions I have, your Honor.

19 THE COURT: All right. Ms. Parham.

20 MS. PARHAM: Thank you.

21 CROSS-EXAMINATION

22 BY MS. PARHAM:

23 Q Good afternoon.

24 A Hi.

25 Q So when did you and your mom get in the car?

1 A What you mean?

2 Q At what point during all this did y'all actually get
3 into the car?

4 A After my brother told us to leave and we heard the
5 shots.

6 Q So let's back up then. So when you saw the fighting
7 you said Carlos Jackson. Did you see it or hear it?

8 A I heard.

9 Q Okay. Where were you when that happened?

10 A When the first shot happen, I was inside the
11 building.

12 Q In side the building. And was your mom inside or
13 outside?

14 A Inside.

15 Q Did she hear as well did she say anything about it?

16 A We were standing next to each other.

17 Q Did you say I just heard a gunshot?

18 A Yeah, we was like what is that.

19 Q Okay. Inside the building and both of you heard the
20 gunshot?

21 A Uh-huh.

22 Q And then what happened?

23 A We heard somebody saying that there was a fight going
24 on, so me and her being nosey we just went outside.

25 Q And so what did you see when you went outside?

1 A The fight.

2 Q And who was fighting?

3 A I don't know. I just seen a scuffle. I didn't see
4 exactly who it was. I was just like oh, they fighting.

5 Q Okay. Well, do you know Deandra Whitehead?

6 A Do I know her personally?

7 Q Yeah.

8 A No, I just know of her.

9 Q Was she fighting?

10 A I don't know I didn't pay attention to that.

11 Q Okay. Do you know Kanisha Allen?

12 A I do.

13 Q How long have you known her?

14 A Quite a few years.

15 Q Okay. Did you see her fighting?

16 A No, I didn't see who it was because it was dark.

17 Q Okay. So you didn't see -- you went outside. I
18 believe your testimony was they were fighting right in
19 front of this building right kind of by the door this
20 building?

21 A Uh-huh.

22 Q But you are watching the fight?

23 A No, me and mom just like, oh, they fighting like. We
24 not paying attention to who it is. We just like, oh, they
25 are fighting. It wasn't like it was a long period of time

1 either like in and out.

2 Q You watching them fight and then what happens?

3 A After they separate each other, Dee and Nish had
4 leave. And then that's when everybody was like getting
5 ready to get to their car and go home.

6 Q Okay. You mentioned at some point on your direct a
7 second shot. When did you hear that second shot?

8 A I was inside at that point.

9 Q You were inside at that point?

10 A Yeah.

11 Q Who fired that second shot?

12 A I don't know.

13 Q Was your mom outside when that second shot was fired?

14 A I don't know probably, yeah.

15 Q And so was that while you were watching people fight
16 or?

17 A Yeah.

18 Q Okay. And where did that second shot come from?

19 A I wouldn't know that, I wasn't paying attention.

20 Q Okay. Well, was it near you all? Were you standing
21 in front of the building?

22 A I felt the heat of it, but I didn't see who did it or
23 which way it came from.

24 Q You say you felt the heat of it. What do you mean by
25 that?

1 A When you fire off a gun, you feel heat.

2 Q Okay. And so it was close enough to you that second
3 shot that you felt the heat?

4 A Yeah.

5 Q Did you see -- look up and see anyone out there with
6 a gun?

7 A No.

8 Q Was Carlos Jackson outside when the second shot
9 happened?

10 A Yeah.

11 Q Did he fire the second shot?

12 A I don't know I wasn't looking.

13 Q Okay. How long have you known Carlos?

14 A Years.

15 Q All right. You know Demarcus Bluett?

16 A I know of him, yeah.

17 Q How long have you known him?

18 A I want to say high school.

19 Q Okay. Since high school?

20 A Since high school years.

21 Q Did he have a gun that night?

22 A I don't know.

23 Q You don't know?

24 A No.

25 Q Did you ever see Demarcus Bluett again?

1 A No.

2 Q And did you ever see Carlos Jackson fire more than --
3 you didn't see Carlos Jackson fire because you were inside
4 when you heard the first shot?

5 A Correct.

6 Q Then you were outside and felt the heat of the second
7 shot, but you don't know who shot?

8 A No.

9 Q And where in your mama -- you believe was standing
10 next to you for the second shot?

11 A Yeah.

12 Q Okay. And then after the second shot what happened?

13 A After the second shot, I was telling everybody just
14 like separating them and that's when everybody was leaving
15 and getting their things and going.

16 Q Okay. So everybody's getting their things and going.
17 And where are you and your mom at this point?

18 A Still standing in front of the store.

19 Q In front of the store. Well, let me ask you this if
20 you had to estimate, how much time went by between the
21 first shot that you were inside for and the second shot
22 that you felt the heat of?

23 A They pretty much like maybe a minute and a half maybe
24 two minutes a part. It wasn't like back to back.

25 Q A minute and a half a part?

1 A Yeah, they was close behinds each other, yeah.

2 Q And then y'all are standing outside after that second
3 shot did they stop fighting?

4 A Yeah.

5 Q They did. And everyone kind of leaves?

6 A Well, not saying everybody left, but there was kind
7 of like lingering around but getting ready I to leave,
8 yeah.

9 Q Okay. And then where were you when you saw or heard
10 the next shots?

11 A The round shots?

12 Q Uh-huh.

13 A I was standing pretty much the corner right here is
14 the phone both right here. I was on the other side of the
15 phone booth.

16 Q Okay. And was your mom with you at that point on the
17 corner?

18 A I wasn't paying attention because the shots going on.

19 Q Where was she? Where was she right before the shots
20 went off?

21 A Before they went off?

22 Q Yeah.

23 A Next to me.

24 Q Next to you?

25 A Yeah.

1 Q And then as soon as the shots rang off you don't know
2 where she was?

3 A Well, before shots went off, my brother was always
4 telling us to leave because they were fighting and
5 everything was going on, so he just told us to leave. So
6 I was assuming she went ahead of me because I was still
7 talking to my brother.

8 Q Okay. So where is the phone booth that you're
9 mentioning?

10 A By three.

11 Q Could you just stand up and just point to the phone
12 booth for me?

13 A (The witness points to State's Exhibit 2.)

14 Q And so where were you when the barrage of shots went
15 off?

16 A (The witness points to State's Exhibit 2.)

17 Q And show me where you believe my client's car was?
18 Right where? Right there?

19 A Because when they drove off they just booked it off
20 to the left going toward.

21 Q Okay. And when you saw her fire the weapon, where
22 was she and the car where was she? Right there?

23 A (The witness points to State's Exhibit 2.)

24 Q Okay. And do you remember what side of the car she
25 was hanging out after?

1 A The passenger side.

2 Q Okay. And so your testimony is she was around this
3 area out the passenger side?

4 A Uh-huh.

5 Q And how many bullets ---

6 A I don't know.

7 Q -- did you hear at that point?

8 A I don't know.

9 Q From that car?

10 A I don't know.

11 Q All right. And then you said after that you heard
12 more shots?

13 A No.

14 Q I thought you said you heard shots after that?

15 A What you mean?

16 Q After my client left, did you hear other shots?

17 A No, I never said that.

18 Q Okay. So you never heard any shoots retaliatory
19 shots?

20 A Yeah, because they shot at each other like she's
21 driving off. My brother's defending himself. Yeah, I did
22 hear that.

23 Q Right. That's what I'm talking about how many shots
24 did you hear your brother shoot.

25 A I don't know. I'm not counting the bullets, I'm

1 ducking.

2 Q Did you hear anyone other than other your brother or
3 see anyone other than your brother?

4 A No.

5 Q Did you actually see your brother shoot?

6 A At the time I saw him in the middle of the parking
7 lot, so I'm not saying I saw him shot like actually
8 pulling the trigger, no. But when I got up, he was
9 standing in the middle of the park lot, so I just say,
10 yeah.

11 Q Okay. And so when your brother was standing in the
12 middle of the parking lot shooting show me where he was?

13 A By the time everything was done, he was pretty much
14 here in the middle of the parking lot.

15 Q Okay. And you don't recall how many shots he fired
16 or how many shots you heard -- saw my client?

17 A Barrage means many, no, I don't know how many.

18 Q Okay. When is the next time you saw your mom after
19 you got up?

20 A She was in the car next to me, so she was sitting in
21 the driver seat.

22 Q Okay. But you were in the parking lot when shots
23 rang out?

24 A When the shots rang out, yeah, I was in the parking
25 lot, but by the time she finish, I was in the car ducking.

1 Q Okay. So you ducked and ran to the car?

2 A Absolutely.

3 Q Okay. And then where -- and you were in the car when
4 your brother shot?

5 A When the bullets were going on, I was in the car
6 ducking. I'm not gone say when the shots started. I
7 don't know, but when they stop -- but the time they stop I
8 was in the car.

9 Q Okay. That's your brother's shots or this other
10 barrage?

11 A Both.

12 Q Okay. And you said who was driving the car you or
13 your mom?

14 A My mother.

15 Q Okay. And you were in the passenger seat?

16 A Absolutely.

17 Q Okay. And then what happened next?

18 A We left because they told us to get out of there.

19 Q Who told you that?

20 A Jamares, my brother.

21 Q And then where did y'all go?

22 A Home.

23 Q Okay. Did anyone ever check on Chelsea or the
24 victim?

25 A Yeah, I mean, yeah, we checked. There was nothing to

1 check on because, obviously, she was gone, but, yeah, we
2 did go back and look and make sure everything was, okay,
3 yeah.

4 Q Was that before or after you left in your car?

5 A Before we left. After everything -- let me put it
6 like this. They were shooting. I jumped in the car
7 ducking, shots stop. I went up and I was looking for my
8 brother and I was calling him like Jay, Jay, Jay, Jay
9 where are you. He was over there in the middle of the
10 parking lot. By the time I asked him -- locked eyes on
11 him, that's when we heard Tricee screaming. And by the
12 time we heard Tricee screaming, we were already out of the
13 car over there by in front of the store, that's when we
14 saw Chelsea laying on the ground. After that, my brother
15 was like get out of here, get out here, get out of here,
16 go home, so that's when we left and went home.

17 Q Okay. So it sounds like you and your mom were in the
18 car and then got out of the car and then got back in the
19 car?

20 A Right.

21 Q Okay. And so you actually never left the premises
22 until after you went back to check on your brother?

23 A It was probably like five, five more minutes maybe if
24 that, but we definitely left and went home, yeah.

25 Q Okay. How much time had elapse between the second

1 shot that you said when the girls were fighting and this
2 barrage of shots when you were in the corner of the
3 building?

4 A Long enough for them to walk to the car, so I want
5 say not even two minutes.

6 Q Two minutes?

7 A Putting a number on it, I'm not going to say exactly.
8 I'm just saying approximately.

9 Q Two minutes?

10 A Approximately.

11 Q Between shot number two and the barrage?

12 A It was long enough for them to get to the car, yeah.

13 MS. PARHAM: Okay. That's all I have.

14 THE COURT: Redirect.

15 MR. TUCKER: Just briefly, your Honor.

16 REDIRECT EXAMINATION

17 BY MR. TUCKER:

18 Q Ms. Robinson, the question Ms. Parham just asked you
19 about how much time elapsed from when you heard the second
20 shot until the barrage of fire, you said approximately two
21 minutes. And you said approximately it could have been
22 longer than two minutes, couldn't it have?

23 A Could have.

24 Q And I believe you indicated it was long enough for
25 them to go get in their car?

1 A Uh-huh.

2 Q Okay. Now, I want to ask you with regards to when
3 you heard the gun fire coming from the car, you were able
4 to look and, again, you saw Measha Joyner leaning out the
5 back of the car firing -- you where all the other people
6 were standing?

7 A Yes, sir.

8 Q And that was where Chelsea Plowden was standing?

9 A Absolutely. She never moved -- at that point she
10 never moved. She was just standing right in front of the
11 window where she dropped.

12 Q And she was standing before?

13 A Before absolutely.

14 Q And then when the gun fire stopped, you walked over
15 and were able to see her lying on the pavement?

16 A Absolutely.

17 MR. TUCKER: Okay. That's all the questions I
18 have, your Honor.

19 THE COURT: All right. Thank you, Ms. Robinson.
20 You can step down.

21 (WHEREUPON, the witness leaves the witness
22 stand.)

23 THE COURT: Any objection to her being released
24 from her subpoena.

25 MR. TUCKER: No, objection from the State, your

1 Honor.

2 MS. PARHAM: Potential witness, thank you.

3 THE COURT: Ms. Robinson, please understand
4 you're still under subpoena. You free to go, okay. Thank
5 you.

6 MR. TUCKER: Your Honor, the next witness might
7 be a little bit in terms of length. I didn't know if now
8 would be a good time to take a little break. I believe
9 the witness himself will be next can use a bathroom break.

10 THE COURT: Ladies and gentlemen, we'll take a
11 brief recess. We'll be back to hear the next witness.
12 Please don't discuss this case. Thank you so much.

13 (WHEREUPON, the jury retire to the jury room.)

14 THE COURT: All right. We'll be in recess.

15 (WHEREUPON, a break was taken.)

16 THE COURT: All right. You ready to go?

17 MR. TUCKER: We ready, your Honor.

18 THE COURT: All right, the defense good?

19 MS. PARHAM: I'm sorry.

20 THE COURT: Are you ready to go?

21 MS. PARHAM: Yes.

22 THE COURT: Can I have the jury please. Thank
23 you.

24 (WHEREUPON, the jury came into open court.)

25 THE COURT: All right, sir.

1 MR. TUCKER: Thank you, your Honor. May it
2 please the Court. At this time the State would call
3 Stephen Banister.

4 THE CLERK: Please place your left hand on the
5 Bible and raise your right hand. Do you swear or affirm
6 the testimony you give in this case to be the truth, the
7 whole truth and nothing but the truth so help you God?

8 THE WITNESS: I do.

9 THE CLERK: Please be seated and state your name
10 for the record.

11 THE WITNESS: My name is Stephen Banister.

12 MR. TUCKER: May it please the Court.

13 THE COURT: Yes, sir.

14 WHEREUPON,

15 Stephen Banister,
16 after first having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. TUCKER:

19 Q Mr. Banister, where are you presently employed?

20 A Honda Manufacturing.

21 Q And in what capacity?

22 A I'm the corporate security for the Carolina's for
23 Honda.

24 Q And prior to that job -- let me first ask you how
25 long have you been working for Honda?

1 A About 18 months now.

2 Q And prior to that 18 months where did you work?

3 A City of Florence police department.

4 Q And how long did you work for them?

5 A About a little over 19 years.

6 Q And in what capacity did you work for the Florence
7 police department?

8 A I was a criminal investigator. I finished -- right
9 before I retired, I was sergeant over a division.

10 Q And I want to direct your attention to the time frame
11 of March the 23rd and March 24th and days thereafter 2019
12 were you a criminal investigator at that point?

13 A Yes, I was.

14 Q Okay. And could you tell me and the ladies and
15 gentlemen of the jury how you became involved in this
16 case?

17 A During the night in question, I was on-call
18 investigator, which means if anything happens after the
19 hours of roughly four o'clock in afternoon, they'll call
20 me.

21 Q Okay. And could you tell me a little bit about what
22 the duties and responsibilities associated with being an
23 investigator with the police department were?

24 A Cases that happen throughout the day are divided up
25 between with the investigators with the City. So some of

1 it is what your speciality is. Like in my case with this,
2 I happen to be on call, so anything that happens that
3 night will be something I'll cover and investigate further
4 on.

5 Q And would it entail investigating crimes of all
6 kinds?

7 A Yes, it would.

8 Q And do you recall how you became involved or how you
9 were dispatched and assign to this case?

10 A Yes, I was called in the middle of the night or real
11 late early morning by Lieutenant Cody Jordan that
12 indicated that there was a shooting took place in
13 Florence, told me the location and asked for me to come
14 out and assist.

15 Q And would this have been the morning of March the
16 24th?

17 A Yes, it would.

18 Q Okay. And do you recall what you did after being
19 notified by Lieutenant Jordan?

20 A Yes, I live in Hartsville, so I have to jump up and
21 get ready. And on the way in, I called in and spoke to
22 officers getting a little bit more clarification of what
23 took place and what's happening. And at that time I
24 decided to go to McLeod hospital.

25 Q And why did you decide to go to McLeod hospital?

1 A At the time the crime scene Investigator Starling was
2 already on scene or beating me to the scene. And with
3 his -- me and his sister I know are very capable of
4 handling the scene. I was already told that majority of
5 the people left. And that there was a good amount of
6 people at the hospital. I knew the victim was there and
7 at that time I would assume that she was still alive.

8 Q And when you got to the hospital was your assumption
9 found out to be, correct?

10 A Yes, it was.

11 Q Okay. And what, if anything, did you do when you got
12 to the hospital?

13 A I met with officers. I met with the doctor and
14 nursing staff. I actually met with Chelsea Plowden and in
15 her room to observe any injuries she had and get kind of a
16 background of her injuries and what was happening at that
17 time.

18 Q And what was your understanding of the nature of her
19 injury?

20 A Very substantial. After speaking to the medical
21 staff and the doctor, they told me that she had a severe
22 injury to the brain and that most likely she probably
23 would not pull through.

24 Q And you mention that were in Ms. Plowden's room was
25 she conscious?

1 A No, she was not.

2 Q Of course, it presupposes then, that she wasn't able
3 to communicate with you?

4 A Not at all.

5 Q And primarily going to the hospital if a victim was
6 still alive is that someone from whom you can valuable
7 information in an ongoing investigation?

8 A Yes, it would, that's why I went there.

9 Q And, obviously, that was not the case and not
10 possible here, is that correct?

11 A Yes, sir.

12 Q Okay. Once you left Ms. Plowden's room, what, if
13 anything, did you do then?

14 A After dealing with the nursing staff and the doctors,
15 we went out to the front of the lobby to the ER met with
16 Ms. Plowden's family, broke the news to them. And then I
17 began talking to some people that had information to the
18 case.

19 Q And do you recall who some of those people may have
20 been that you encountered there?

21 A Ms. Deandra was also there. I talk to her mother,
22 but I talk to Deandra outside the hospital in the parking
23 lot by her car.

24 Q And when you say Deandra whom are you referring?

25 A I'm sorry I forget the names real fast. Deandra

1 Whitehead I'm sorry. I apologize.

2 Q That's quite all right. And do you recall what, if
3 anything, she was able to provide to you in terms of
4 information?

5 A Yeah, she was able to tell me that her mother, Gloria
6 Whitehead, witness the entire incident.

7 MS. PARHAM: Objection to hearsay.

8 MR. TUCKER: Your Honor, Ms. Whitehead has
9 testified to everything she saw and told Investigator
10 Banister has already been testified to by Ms. Whitehead.

11 MS. PARHAM: Your Honor, it's improper hearsay.

12 THE COURT: I'm going to sustain the objection.
13 You can try to elicit it in another way.

14 MR. TUCKER: Okay.

15 BY MR. TUCKER:

16 Q As a result of speaking to Ms. Whitehead, Deandra
17 Whitehead, what, if anything, did you do then?

18 A I left that location and went to an apartment and met
19 with Ms. Gloria Whitehead.

20 Q Okay. And what was your impression in terms of what
21 the information was in terms of what her information was
22 in terms of not going into the specifics, but was your
23 information that she was there when the shooting occurred?

24 MS. PARHAM: Same objection, your Honor, because
25 we don't have a recording or any notes or anything from

1 this and it's hearsay. She testified. And if they wanted
2 to elicit that, they could have elicited it during her
3 testimony.

4 MR. TUCKER: I believe that's what she testified
5 that she met with Investigator Banister at her daughter's
6 apartment and pretty much told him she saw what happened.
7 Now, I won't go into exactly what she said. The jury's
8 heard her testimony. I'm trying to establish an order in
9 which Investigator Banister conducted his investigation.

10 THE COURT: All right, ask your question again.

11 BY MR. TUCKER:

12 Q After speaking to Deandra Whitehead, you went and
13 spoke to Gloria Whitehead, is that correct?

14 A Yes, it is.

15 Q And my would have been did you get the impression she
16 was there when the incident happened?

17 THE COURT: I'll allow the question.

18 A Yes, I did.

19 Q Okay. And after speaking to Gloria Whitehead what,
20 if anything, did you do?

21 A From that point from the information I was given, I
22 thought that I had a lead into the case.

23 Q Okay. And did you pursue that lead once you left
24 there?

25 A Yes, I did.

1 Q And where did that take you?

2 A At that point after speaking to Gloria, it was pretty
3 late. We were running close to four a.m. in the morning,
4 so it wasn't until later that morning I continued -- so I
5 actually left from that point after stopping by the crime
6 scene to make sure we had everything we had and went home,
7 got a couple hours sleep and then returned right back to
8 work.

9 Q Okay. And at this point in your investigation, did a
10 suspect begin to emerge?

11 A Yes, it did.

12 Q Okay. And later that same day were you contacted by
13 Tanisha Timmons?

14 A Yes, I was.

15 Q And after speaking with Ms. Timmons were you able now
16 to get a pretty good handle on what happened in terms of
17 who was responsible for what happened?

18 A Yes, I was.

19 Q And were you able to secure warrants?

20 A Yes, I was.

21 Q And for whom did you secure warrants?

22 A I secure for both Joyner sisters Measha and Joyner.

23 Q Okay. And do you recall if which one was charged
24 with the murder of Chelsea Plowden?

25 A The murder was Measha.

1 Q Okay. Now, ultimately were you able to obtain a
2 search warrant for the residence of Jolica Joyner?

3 A Yes, I was.

4 Q Okay. And do you recall when that search warrant was
5 executed?

6 A Yes, it was on the 25th of March 19.

7 Q And you were present for Captain Starlings testimony
8 yesterday, were you not?

9 A Yes, I was.

10 Q And do you recall what items were seized pursuant to
11 the search warrant?

12 A Yes, recovered a -- two boxes of ammunition and one
13 other hand gun that was eliminated from the case.

14 Q Do you recall what caliber those boxes of ammunition
15 were?

16 A Nine millimeter and I think correct was .380.

17 Q Okay. And those were taken back and logged into
18 evidence?

19 A Yes, they were.

20 Q Okay. Now, with regards to the investigation
21 progressing to the point -- were you able to make contact
22 with Jamares Robinson who testified earlier?

23 A Yes, I was.

24 Q And from Mr. Robinson did you obtain anything of
25 evidentiary value?

1 A Yes, I was. He was -- agreed to turn in the firearm
2 that night of the incident.

3 Q Okay. And I believe he testified that he had a nine
4 millimeter, is that correct?

5 A Yes.

6 Q And is that what you took from him?

7 A Yes, it was.

8 Q Okay.

9 MR. TUCKER: If I may approach, your Honor?

10 THE COURT: Yes, sir.

11 BY MR. TUCKER:

12 Q And, Mr. Banister, I'm going to show you what has
13 been marked as State's Exhibit 112 and I'm going to first
14 ask you -- I know it's in the box and I don't want to take
15 it out right yet, but, again, if you would look at the
16 serial number and the brand. Does that appear to be the
17 firearm that was turned in to you by Mr. Robinson?

18 A Yes, it does.

19 Q Okay. And were you ultimately able to make contact
20 and speak to Demarcus Bluett and was he able to provide
21 you something of evidentiary value as well?

22 A Yes, he was.

23 Q And what was that?

24 A He was able also to turn in a firearm that used at
25 the scene. And he also give me the same information

1 coinciding with all the other witnesses I have.

2 MR. TUCKER: If I may approach, your Honor?

3 THE COURT: Yes, sir.

4 BY MR. TUCKER:

5 Q And, Mr. Banister, I'm going to show you now what has
6 been marked as State's Exhibit 111. And, again, without
7 taking it out of the box, but just for identification
8 purposes only looking at the caliber and everything. Is
9 that the weapon that Demarcus Bluett gave to you.

10 A Yes, sir.

11 Q Okay. And were you ultimately able to make contact
12 with Carlos Jackson?

13 A Yes, I was.

14 Q And from Carlos Jackson were you able to obtain
15 anything of evidentiary value?

16 A Yes, I was. He also give me a statement and it
17 helped with my evidence on what occurred with what was
18 backed by other witnesses. And he also turned in a
19 firearm.

20 Q I'm sorry I cut you off there.

21 MR. TUCKER: If I may approach again, Your
22 Honor.

23 THE COURT: Yes, sir.

24 BY MR. TUCKER:

25 Q And lastly I'm going to show you Investigator

1 Banister what's been marked for identification purposes
2 State's 113. And, again, without taking it out of the box
3 is that the firearm that Carlos Jackson turned into you?

4 A Yes, sir.

5 Q And once you had all three of these firearms in your
6 possession what, if anything, did you do with them?

7 A I place them into evidence and advised Stephen
8 Starling that was working the case with me on the crime
9 scene then that I placed them in evidence to be tested.

10 Q Okay. And were those firearms ultimately taken to
11 SLED for analysis?

12 A Yes, they were.

13 Q And do you recall who took the firearms to SLED?

14 A It would be our evidence custodian.

15 Q And do you recall who that was at the time?

16 A Frank Mizell.

17 Q Okay. Now, at some point in your investigation did
18 you have an occasion to go to Charleston where the body of
19 Chelsea Plowden was taken for autopsy?

20 A Yes, I did.

21 Q And were you able to -- or did you obtain anything of
22 evidentiary value?

23 A Yes, I did.

24 Q And what was that?

25 A I retrieved the bullet that they took from the body.

1 There was a CD I think with photos and there was one other
2 item I don't have the sheet in front of me right now, but
3 there was three items I brought back.

4 Q If I told you it was a blood spot, does that sound
5 correct?

6 A Yes, sir.

7 Q Okay. And you signed a form did you not with regards
8 to when you picked them up?

9 A Yes, I did.

10 Q And if I could approach just for identification
11 purposes. Is that your signature on the form?

12 A Yes, sir.

13 Q Okay. And you list those items you just testified to
14 as what you picked up?

15 A Yes.

16 Q Now, once you had those items in your possession
17 what, if anything, did you do with those?

18 A Take them back to Florence police department and
19 submit them back into evidence.

20 Q Okay. And ultimately were those things taken to SLED
21 for analysis as well?

22 A I believe so.

23 Q Okay. Now, when you conducted your investigation at
24 times during there were several things that took place, we
25 heard testimony about the Robinsons coming to the police

1 department and providing statements. Do you recall that
2 testimony?

3 A Yes, sir.

4 Q And do you recall whether or not those statement were
5 recorded?

6 A They were recorded in our interview room.

7 Q Okay. And could you explain to the ladies and
8 gentlemen of the jury how the recording set up operates
9 there in the interview room?

10 A Yes. We have two rooms. One of them has cameras and
11 different things so you can observe and watch the
12 interviews. The room we were in is just a blank square
13 room. There's one kind of dry erase board on it a desk.
14 And there's switch you walk in that you hit to activate
15 the camera in the interview. And then you hit the same
16 switch on the way out.

17 Q Okay. Is there any kind of light in there to let you
18 know that the device is actually working or the camera's
19 recording?

20 A No, not at all. Without somebody sitting in the
21 other room watching to see if it comes on when you're in
22 that room, you don't see anything. And it was kind of
23 design that way, so it doesn't interfere with who you're
24 talking to. And they're not keep their eye on what's
25 around the room. It's a real static room.

1 Q Okay. And did you have somebody else in the other
2 room viewing or making sure the thing was working?

3 A No, I did not at the time.

4 Q Do you recall why not?

5 A That was later in the afternoon and nobody was there.
6 It was just me. And during that time there was people
7 coming to come speak to me. I didn't really have a time
8 to schedule it. These were spontaneous people calling me
9 telling me they're on the way, so I couldn't line up other
10 investigators that were also out doing their job.

11 Q Okay. And did you ultimately learn that for whatever
12 reason the statements that you took from the Robinsons
13 were not actually recorded?

14 A Yes, sir.

15 Q And, again, did you purposely delete the recordings?

16 A Not at all. I wish I had them, but what was said in
17 the room also was put into my statement and backed up by
18 the actual people that came and testified.

19 Q Okay. And when you say your statement, that's the
20 report that you prepared during your investigation?

21 A Yes, sir.

22 Q Okay. So you had spoken to the Robinsons, did you
23 also speak to Tanisha Timmons there at the police
24 department as well?

25 A Yes, I did.

1 Q And did you record her statement?

2 A Yeah, we went into the interview room also.

3 Q Okay. And did, again, how long had this recording
4 system that was in place when you took her statement, how
5 long had it been -- being operated by the police
6 department when you took her interview?

7 A Not very long. It was brand new. And we were
8 actually working trying to get the whole room set up. It
9 was a fairly new room. We didn't have an interview room
10 before, so it was new and we were working out bugs.

11 Q Okay. Be fair to say that you were still trying to
12 come to grips with how to operate it?

13 A Yes, sir.

14 Q Okay. And did you ultimately learn that apparently
15 some ---

16 MS. PARHAM: Judge, he's just leading his
17 witness. I object.

18 THE COURT: All right, please restate your
19 question.

20 BY MR. TUCKER:

21 Q Did you actually get an opportunity to review the
22 taped statement that you made with Tanisha Timmons?

23 A No, I did not.

24 Q Okay. Did you ultimately find that the recording
25 somehow had been not recorded, I guess, the statement?

1 A Yes, sir, I saw the one little tiny answer of what
2 was there, which was basically walking in and walking out.

3 Q Okay. And, again, is there a light in there that
4 indicates whether its operating or not operating?

5 A There's nothing for me to know that there wasn't
6 being recorded at the time.

7 Q Okay. And so let me make sure I'm clear. You had
8 spoken to all the people that you had indicated you spoke
9 to with regards to what happened at the Quick Stop on that
10 morning, correct?

11 A Yes, sir.

12 Q And you concluded your investigation you were --
13 obtain warrants for Measha Joyner and Jolica Joyner, is
14 that correct?

15 A Yes, sir.

16 Q And, again, what was it that Measha Joyner was charge
17 with in terms of most serious offense?

18 A By then, she was charged with murder and the other
19 sister was charged accessory along with some other charges
20 that were added.

21 Q Okay. In terms of any other things that the
22 investigation revealed that I haven't asked you with
23 regards significant or pertinence?

24 A Not that I can recall.

25 Q Okay.

1 MR. TUCKER: Beg the Court's indulgence for one
2 moment. I believe those are all the questions I have for
3 Investigator Banister.

4 THE COURT: All right, sir. Ms. Parham.

5 CROSS-EXAMINATION

6 BY MS. PARHAM:

7 Q Good afternoon.

8 A Good afternoon.

9 Q So when I watch these body camera, I see all the
10 officers have these note pads in their hands and they're
11 taking notes. What happens to the notes at the police
12 department?

13 A Those officers ---

14 MR. TUCKER: I would object to speculation as to
15 what happens to other officers notes, your Honor.

16 MS. PARHAM: Well, he's the supervising officer
17 over this case.

18 THE COURT: If he knows the answer to the
19 question, I'll allow the answer.

20 MS. PARHAM: Thank you.

21 A As far as I'm aware or recall, there is no process
22 for what they have to do with those notes. They keep them
23 with them because those note pads they're holding go on to
24 the next day, to the next day, to the next day.

25 Q Did you review any of the note pads in this case?

1 A No, I did not.

2 Q Did you review the body camera video?

3 A No, I did not.

4 Q So all these officers respond to the scene, talk to a
5 bunch of witnesses on body camera and take notes and you
6 did not review any of their body camera video before you
7 got warrants?

8 A I look over their statement that they type afterwards
9 because they indicate what they had a part of in the
10 incident.

11 Q But even hard the first officer who testified Herman
12 didn't even make a statement -- report, did he?

13 A Well, actually, he did. When you have a trainee,
14 you're sitting with them helping them type the reports.
15 So it's words along with the trainees even though the
16 trainees the one typing it, he kind of indicated that in
17 his statement that he's along with it. He's approving it.
18 He's not allowing anything to be put in there that wasn't
19 factual.

20 Q Well, my recollection from the testimony was that it
21 was his trainees report not his. I thought he corrected
22 me on that?

23 A Well, it's a splitting hairs thing because he
24 indicated that he actually typed it, but he approved it.
25 And I'm a training officer also. And I did the same thing

1 throughout my career is we would handle an incident
2 together, but I let him type it because it's not even just
3 learning the statement or typing the statement, but it's
4 all the key boxes you have to check and learning the
5 report system. But nothing was ever put in there without
6 an approval.

7 Q Well, let's talk about some of these reports because
8 I believe some of them a lot officers didn't prepare a
9 report in this case, correct?

10 A I'm not sure what you're talking about.

11 Q Okay. With regard to Officer Gregg ---

12 MS. PARHAM: May I approach, your Honor.

13 THE COURT: Yes, ma'am.

14 BY MS. PARHAM:

15 Q If you could tell me, I believe he was a responding
16 officer at the crime scene, correct?

17 A I took your word for that.

18 Q How many lines is his total report about his duration
19 on this crime scene?

20 A Look likes six.

21 Q Six lines. And so did you ever review the body
22 camera footage in this case?

23 A From the officers responding, no.

24 Q Okay. Officer Jordan responded. I don't have a
25 police report from him. Are you aware of one?

1 A No, I am not. He was the lieutenant on the shift.

2 Q Officer Martin?

3 MS. PARHAM: May I approach, your Honor?

4 THE COURT: Yes, ma'am.

5 BY MS. PARHAM:

6 Q How many lines is his report on this?

7 A Three.

8 Q Three lines. Okay. Basically, he arrived on scene
9 and he used a body camera? So seems like some of these
10 officers use the body camera because it's on the whole
11 time as a substitute for their report, correct?

12 A I disagree.

13 Q Okay. Officer Weatherly are you aware of any report
14 she made in this case?

15 A No, I'm not.

16 Q So with regard to the body camera which we heard,
17 there was a female who came forward Jamie Zimmerman, were
18 you aware of the information she gave on body camera?

19 A I don't recall.

20 Q Okay. That was the information about people in my
21 client's car shooting in the air and another man in a BMW
22 that was shooting. Did you receive any of that
23 information?

24 A This is the footage that we played. I remember
25 seeing a body cam footage where a gentleman wear like a

1 white track suit was talking about a possible white
2 Mercedes or a white vehicle.

3 Q Well, isn't it true that even Jamie Zimmerman's name
4 is mentioned in one of these police reports. Did you ever
5 interview her?

6 A No, I did not.

7 Q And are you aware that she says on body camera that
8 she believes that my client car's was shooting up in the
9 air and that the bullets that were responsible killing
10 Ms. Plowden came from around her area, Ms. Plowden's area.
11 Are you aware of that?

12 A No, I'm not, but at that scene that night there was
13 many people and during my investigation, many statements
14 and many items come up that I can clear from interviewing
15 other individuals and the evidence on the scene. So
16 sometimes I don't have to meet with people because the
17 statements I get later either checks off or clear up what
18 somebody might have said earlier.

19 Q Wouldn't you agree, Investigator, that's clear from
20 this investigation and these witnesses, the ones who
21 testified at least, that they are friends and family of
22 other?

23 A We assume it's a birthday, so I'm assuming they're
24 inviting their friends and family.

25 Q But are you aware that there other people on scene

1 who might have been more tangentially related and not as
2 close to these individuals who are related to each other
3 such as Ms. Zimmerman. Did you know she lived in
4 Columbia?

5 A Yes, ma'am, but you have to remember too I came
6 straight from Hartsville, which is 30 minutes. And then I
7 was at the hospital. And then I was at Gloria Whitehead's
8 house. And by that time most of the people had already
9 left and I was told by Officer Wynn that I indicated in my
10 report that most of the people had already fled the scene
11 by that time I arrived in town.

12 Q Did you ever -- well, I believe that officer who talk
13 with Ms. Zimmerman, you know, wrote it down and said that
14 there would be follow up, but you never called her?

15 A No, I did not.

16 Q What about this Aunt Laura and Moot who were riding
17 in car with Deandra Whitehead and Kanisha Allen. Did you
18 ever interview them?

19 A I never got an opportunity n,o.

20 Q But wouldn't that have been a really good way because
21 in some testimony, it's that the shootings were minutes a
22 part, but, of course, in Ms. Whitehead's statement and
23 these girls, it was anywhere from, you know, 20 to 30
24 minute later that they said they went to Frances Marion
25 and came back and wouldn't -- interviewing those people

1 and their car be a way of either proving or disproving
2 what they said was true?

3 A I imagine, but during my investigation, I asked
4 everyone to come forward and put the word out to everybody
5 that would listen. I can only interview and talk to
6 people that come and speak to me.

7 Q Well, you know, in your police report, it just says
8 that Mr. Demarcus Bluett just shows up at the police
9 station with a gun, but as you hear from this witness
10 stand from the whole trial, no one, no one testifies they
11 saw him shooting. And so how did he even happen if there
12 is no report anywhere in this case file or no one said he
13 was shooting. How did he just spontaneously come up to
14 the police station?

15 MR. TUCKER: I would object, your Honor, that's
16 calls for speculation on Investigator Banister's part as
17 to what motivated Mr. Bluett to come to the station.

18 BY MS. PARHAM:

19 Q Did you reach out to him?

20 THE COURT: Go ahead.

21 A I did it through a third party.

22 Q Okay. How did you know to reach out to him through
23 third party?

24 A Because after the bond hearing for the defendant, I
25 spoke to the family members in the parking lot express to

1 them what I needed to this case. And they advised that
2 they would reach out to these people that had not come to
3 me and try to get them to come speak to me at the police
4 department.

5 Q And. Who is that third party?

6 A Keekee Allen.

7 Q Okay. And how is she related to this case?

8 A She's friends and family I think with everybody that
9 was there. She was actually dating, I think, the victim
10 at the time if I remember correctly.

11 Q Okay. Is this the victim's girlfriend who found
12 these witnesses?

13 A Yes.

14 Q Okay. And got them come in and talk to you?

15 A Well, I asked her ID everybody involved with a
16 firearm at the scene to come speak to me and to bring me
17 their firearm.

18 Q Okay. And are you aware that Mr. Bluett has since
19 been arrested with a crime that involves a nine millimeter
20 gun?

21 A Not until I was called for this case they advised we
22 will be going to trial. I haven't followed up with
23 anybody involved with this case since I retired.

24 Q Okay. But you do know that now?

25 A Now, I do, yes.

1 Q That Mr. Bluett was arrested -- had a charge with a
2 nine millimeter?

3 A Yes.

4 Q Okay. And so with regard to your going to the
5 hospital and speaking with -- and would it be fair to say
6 that the people who are at the hospital for the most part
7 were the friends and loved ones of Ms. Plowden?

8 A Well, yes.

9 Q And could be biased in this case would you agree with
10 that?

11 A I'm not going to speculate to what they might be
12 thinking or would do.

13 Q Well, when you talk with Ms. Whitehead the first
14 interview at the hospital, who was with you which police
15 officer?

16 A At that time I had Sergeant Wynn was at the hospital
17 with me.

18 Q Okay. Now, we have body cam footage from Sergeant
19 Wynn from being on the scene that night. I take it he
20 didn't go home and change clothes from the scene, so why
21 didn't he activate his body camera at the hospital if he
22 was with you?

23 A I don't know why he did or he did not, but at the
24 scene at the hospital wasn't an incident that usually why
25 we have body cam footage. This was just him staged up at

1 the hospital waiting for the case to be done over with and
2 to assist me with anything. So under the Florence policy,
3 he didn't have to have it on during that time.

4 Q Well, but isn't it important to record interviews
5 because that's how we know what people said on the day
6 that said it rather than, you know, it's a recording
7 because people's memory change, people's testimony as you
8 hear can be different from what they said earlier. And so
9 the way that we preserve it is to record and interview
10 either in writing, note taking, video, audio all of the
11 above, isn't that right?

12 A I agree, but at the time I spoke to Deandra if I
13 recall correctly, he wasn't with me outside at the
14 vehicle. He was still in the hospital.

15 Q Okay. Well, what did you do memorialize your
16 interview with Ms. Whitehead at the hospital?

17 A It was very short and I just took notes like getting
18 her mother's name, address, where I can meet her, where I
19 can call her. And all the notes I took were indicated in
20 into my report where I put them in the witness statements
21 or whether I put them in a block as a suspect or whatnot,
22 I put in the report. They're just chicken scratch for me
23 to keep up with what's going on throughout the night.

24 Q And I'm sorry just to be clear you spoke with -- I
25 might have said Gloria Deandra Whitehead at the hospital?

1 A Yes.

2 Q And Kanisha Allen at the hospital?

3 A Yes.

4 Q But did you -- I see in cases all the time y'all use
5 those transportable recording devices to record
6 conversations, did you do that?

7 A No, I did not.

8 Q Okay. Did you take notes when you spoke to them at
9 the hospital Kanisha and Deandra?

10 A Yeah, just brief notes.

11 Q And do you still have those notes?

12 A No, I do not.

13 Q What did you do with them?

14 A I transferred them into my report. Anything I wrote
15 in my notes mostly were addresses, phone numbers of, you
16 know, who was, where, what happened. I take those from
17 there and transfer them into the actual case file report I
18 have with me now.

19 Q Okay. And then when you spoke with Ms. Whitehead
20 that was at her house, is that correct?

21 A Ms. Gloria Whitehead?

22 Q Yes, Gloria Whitehead sorry.

23 A Yes, it was at a residence. I'm assuming it was her
24 house, but I'm not sure at this point.

25 Q Okay. And did any officer go with you there?

1 A Lieutenant Cody Jordan.

2 Q Okay. Did either one of you record that interview?

3 A I don't know if he did or not. I did not. He went
4 with me more for officer safety at this time. We're
5 getting close to four a.m. we're involved in interviewing
6 people in a shooting. I don't really know who I might
7 bump into, so I took him with me more as an officer
8 safety.

9 Q But you're not aware of any recording in this case
10 file from Cody Jordan?

11 A Not that I recall.

12 Q Okay. And did y'all take notes at that interview
13 with Ms. Whitehead as the residence Gloria Whitehead.

14 A I don't recall, but I think she might have. I
15 indicated in my report. If any notes, I indicated in my
16 report.

17 Q Okay. When you went to the interview room with these
18 other witnesses and let's talk about that. So it appears
19 that Ms. Whitehead came into the interview room on March
20 25th, is that right?

21 A Just making sure I got the date right. Yes, ma'am,
22 and it looks from my notes it was approximately 10:00 a.m.

23 Q And that video was recorded?

24 A Yes, ma'am.

25 Q Right. And do you recall -- have you reviewed that

1 interview with Ms. Whitehead in preparation for trial?

2 A No, I have not.

3 Q Okay. Do you recall her saying when she heard
4 talking about Carlos Jackson shooting she referred to it
5 as boom, boom, boom in the interview multiple times?

6 A I do not recall. It's been a few years, but I have
7 to hear it again.

8 Q Okay.

9 A But if it was indicated in the recording and you're
10 saying this, then it was said.

11 Q We'll come back to that. I do have that piece of
12 recording I like to play for you at the appropriate time.
13 So with regard to Ms. Whitehead hers was on March 25th and
14 that was recorded. On March 24th, that is when
15 Ms. Timmons -- the day before Ms. Timmons comes in and you
16 can see her come into the interview room and sit down and
17 then it goes blank. And you can't see anything and then
18 you see her leave the interview room.

19 A Yes, ma'am.

20 Q Was just the middle part of her interview that is
21 gone. Do you know why that is? Why her interview is
22 missing? You can see her come in and sit down? You
23 reviewed it?

24 A Yes, I have.

25 Q I'm correct. So she comes in and sits down. And she

1 sits there and then interview is missing. And then she
2 gets up and walks out the room?

3 A Yes, ma'am.

4 Q How could that possibly happen?

5 A I don't exactly know. I wish I had the interview.
6 Thankfully she came in and testify, but I can only assume
7 some different things that we bounced off each other and
8 possibly had that happen. But it's essentially technology
9 and sometimes it happens.

10 Q All right. And so her interview is on March 24 and
11 she comes in the interview room, sits down and then it's
12 missing and she leaves. Then on March 25th
13 Ms. Whitehead's interview is recorded. And then
14 March 26th that's when Mr. Jackson comes in to be
15 interviewed, correct?

16 A Yes.

17 Q And that is also recorded we saw?

18 A Yes.

19 Q All right. And then I believe on the 27th is when
20 the three Robinsons Come in?

21 A That's correct.

22 Q Okay. And unlike Ms. Timmons' interview were you can
23 see her come in and avoid and leave. The three Robinsons
24 interview are just missing all together where are they?

25 A Couldn't tell you.

1 Q Okay. So, I mean, there's not even them coming in
2 and because I think y'all were talking turning the light
3 switch on and turning it off. And maybe you accidentally,
4 you know, cut it off in the middle, but all three Robinson
5 interviews not just one, but Jamares, Angela and Brianna
6 -- and by the way did you interview those separately or
7 together?

8 A They were interviewed separately.

9 Q In the interview room in the Florence police
10 department, correct?

11 A Yes.

12 Q And the three videos of their separate interviews all
13 three of them are missing, isn't that right?

14 A Yes.

15 Q Okay. And what have you done to try to look for
16 those missing interviews?

17 A There's nothing I can do to look for interviews. I
18 don't have access to them. Those go automatically to
19 crime scene, so officer can't erase or destroy or do
20 anything with them. So once I go in that room and I
21 leave, the only thing I can do is let the crime scene know
22 that, hey, I had interviews and that's it, but I don't --
23 there's nothing I can do to retrieve them myself. All I
24 can do is advise crime scene that handle that.

25 Q Well, is there's no check and balance because I can

1 see in your police report you say I met with Tanisha
2 Timmons in the interview room and our conversation was
3 video recorded? So those statements in your police report
4 make it seem like it in fact happen. So after you meet
5 with someone, do you not check to make sure it was
6 recorded or go back and re-watch it, you know, if you want
7 to remind yourself of what was talked about? Was there --
8 in other words, were these ever recorded and lost? I
9 mean, did you know that the Robinsons were lost or were
10 they not recorded?

11 A Not unless somebody would have from crime scene
12 called me and said, hey, we went to pull your video and
13 they wasn't there. I was never notified, so I assume it
14 was downloaded. And unless I need to go back and check
15 over any interview that I did, if I make enough notes and
16 transfer to my statement quickly enough, there is no
17 reason to go back and look at it again to know what was
18 already took place.

19 Q Well, certainly it is important for defense counsel
20 and everyone associated with this process to know what was
21 said back then because where are your notes from these
22 interviews?

23 A They're within the statement that I have my case log.

24 Q Well, I see these, but they're like two sentences and
25 some of these interviews are an hour long, so what about

1 all the details that they told you? Were you taking notes
2 on your note pad?

3 A All the details are within my statement and none of
4 them are two lines long.

5 Q , Okay. Well ---

6 A Maybe the officers might have done a two or three
7 line report each individual I spoke to, but I put the
8 evidence that they gave me that was pertinent to the case.

9 Q Okay. Well, I'm looking at this report and it seems
10 like even with regard to the interviews that we do have
11 recorded, your report is just a summary of what was said.
12 For example, the ones that we do have Carlos Jackson and
13 Gloria Whitehead, the police report does not begin to go
14 into the detail that's apparent in those interviews?

15 A In regards to the missing video?

16 Q No, the two that we do have. What I'm saying is that
17 your police report is not a thorough account by any means
18 of what was said in the interview room, would you agree
19 with that?

20 A No, I would disagree with that.

21 Q You would agree -- you would say that your police
22 report is substantially the same as everything they said
23 in the interview room?

24 A Yes.

25 Q Okay. When did you realize that these four videos

1 were missing?

2 A Before this trial.

3 Q Okay. Do you recall my office sending e-mails and
4 letters years ago asking for these?

5 A No. We don't -- we normally don't get e-mails when
6 people are needing video footage or have questions. It
7 usually comes by subpoena and that's handled by whole
8 other division. Back then, it was probably Michael Brandt
9 the captain.

10 Q Okay. So your testimony is that you did not realize
11 that any of these videos were missing until when?

12 A Until right before the trial within the month.

13 Q All right. And y'all were not queried by the
14 Solicitor's office over the past several years asked to
15 look for these videos of interviews?

16 A No, I was not.

17 Q Okay. What do you do with your notes after you
18 prepare your police report?

19 A They get destroyed.

20 Q Okay. When did you -- who was the 9-1-1 caller what
21 number did that come back as the 9-1-1 call on the CAD
22 report?

23 A I do not recall.

24 Q Did you ever run a background history of that phone
25 number?

1 A No, I did not.

2 Q Okay. Did you ever interview the 9-1-1 caller?

3 A From what I recall Carlos Jackson was one of the
4 people that called 9-1-1, so I did interview him
5 pertaining to his involvement.

6 Q Well, that's what I remember hearing watching these
7 videos, but it was interesting in your video with Carlos
8 Jackson you never asked him if he was the 9-1-1 caller?

9 A It wasn't pertinent to the evidence in this case.
10 What I was needing Carlos Jackson is to find out did he
11 have a firearm, did he fire a firearm, where was that
12 firearm, where was other people located and who was
13 shooting at Chelsea Plowden.

14 Q And going back just to make sure about this because
15 you said he was one of the 9-1-1 callers. We heard from
16 the first witness she said there were two 9-1-1 calls.
17 Isn't it true -- I think Mr. Tucker said he was gone
18 clarify this as well. Isn't it true that upon review one
19 9-1-1 call was from the anonymous male and the other 9-1-1
20 call was from law enforcement or some kind of radio
21 traffic. So there is only one 9-1-1 caller, correct?

22 A If I recall correctly, yes.

23 Q Okay. So I didn't want that to be -- so there is
24 only one 9-1-1 caller. And why didn't you ask Mr. Jackson
25 in the recording if he was in fact the 9-1-1 caller?

1 A I didn't see it to be evidentiary.

2 Q Well, if you recall like I do from the 9-1-1 call.

3 The 9-1-1 call says that he saw the shooter or shooting

4 and you will recall Mr. Jackson says he was inside the

5 Quick Stop at the time of the shooting near the pool

6 table, that's what his video recorded interview says,

7 correct?

8 A Correct.

9 Q Okay. So that would be an inconsistence -- pretty
10 glaring inconsistency, would it not?

11 A But if I recall in my case, I don't remember during
12 my investigation that him saying he witnessed the shooter.
13 He told me that he fired a round and I need to know where
14 that gun was he used, so I can clear it from any other
15 rounds or bullets used. And that's what my case really
16 needed his testimony for. And the 9-1-1 calls very short
17 and really didn't give any information because officers
18 responded to the scene so quickly.

19 Q That's correct, Officer. So he does say on his
20 reporting that he was inside at the pool tables and didn't
21 witness the shooting. But you will recall the 9-1-1
22 caller says he witness the shooting?

23 A Okay.

24 Q Do you recall that?

25 A Yes, ma'am.

1 Q So that's a pretty humongous inconsistency with one
2 of your major witnesses that you did not ask him about,
3 did you.

4 A No, I did not.

5 Q And did you do anything -- another really glaring
6 inconsistency with regard to these videos in this
7 investigation is that some people believe that these two
8 sets gunshots are from -- well, I should say not just two
9 sets, but from Carlos Jackson shot to these other shots
10 were minutes a part and some people say they're 30 minutes
11 a part. So did you do anything to try to determine which
12 was, correct?

13 A No, this is testimony. There's no way I can change
14 how people feel. And everybody's timeline during a
15 stressful situation like that's different even with
16 experience people of law enforcement we have different
17 times how many times shot were fired. It gets confusing
18 chaotic at the scene, so I take all that in a grain of
19 salt when I'm looking at the investigation weeding out
20 what's real and what's not.

21 Q Okay. When -- you know you talk about your police
22 report, you know, being thorough with regards to these
23 interviews that we don't have.

24 MS. PARHAM: May I approach the witness?

25 THE COURT: Yes, ma'am.

1 BY MS. PARHAM:

2 Q With regard Jamares Robinson in your police report,
3 you say that Mr. Robinson admitted to shooting, correct?

4 A Yes.

5 Q How many times did he admit to shooting?

6 A Just make sure I'm reading fully so. I don't have an
7 indication of the amount of rounds he told me at that
8 time.

9 Q And isn't that extremely important many rounds
10 someone said they fired at an alleged homicide?

11 A At the scene we recovered all the shells and lucky
12 for me the three different handguns had three different
13 shells, so we were able to tell from each caliber handgun
14 who fired how many rounds.

15 Q Well, get to that too, but with regard to
16 Mr. Robinson your police reports says he admitted to
17 firing rounds but doesn't say how many, correct?

18 A By Mr. Robinson?

19 Q Right.

20 A Yes.

21 Q And we don't know what he said in his interview back
22 on March 27th because we don't have your notes and we
23 don't have the video, correct?

24 A Correct.

25 Q And you heard from his statement that he fired at

1 least six and possibly seven rounds, correct?

2 A Yes.

3 Q Okay. And you do not have enough shell casings from
4 Mr. Robinson based on your theory, do you, if what he says
5 is true that he fired six or seven rounds you don't have
6 six or seven shell casings from what you believe came from
7 him, do you?

8 A I can agree with that.

9 Q Okay. And likewise with Mr. Carlos Jackson on
10 March 26th, do you recall how many rounds he said he
11 fired?

12 A The one round to disburse a crowd.

13 Q And we will get to what Ms. Whitehead told you about
14 that, but if in fact Ms. Whitehead says on this video
15 boom, boom, boom, then likewise you would not have enough
16 shell casings that were found at the scene to account for
17 Mr. Jackson, would you?

18 A Well, that would be only if he did shoot multiple
19 rounds not the one.

20 Q Right. And with regard to -- I will strike that.
21 With regard to it seems like on these body cams that
22 everyone kind of tried to be contained in this building
23 and their officers talking about getting everyone's names,
24 phone numbers or driver's licenses before they were
25 allowed to leave. You know if that happened?

1 A I do not know.

2 Q Were you given everyone's names who were at the crime
3 scene? By anyone? Were you given any of these names?

4 A Only from what I picked up from the reports.

5 Q Okay. So you had an officer make a list of people --
6 and wouldn't that be pertinent, Detective, the names and
7 numbers of everyone who is at this scene to be
8 interviewed?

9 A It never hurts, but I wasn't at the scene to dictate
10 the officers actions out there.

11 Q With regards to these cars in the parking lot trucks
12 or cars on this bulletin board, are these the license
13 plates for those vehicles?

14 A Yes, that was actually done by crime scene Starling,
15 but I think he indicated in his testimony that they were.

16 Q Who owns these vehicle?

17 A I do not know not all of them offhand looking at it.

18 Q Did you ever run any of these tags of these cars at
19 this murder scene?

20 A No, I did not.

21 Q So you did not -- you don't know whose cars those
22 were?

23 A No, I do not.

24 Q Did you know that multiple people on body cam at the
25 crime scene were saying that Mr. Jackson was shooting, the

1 man with the crown?

2 A I don't recall, but I do know that he shot a firearm
3 at the scene from my investigation.

4 Q Right. But officers on scene knew that that night
5 and you didn't interview him until three days later, is
6 that right?

7 A Yes, I was not by choice because it wasn't until
8 KeeKee. I only got ahold of everybody and express to them
9 why I wanted to talk to them and what I needed before they
10 came forward.

11 Q All right. Did anyone measure the heights of these
12 cars?

13 A I'm not aware of that. That be a question for crime
14 scene Starling. I don't handle that.

15 Q But you do know that talking to crime scene Starling
16 that one of the things that the officers did to try to
17 preserve this crime scene was to look at all these cars
18 and in the building to see if there any bullet holes?

19 A I can imagine.

20 Q And you're not aware that any were found, correct?

21 A As much as I can recall, I don't think any of them
22 were hit.

23 Q You heard Mr. Jackson testify that he didn't know who
24 was involved. He didn't know the names of the people.

25 Isn't it true that Mr. Jackson identified all of the

1 individuals fighting when he was in the interview room
2 with you?

3 A He did indicate in my report that he knew that the
4 Joyner sisters were fighting.

5 Q Did he also indicate the other individuals who were
6 fighting?

7 A I can see right here it's just the Joyner sisters.
8 My follow up investigation with other people I was able to
9 find out who they were fighting.

10 Q Well, in your ---

11 A Actually, I'm sorry and it did. I did indicate that
12 they were fighting Deandra and Kanisha. I had to read
13 further down I apologize.

14 Q Yes, so he named all four individuals?

15 A Yes, ma'am.

16 MS. PARHAM: Judge, at this point I just have --
17 I believe Ms. Gloria Whitehead's interview portion to play
18 for him, so if we could just have a break get that cued
19 up.

20 THE COURT: All right. Can the attorneys
21 approach for one moment?

22 (WHEREUPON, a bench conference was held in the
23 presence of the jury, but out of the hearing of the
24 jury.)

25 THE COURT: Ladies and gentlemen, if you will

1 please just step to your jury room please don't discuss
2 this matter. We'll have you right back out. Thank you so
3 much.

4 (WHEREUPON, the jury retire to the jury room.)

5 THE COURT: All right. Am I correct in
6 understanding the issue is the statement of Gloria
7 Whitehead who indicated that there were three gunshots?

8 MS. PARHAM: She did multiple times in her
9 interview, twice in her interview.

10 THE COURT: And Detective Banister's testified
11 that he doesn't recall that?

12 MS. PARHAM: Correct.

13 THE COURT: All right. So the proper thing to
14 do would be refresh his recollection with the video
15 outside the presence of the jury.

16 MS. PARHAM: Okay. I can do that.

17 THE COURT: All right. I guess, since the jury
18 is out we should go ahead and take a recess. Please go
19 ahead and complete this process. And the we'll have a
20 short break and we'll resume, okay.

21 MS. PARHAM: Would you like for us to play it
22 for him while your Honor's taking a break?

23 THE COURT: Yes, ma'am. I'll wait on that.
24 Then we'll take a break.

25 MS. PARHAM: It's very short.

1 (WHEREUPON, audio played for the witness.)

2 MS. PARHAM: Okay, that was one. And then the
3 other time is 1936.

4 (WHEREUPON, audio played for the witness.)

5 MS. PARHAM: Those are the two parts.

6 THE COURT: All right. Do you need hear those
7 again?

8 THE WITNESS: No, sir.

9 THE COURT: All right. We'll take a brief
10 recess. Mr. Banister, you can step down, but you can't
11 talk to anyone about your testimony.

12 THE WITNESS: Okay.

13 (WHEREUPON, a break was taken.)

14 THE COURT: All right. Is everybody ready?

15 MR. TUCKER: The State's ready.

16 THE COURT: Can we have the jury please.

17 (WHEREUPON, the jury came into open court.)

18 THE COURT: Okay. All right, Ms. Parham.

19 MS. PARHAM: Thank you.

20 BY MS. PARHAM:

21 Q Investigator Banister, during the break were you able
22 to listen to your interview with Ms. Whitehead?

23 A Yes, ma'am.

24 Q And in that interview did you hear Ms. Whitehead say
25 I'm walking to the Measha Joyner to the car I hear boom,

1 boom, boom everybody leave. This party is over. And you
2 ask were those the first rounds plural that was shot and
3 she said, yes, those were the first rounds that were
4 fired?

5 A Yes, ma'am.

6 Q And then later in the interview did she go into in
7 that again and say I heard boom boom trying to escort
8 people away and MeeMee duck down together?

9 A Yes, ma'am.

10 Q Okay. So twice in that interview she refers to
11 Carlos Jackson shooting three shots?

12 A Well, she said boom, boom, boom, yes, I heard.

13 Q Okay. And you refer to them as shots plural rather
14 than shot?

15 A Yes, ma'am.

16 Q Okay. With regard to the shell casings at the crime
17 scene, were any of them swabbed for DNA?

18 A I am unaware, that would be something that the crime
19 scene would handle not myself.

20 Q But since you are lead the investigator on this case
21 do you have any knowledge of any of those shell casings
22 being swabbed for DNA?

23 A No, I do not.

24 Q And that would be because when people load bullets
25 into a gun, their fingers touch them, correct?

1 A Yes, their fingers touching.

2 Q And there could be DNA on a shell casing. You've
3 seen that in cases, have you not?

4 A I don't know the probability. I do know with
5 fingerprints after rounds are fired, that shell gets so
6 hot that it alleviates the -- a lot of handprint
7 impressions. I'm not sure about DNA, so wouldn't know if
8 there could be there or not. I don't know how that works
9 with the fired round.

10 Q Okay. Had you not had cases where shell casings are
11 swabbed for DNA?

12 A No, I have not personally I don't.

13 Q Okay. When you said earlier in your testimony that
14 you got with KeeKee after the bond hearing and you told
15 her that you needed her to bring in some witnesses. Are
16 you aware that KeeKee was in New York when this happened?

17 A No, I was not.

18 Q Okay. Based on your information from this
19 investigation, Measha Joyner, my client, was living in
20 Columbia at the time this happened, correct?

21 A There was indication, but I never confirmed exactly
22 where she was when I was getting the warrant that was kind
23 of a problem for me also.

24 Q Okay. And she turned herself in, correct?

25 A Yes.

1 MS. PARHAM: Just a moment please. I think
2 that's all. Thank you.

3 THE COURT: All right. Any redirect?

4 MR. TUCKER: Just a few brief questions on
5 redirect.

6 REDIRECT EXAMINATION

7 BY MR. TUCKER:

8 Q Investigator Banister, with regards to Gloria
9 Whitehead saying boom, boom, boom, did she just mimic a
10 gunfire, right? I mean, she wasn't saying he fired three
11 separate times?

12 A Yes, sir.

13 Q Okay. She just said boom, boom, boom?

14 A Yes.

15 Q Okay. Now, we regards to Ms. Parham asked you about
16 the automobiles that were in the parking lot. During the
17 course of your investigation, did any of those vehicles
18 bear on your investigation were they involved in terms of
19 the facts as you knew them to be?

20 A No, they were not.

21 Q Now, with regards to vehicles what was primarily the
22 vehicle that you were looking for in connection with this
23 particular investigation?

24 A The suspects vehicle.

25 Q I'm sorry?

1 A The suspects vehicle.

2 Q Okay. And who actually owned the vehicle?

3 A Tanisha Timmons.

4 Q Okay. Now, with regards to several other things.

5 Now, Ms. Parham asked you all the people that were in the
6 building with regards to getting information dates, birth,
7 addresses things like that for follow up?

8 A Yes, sir.

9 Q Now, the people whom you speak earlier in your
10 investigation how would you characterize them were they
11 eyewitnesses?

12 A Eyewitnesses and able to discern people that were
13 eyewitnesses.

14 Q Okay. And how would characterize the information
15 that they gave you in terms of the evidence as you knew it
16 to be. Were they consistent?

17 A Very consistent.

18 Q And the interviews that weren't recorded from the
19 Robinsons you were present for their testimony?

20 A Yes, I was.

21 Q And was there testimony consistent with the
22 interviews as you remember them?

23 A Yes, sir.

24 Q Okay. So these were actual eyewitnesses to what
25 happened?

1 A Yes, sir.

2 Q And after the course of your investigation after
3 speaking to these eyewitnesses in determining their
4 credibility what, if anything, did you do in terms of
5 obtaining warrants?

6 A Used all their information and the evidence collected
7 to make my determination to complete warrants for murder
8 and accessory to murder.

9 MR. TUCKER: Thank you. That's all the
10 questions I have of Investigator Banister.

11 MS. PARHAM: Thank you.

12 THE COURT: All right, please approach.

13 (WHEREUPON, a bench conference was held in the
14 presence of the jury, but out of the hearing of the
15 jury.)

16 THE COURT: All right. Ladies and gentlemen, we
17 have a matter of law we need to take up outside your
18 presence if you'll excuse us for just a moment. We'll
19 have you right back. Thank you so much. Please don't
20 discuss the case.

21 (WHEREUPON, the jury retire to the jury room.)

22 THE COURT: All right. For the record, the way
23 this trial's been conducted is that we have direct
24 examination, cross-examination, which is wide open. And
25 then redirect has been limited to only what's been

1 question during the cross-examination, all right. Now, so
2 if you want to now recross, I didn't hear any objections
3 to anything that Mr. Tucker did that was outside your
4 cross-examination. And I didn't hear any myself. I would
5 certainly allow you if something came in that wasn't as a
6 result of your cross-examination, then I'll be happy to
7 hear that.

8 MS. PARHAM: Okay. First of all, I would object
9 to your Honor not allowing us to recross this witness.
10 And I'll tell you what the questions would be and I'd like
11 to make a record of it. So on redirect he says, but he
12 was just saying she was just saying boom, boom, boom.
13 You're aware of her saying three shots were fired. She
14 just said boom, boom, boom, and so that is what he asked.
15 I was going to follow up with the fact that not only did
16 she say boom, boom, boom because he's kind of questioning
17 whether she meant three shots. Obviously, he's
18 questioning that on redirect. And so in addition to
19 saying boom, boom, boom, she also used a hand gesture on
20 the video and went like this with her hand. And so
21 basically Mr. Tucker is still challenging whether
22 Ms. Whitehead was talking about three shots. And I said
23 boom, boom, boom and he said -- I said you use shots
24 plural and Mr. Tucker stands up and says, well, you don't
25 know if she was talking about three shots, do you. And

1 he's like, no, I don't. Well, she also used a hand
2 gesture, so that was one question. Isn't it true that on
3 that video she used a hand gesture when she was saying
4 boom, boom, boom, that was one question.

5 Now, the other thing he stands up on redirect
6 and says, well, isn't it true the only suspect vehicle
7 you're looking for is a Ford Taurus or you were just
8 looking for one suspect vehicle. He talks about that. He
9 says one suspect vehicle. And I was going to stand up and
10 say, well, isn't it true that since you didn't watch the
11 body cams, you didn't even know of other suspects vehicles
12 that are mentioned to other officers and that is proper
13 recross.

14 And then lastly your Honor, he stands up and
15 says isn't it true after talking to all these witnesses
16 that their testimony is very consistent with each other
17 and he says yes. Isn't it true their testimony is
18 consistent. And he says yes. So now that he's open that
19 door, then I have the right on recross to say, Detective,
20 you just told the prosecutor that the statements were
21 consistent. And then we have every right to go into
22 inconsistencies, that's what recross is. And so that's
23 what I object to. I object to your Honor not allowing us
24 to recross. And I think it's highly improper not to let a
25 defense attorney recross.

1 THE COURT: All right, Mr. Tucker.

2 MR. TUCKER: And your Honor I'll just briefly
3 respond. I simply asked Investigator Banister whether
4 Gloria Whitehead said three shots or whether she said
5 boom, boom, boom, that was the extent of that. And she
6 had covered that in cross-examination, didn't ask anything
7 beyond that. So I think that there's no door open with
8 regards to more inquiry in that issue.

9 Now, with regards to the vehicles, she's the
10 one who brought up the fact that Investigator Banister
11 never determined who the owners of the vehicles were in
12 the parking lot. I simply asked him were they relevant to
13 his investigation he said no. I asked what vehicle he was
14 pursuing and he said that being driven away by Tanisha
15 Timmons and the Joyner sisters. Again, that's proper
16 redirect, that did not open any additional doors.

17 Again, Ms. Parham raised the issue of whether or
18 not Investigator Banister ignored other witnesses by
19 implication by not following up in terms of the officers
20 who, you know, may have gotten information about names,
21 addresses, dates of birth and all that other stuff about
22 witnesses who were in the building that Investigator
23 Banister didn't speak to. I simply asked along those
24 lines about the witnesses he spoke to were eye witnesses
25 and I didn't ask whether or not their statements were

1 identical. I simply asked whether or not they were
2 consistent, which again is proper redirect, but I don't
3 think open any additional doors for recross.

4 THE COURT: All right. Just before this line of
5 questioning that's now the subject of this argument, we
6 ask the jury to step out of the presence of the courtroom
7 for the very purpose of refreshing this witness' memory as
8 to the boom, boom, boom. That was -- you had full reign
9 on cross-examination. Nobody objected to any questions
10 you ask as far as that was concern, Ms. Parham. And that
11 was expressly covered in cross and certainly fair game in
12 redirect as to what was asked by the State. And none of
13 the questions that were asked by the State that we're now
14 arguing about were objected to.

15 The cars that were in the parking lot of the
16 scene of this crime, there was a line of questioning that
17 you ask this detective about with regards to those
18 vehicles. And I didn't find anything that was asked in
19 redirect to be outside of that line of questioning or to
20 be opening of any doors. And certainly throughout your
21 cross of this witness, the testimonial consistency of
22 these witnesses in different statements has been highlight
23 multiple times. So a follow up on that line of
24 questioning I don't think was outside of the scope of your
25 cross-examination. I think this is in -- within my

1 discretion. It's the way I been handling this trial.
2 Certainly, you can call this witness during your case if
3 that's what you chose to do. But, you know, I don't find
4 that any of these questions violate the redirect rules or
5 the notion that they opening a new line of questioning as
6 it relates to your cross-examination. And respectfully
7 I'm going to deny your motion.

8 MS. PARHAM: Please note my objection for the
9 record.

10 THE COURT: Sure. Your objection is on the
11 record. All right. Are we ready to move forward?

12 MR. TUCKER: Your Honor, and just in terms of
13 scheduling, it is about 20 after four. I have two
14 witnesses which I think will be fairly short. One is a
15 SLED expert that, again, is DNA related. I think will be
16 fairly quick. Frank Mizell I think before her will be
17 fairly quick in terms of -- when I say fairly quick the --
18 I can't imagine he be up there long in terms of laying a
19 chain from when he took the evidence items from the
20 Florence police department to SLED.

21 The witness that I think will be lengthy will be
22 Chad Smith who's the firearms expert and I would simply
23 just ask Agent Smith if he would be available for in the
24 morning. I think what I prefer to do since again this is
25 going to be highly technical information be expert opinion

1 will be that -- bring back Agent Smith in the morning and
2 he would testify before Dr. Beaver. And then the State
3 would rest at that point unless there's something that
4 occurs. So I would put Frank Mizell up, Jennifer Bartman,
5 and then that would be it for the day. So I just want to
6 make the Court aware from a scheduling standpoint.

7 THE COURT: All right, Ms. Parham, do you have
8 any position in that matter?

9 MS. PARHAM: No objection to that.

10 THE COURT: All right, thank you so much. All
11 right. So what I intend to do is bring the jury back and
12 then release Mr. Banister from the stand. And then will
13 ask the State to call your next witness. All right, can
14 we have the jury please.

15 (WHEREUPON, the jury came into open court.)

16 THE COURT: All right. Thank you, ladies and
17 gentlemen. Mr. Banister, you may step down. Please
18 understand you're still under your subpoena in case you
19 need to be called later, okay. Thank you so much.

20 (WHEREUPON, the witness leaves the witness
21 stand.)

22 THE COURT: Mr. Tucker.

23 MR. TUCKER: Thank you, your Honor. May it
24 please the Court. At this time the State would call Frank
25 Mizell to the stand.

1 THE CLERK: Sir, if you will please go up to the
2 stand, place your left hand on the Bible and raise your
3 right hand. Do you swear for affirm the testimony you
4 give in this case to be the truth, the whole truth, and
5 nothing but the truth so help you God?

6 THE WITNESS: I do.

7 THE CLERK: Please be seated and state your full
8 name for the record?

9 THE WITNESS: Frank Mizell.

10 MR. TUCKER: May it please the Court.

11 THE COURT: Yes, sir.

12 WHEREUPON,

13 Frank Mizell,
14 after first having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. TUCKER:

17 Q And, Mr. Mizell, if you would slid a little closer to
18 that microphone so we can pick up everything you say.

19 A Yes, sir.

20 Q Mr. Mizell, where are you currently employed ?

21 A Right now I'm employed at Trinity Collegiate school
22 as a security officer.

23 Q And how long have you been there in that capacity?

24 A Since August.

25 Q And prior to August, where were you working?

1 A I was working at the Florence City police department.

2 Q And how long were you working there?

3 A Approximately ten years.

4 Q And in what capacity did you work for the Florence
5 police department?

6 A The last eight and a half I was the evidence
7 custodian.

8 Q Now, could you tell me a little bit about what an
9 evidence custodian does at the Florence police department?

10 A Basically, they take in all the evidence that the
11 officers, crime scene or the investigations collect. They
12 log them into our system. We secure them until either
13 they are needed for a court case or to be returned to
14 someone or they need to be destroyed.

15 Q Now, with one such duty entail taking evidence
16 directly to the State Law Enforcement Divisions lab for
17 analysis?

18 A Yes, sir. Typically, every two weeks I would make a
19 trip to evidence or to SLED to turn in evidence for them
20 process. And then I would pick up whatever evidence they
21 had already completed and bring it back and log it back
22 into our system.

23 Q Okay. Now, when you take evidence to SLED, could you
24 tell me a little bit about the procedure? In other words,
25 when you would drop it off what would happen?

1 A Initially, when I first started they actually had
2 someone who would literally take it from you and enter it
3 into their system. At some point they became so busy,
4 that they actually set up a locker system, so basically
5 like we do you take everything to their compound. You
6 have all your paperwork filled out. You stamp it. You
7 tell them what locker you're securing it in, who you are
8 and you secure it in their system there. And then at some
9 point, they retrieve it out and log it into their system.

10 Q Now, are you required to sign anything in terms of
11 indicating that you had dropped off particular pieces of
12 evidence there for their purposes of analysis?

13 A Yes, sir, everything that -- every case that we send
14 up, we actually -- we'd have to go into their system and
15 fill out an in-take form and then it's signed. And when
16 you log, again, you would time stamp it, initial it, and
17 put down whatever locker you were securing it into their
18 system.

19 Q Okay. And, again, were you employed by the Florence
20 as an evidence custodian on or about April the 10th of
21 2019?

22 A Yes, sir, I was.

23 Q And, again, in the course of your duties as an
24 evidence custodian, you have an occasion to take items
25 related to this particular case to SLED for purposes of

1 analysis.

2 A I believe so.

3 Q Okay. Now, with regards to those items -- if I could
4 approach, your Honor. And I want to show you what's been
5 marked as State's for identification purposes 111 and 112,
6 and 113. These are three firearms that were entered into
7 evidence by Investigator Banister as he's testified to.
8 Were these three firearms that you took to SLED for their
9 purposes?

10 A If they're on our evidence form, then those will be
11 the ones that I turned in.

12 Q Okay. And are you familiar with the certified chain
13 of custody that SLED generates when you drop stuff off?

14 A Yes, sir.

15 Q Okay. And you would recognize your signature, would
16 you not?

17 A Absolutely.

18 Q Okay. Is that signature?

19 A Yes, sir, it is.

20 Q Okay. And so if we're looking at the chain of
21 custody form it says date April the 10th 2019 time 0950.
22 And then, again, in the block up front says item one
23 seized gun box containing handgun describe as MFK nine
24 millimeter. And it has a serial number with 15 rounds in
25 accessory and that's your signature there?

1 A Yes, sir, it is.

2 Q Okay. So that appears to be what is referred to for
3 identification purposes as State's Exhibit 112. Would you
4 agree?

5 A Yes, sir.

6 Q Okay. And then direct your attention to item two
7 and, again, is that your signature on the chain of custody
8 form?

9 A Yes, sir, it is.

10 Q Okay. And in the gray box one seal gun box contain
11 handgun described as high point 380 and it gives a serial
12 number with ten rounds. And that would be for
13 identification purposes State's 111 would you agree?

14 A Yes, sir.

15 Q Okay. And then if look at item three on the chain of
16 custody form again with your -- is that your signature
17 there?

18 A Yes, sir, it is.

19 Q Okay. And, again, that is described as a one seal
20 gun box containing handguns described as Smith and Wesson
21 40 caliber. And, again, given the serial number with 12
22 rounds. And that would appear to be?

23 A Item right there, sir.

24 Q For identification purposes, that is State's 111?

25 A And the form also indicates that there were two boxes

1 of ammo as well and that is for identification purposes
2 109, 108.

3 Q And then with regards to 110 that is a manila
4 envelope that contains 14 items that were submitted and
5 collected at the crime scene by now Captain Starling and
6 those were taken as well. Do you agree?

7 A Yes, sir.

8 Q Okay. And then I want to also direct your attention
9 to items 106 for identification purposes and 107. And
10 these were items that were taken to SLED to the DNA lab on
11 the same day. Do you agree?

12 A Yes, sir.

13 Q Okay. And so pretty much everything in terms of
14 evidence that was analyze by SLED was taken to you or
15 taken by you to SLED, is that correct?

16 A Yes, sir.

17 Q Okay. And other than transporting the evidence, did
18 you have any other involvement with this case?

19 A No, sir.

20 MR. TUCKER: Okay. And I believe those are all
21 the questions I have, your Honor.

22 THE COURT: All right, Ms. Parham.

23 MS. PARHAM: Nothing, your Honor.

24 THE COURT: Thank you, Mr. Mizell. I appreciate
25 you being here. You free to step down. Is there any

1 objection to him being released from his subpoena?

2 MS. PARHAM: No, your Honor.

3 THE COURT: You free to go. Thank you, sir.

4 (WHEREUPON, the witness leaves the witness
5 stand.)

6 MR. TUCKER: And your Honor at this time the
7 State would call Jennifer Bartman to the stand.

8 THE CLERK: Will you please step up to the
9 stand. Place your left hand on the Bible and raise your
10 right hand. Do you swear or affirm the testimony you give
11 in this case to be the truth, the whole truth, and nothing
12 but the truth so help you God?

13 THE WITNESS: I do.

14 THE CLERK: Please be seated and state your full
15 name for the record.

16 THE WITNESS: My name is Jennifer Bartman.

17 WHEREUPON,

18 Jennifer Bartman,

19 after first having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. TUCKER:

22 Q Okay. And, Ms. Bartman, where are you presently
23 employed?

24 A I work at the South Carolina Law Enforcement Division
25 commonly referred to as SLED.

1 Q And in what department within SLED do you work?

2 A I work in the DNA case work department.

3 Q And with regards to the DNA analysis department, what
4 specifically do you do in there?

5 A I'm currently the DNA case work technical leader,
6 which means I oversee the technical operations of the DNA
7 case work laboratory. As part of that job, I provide
8 guidance to other technicians and analyst in technical
9 issues or anything that comes up in the department. I
10 also perform DNA analysis on case work, generate results
11 -- reports to my results and then testify in a courtroom.

12 Q And how long have you worked for SLED in that a
13 capacity?

14 A I have worked for SLED since October of 2012 and I
15 have been the technical leader since May of 2021.

16 Q And what is your education background that prepared
17 you for your duties and responsibilities of your current
18 position at SLED?

19 A I have a bachelor's degree in biology from Hope
20 College in Michigan. I also have a master's degree in
21 forensic science from Virginia Commonwealth University.

22 Q Now, with those degrees, do they just turn you loose
23 on day one and let you start analyzing DNA there at SLED?

24 A No, that is not correct.

25 Q Okay. What sort of on-the-job training or what sort

1 of training did you have to undergo before you become what
2 you are now in terms of analyst?

3 A When I got hired at SLED, I completed approximately a
4 year of on-the-job training in the proper techniques and
5 protocols of the SLED laboratory. This included working
6 on practice samples, training samples. I also completed a
7 competency period which demonstrate my competence
8 performing the analysis at SLED.

9 Q And are the results that you turned out during that
10 time are they peer reviewed by other analyst there at
11 SLED?

12 A Yes, they are. All of the results are reviewed
13 twice. There is a technical review and administrative
14 review before they released.

15 Q And have you ever been qualified as an expert if any
16 field in the State of South Carolina before?

17 A Yes, I have.

18 Q And in what field were you qualified as an expert?

19 A In forensic DNA analyst.

20 Q And do you recall what court was that South Carolina
21 court?

22 A It was mostly South Carolina and one federal.

23 Q Okay. And in what field were you again qualified as
24 an expert again?

25 A Forensic DNA analyst.

1 MR. TUCKER: Your Honor, at this point, I would
2 Ms. Bartman in the field of DNA analysis.

3 THE COURT: Is there any objection?

4 MS. PARHAM: No, your Honor.

5 THE COURT: All right, ladies and gentlemen, the
6 Court recognizes Ms. Bartman as an expert in the field of
7 forensic DNA analysis. Ordinarily, witnesses cannot give
8 their opinions as to evidence, but when the Court
9 recognizes them as an expert witness, then they may give
10 their opinion as to the evidence, okay.

11 MR. TUCKER: Thank you, your Honor.

12 BY MR. TUCKER:

13 Q Ms. Bartman, how do pieces of evidence or how do
14 things that you analyze come to SLED for analysis by you?

15 A When crimes happen across the State of South
16 Carolina, the investigating agency will bring any
17 necessary evidence to SLED for analysis.

18 Q And how is evidence handled, once it arrives there at
19 SLED?

20 A When evidence is received at SLED, it is given a
21 unique case number, which is unique to that specific case.
22 Each evidence is also given a unique item number and that
23 is used throughout the laboratory while the evidence is at
24 SLED.

25 Q And with regards to the area in which the evidence is

1 secured, does anyone have access to that particular area?

2 A No, the department that has access to that area is
3 the evidence control department.

4 Q Okay. And the item numbers once they are assign to
5 SLED number, are they assigned out to particular analyst
6 for purposes of what you do?

7 A Yes, once a case has been submitted to SLED, it is
8 then assign to an analyst to perform the analysis on that
9 in that case.

10 Q Okay. Now, I want to direct your attention to SLED
11 lab number L19-07595 is that a lab number that is familiar
12 to you?

13 A Yes, it is.

14 Q And how was that lab number familiar?

15 A This is the lab number that I performed DNA analysis
16 on the evidence that was submitted in this case.

17 Q Okay.

18 MR. TUCKER: And may I approach, your Honor?

19 THE COURT: Yes, sir.

20 BY MR. TUCKER:

21 Q Speaking of evidence, Ms. Bartman, I'm going to show
22 you what has been previously marked for identification
23 purposes as State's Exhibit 107 and 106. And I would ask
24 first if you recognize these?

25 A Yes, I do.

1 Q And how do you recognize them?

2 A I recognize them by the unique case number and item
3 numbers that I received. I also recognize my initials in
4 the date that I open and seal the evidence.

5 Q Okay. If I can have these back just for one moment.

6 MR. TUCKER: Your Honor, at this time the State
7 would 106 and 107 into evidence.

8 THE COURT: All right, is there any objection?

9 MS. PARHAM: No, your Honor.

10 THE COURT: All right, 106 and 107 are into
11 evidence.

12 (WHEREUPON, State's Exhibits Nos. 106 and 107
13 were admitted into evidence.)

14 BY MR. TUCKER:

15 Q And, Ms. Bartman, if you need to open those, please
16 feel free to do so now. But I want to know exactly what
17 those items are and how they were pertinent to your
18 analysis?

19 A State's Exhibit 106 is our SLED lab number item six
20 and that is a swab from the parking lot at marker two.

21 Q Okay.

22 A And State's Exhibit 107 is SLED's item number five
23 and that is a blood spot from Chelsea Plowden.

24 Q Okay. And how did those two items get analyzed for
25 purposes of what you do for SLED in terms of DNA analyst?

1 A When we perform DNA analysis on items, the first
2 thing we do is we extract the DNA from the sub straight or
3 what it's submitted, which is commonly a cutting or some
4 swabs. We then determine how much DNA is present on the
5 item. We make -- we look at short sections of repeat,
6 which is the type of testing that we do at SLED called STR
7 testing. We make billions of copies similar to a copy
8 machine of those specific sections of DNA. And then we
9 separate that out into a DNA profile. So we generate --
10 we attempt to generate DNA profiles from evidence that's
11 submitted, which would be our SLED item six swab form the
12 parking lot and marker two. And then if it is suitable
13 for comparison, we compare it to any known standards that
14 are submitted in the case. In this case, SLED item five a
15 blood spot from Chelsea Plowden was submitted for
16 comparison purposes.

17 Q And you mention sources from which DNA can be
18 extrapolated. What are some of the best sources from
19 which DNA can be obtained?

20 A DNA can be obtained from body fluid, which we look
21 blood, semen or saliva. It can also be obtained from
22 touch DNA, which is from like the skin cells.

23 Q Is there one preferable to another in terms of being
24 able conduct your analysis?

25 A Typically, there is more DNA present in the body

1 fluids when there's body fluid possibly present.

2 Q Okay. And I believe you mentioned blood as such one
3 bodily fluid?

4 A That's correct.

5 Q I don't think we needed an expert opinion for that.
6 I'll ask it known the same. Now, with regards to what --
7 how you begin your analysis what did you do?

8 A When I received these items of evidence, it had
9 previously been with our forensic serologist Jasmine Regy
10 (sic) and she performed the presumptive testing for blood
11 on SLED item six. And it was presumptive testing was
12 positive and that meant that blood was possibly present on
13 this item. So when I received it, I performed those DNA
14 analysis steps that I previously mentioned and generated a
15 DNA profile from that item.

16 Q Okay. And from that item, that DNA profile, was it
17 compared to anything?

18 A Yes, the DNA profile from these swabs from the
19 parking lot and marker two was suitable for comparison. I
20 interpreted as a single source profile which that just
21 means that one person is contributing to that profile.
22 The next step that I do is I consider a contributor to
23 that profile. So in this case I had Chelsea Plowden's
24 known standard for comparison. So I looked at two
25 different scenarios. The first scenario being that

1 Chelsea Plowden contributed the DNA profile and the second
2 alternate possibility that an unidentified unrelated
3 individual contributed to the profile.

4 Q And what were you able to conclude?

5 A The DNA profile that I obtained from SLED item six is
6 approximately 950 septillion times more likely if Chelsea
7 Plowden contributed to the profile than if an unidentified
8 unrelated individual contributed to the profile.

9 Q And on the page two of your report, there is what is
10 referred to as a likelihood ratio or a likelihood ratio
11 scale. Could you put that number you give us into
12 context?

13 A Yes, what that means on our verbal scale, which is
14 provided in our DNA report is that there is very strong
15 support given the DNA profile that I developed that
16 Chelsea Plowden contributed the DNA profile.

17 Q And, again, that was a single source or her
18 contributing?

19 A That's correct. I interpreted as single source,
20 which mean one person was contributing to that profile.

21 Q Okay. And, again, it's very strong support the
22 strongest of verbal wording that you have on your scale?

23 A Yes, that's correct.

24 MR. TUCKER: I believe those are all the
25 questions I have of Ms. Bartman.

1 THE COURT: Thank you. Ms. Parham.

2 MS. PARHAM: Thank you.

3 CROSS-EXAMINATION

4 BY MS. PARHAM.

5 Q Good afternoon.

6 A Good afternoon.

7 Q Has SLED begun the process of trying to get DNA off
8 shell casings through soaking the shell casings or they
9 still using the cotton swabs.

10 A It depends on the case circumstances.

11 Q And so isn't it true that historically DNA would be
12 collected off shell casings or spent shell casings with
13 cotton swabs and there was a very low success rate of
14 getting DNA off shell casings?

15 A Yes, so when we swab shell casings typically in my
16 opinion, there wasn't a high success rate on developing a
17 comparable DNA profile.

18 Q And that's usually on spent shell casings, correct?

19 A Yes.

20 Q Back in the past. But it's different with live
21 rounds, of course, that have been fired, correct?

22 A As far as these swabbing method?

23 Q Yes.

24 A I currently do not participate in processing shell
25 casings, but I believe if they were submitted for DNA

1 testing they would be either swabbed or soaked according
2 to our protocol.

3 Q But SLED is using the new technique of soaking shell
4 casings, correct?

5 A Yes, we do have a soaking protocol in our manual as
6 long as the case meets the criteria.

7 Q Okay. And the soaking is kind of like dish water in
8 a layperson's view of soaking casings makes the
9 probability of getting DNA off those casings greater than
10 the cotton swab method, correct?

11 A It can depending on case circumstances.

12 Q All right. And so were any bullets, shell casings
13 anything like that submitted for SLED for DNA testing in
14 this case?

15 A I did not receive any for testing, no.

16 MS. PARHAM: Thank you. That's all I have.

17 MR. TUCKER: Just briefly on redirect.

18 REDIRECT EXAMINATION

19 BY MR. TUCKER:

20 Q What process was SLED using in 2019 when this case
21 took place?

22 A I venture -- like I mentioned, I don't typically do
23 that that type of processing in DNA case work.

24 Q I believe that's up to the individual who's
25 processing the scene in terms of selecting what goes or

1 what doesn't?

2 A That would be up, yeah, according -- what is
3 submitted to SLED is determined by the submitting agency.

4 Q Okay. And, again, be on a case by case basis no two
5 cases are alike would that be fair to say?

6 A That's correct.

7 MR. TUCKER: I believe that's all the questions
8 I have.

9 THE COURT: All right. Thank you, ma'am, for
10 being here. Is there any objection to her being released
11 from her subpoena?

12 MR. TUCKER: None from the State, your Honor.

13 MS. PARHAM: No, your Honor.

14 THE COURT: Ms. Bartman, thank you again and
15 you're free to go.

16 (WHEREUPON, the witness leaves the witness
17 stand.)

18 MR. TUCKER: And I believe that's the end of
19 testimony for today in terms of the State, your Honor.

20 THE COURT: All right, ladies and gentlemen,
21 thank you, again, for your time and your patience and
22 attention. Please be back here ready to begin this trial
23 again at 9:30 in the morning and we'll begin promptly at
24 that time. Please don't discuss this case overnight. And
25 thank you again for your service.

1 (WHEREUPON, the jury was excused for the day.)

2 THE COURT: All right. Is there anything before
3 we break for the day?

4 MR. TUCKER: Nothing from the State, your Honor.

5 THE COURT: Ms. Parham.

6 MS. PARHAM: No, your Honor.

7 THE COURT: All right. I will -- I don't know
8 where we'll be with this matter. Certainly, this trial
9 takes precedence. If this case does -- if there's still a
10 large portion of this case -- I mean, I don't intend to
11 keep this jury Friday afternoon, unless they're
12 deliberating. So I'm just letting you all know that at
13 this time. I have agreed to do some probation violations
14 Friday because of somebody's not going to be here, but
15 that's not to interfere with this case. But I'd already
16 made the decision. I don't know if this case goes to next
17 week or not. And it doesn't matter if it does, but I'm
18 just letting you all know that that's my position at this
19 time if there's anything that, you know, somebody
20 disagrees with that then let me know.

21 MR. TUCKER: I can certainly tell your Honor I
22 intend to rest well before lunch tomorrow. I got two
23 witness left and I don't anticipate that going to lunch.

24 THE COURT: Okay. And as far as Ms. Parham's
25 case, I'm certain not going to hold you to anything at

1 all. You can try your case however you like to, but just
2 keep in mind that if are still hearing testimony, then
3 we'll break at lunch time on Friday.

4 MR. TUCKER: Yes, sir.

5 THE COURT: Okay.

6 MS. PARHAM: Thank you, your Honor.

7 THE COURT: All right, thank you all.

8 (WHEREUPON, the proceedings were concluded for
9 the day to be reconvened on December 7, 2023.)

10 THE COURT: Are we ready?

11 MR. TUCKER: State's ready, your Honor.

12 MS. PARHAM: Defense is ready.

13 THE COURT: Okay. Can we have the jury please.

14 (WHEREUPON, the jury came into open court.)

15 THE COURT: All right. Good morning, ladies and
16 gentlemen. Thank you for being back here this morning and
17 we appreciate your time and your patience. And at this
18 time we'll recognize Mr. Tucker.

19 MR. TUCKER: Thank you, Your Honor. May it
20 please the Court. The State would call Chad Smith to the
21 stand.

22 THE CLERK: Sir, if you'll please step up to the
23 stand and place your left hand on the Bible and raise your
24 right hand. Do you swear or affirm the testimony you give
25 in this case to be the truth, the whole truth, and nothing

1 but the truth so help you God?

2 THE WITNESS: I do.

3 THE CLERK: Please be seated and state your full
4 name for the record.

5 THE WITNESS: My name is Chad Smith.

6 MR. TUCKER: May it please the Court.

7 THE COURT: Yes, sir.

8 WHEREUPON,

9 Chad Smith,

10 after first having been duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. TUCKER:

13 Q Mr. Smith, where are you employed?

14 A I'm employed with the South Carolina Law Enforcement
15 Division, which is also known as SLED. Specifically, I
16 work in the firearms department at SLED's forensic
17 services laboratory in Columbia.

18 Q And how long have you been employed at SLED in that
19 capacity?

20 A Fifteen years.

21 Q And what sort of education do you have?

22 A Well, I attended Clemson University where I earned a
23 bachelor of science degree in biological sciences. Then I
24 worked for Clemson for several years before beginning my
25 employment with SLED. When I came on board with SLED, I

1 began my training as a firearms examiner, which is a
2 forensic scientist position, that training program last
3 several years. It involved extensive reading and
4 studying. There multiple examinations and test given
5 during that time. I also attended various classes and
6 seminars, toured several firearm manufacturing facilities.
7 Later in my training, I helped the other examiners prepare
8 their case work. And at the end of my training period, I
9 received a comprehensive multi-part examination, which I
10 successfully completed. And then I began to receive my
11 work.

12 Q And do you have to undergo any periodic annual
13 training to keep up with your skills and keep abreast of
14 what's taken place and changes?

15 A We don't have -- we have the proficiency testing and
16 things like that, but we don't actually have to have like
17 a certain number of hours or anything like that in
18 training. We do try to send several examiners a year to
19 an annual training conference, that's held in various
20 cities throughout the United States. So we do try to do
21 that.

22 Q And how many pieces of evidence and firearms related
23 do you think you analyzed in your 15 year career at SLED?

24 A Multiples of thousands pieces of evidence I've looked
25 at.

1 Q And have you ever been qualified as an expert in any
2 court in South Carolina?

3 A Yes, sir.

4 Q Do you recall approximately how many times?

5 A It's over a hundred times.

6 Q And in what field?

7 A Firearms identification is the field of my expertise.

8 MR. TUCKER: Your Honor, at this time I would
9 offer Chad Smith as an expert in the field of firearms
10 identification.

11 THE COURT: All right. Is there any objection.

12 MS. PARHAM: No, your Honor.

13 THE COURT: All right, ladies and gentlemen,
14 we're going to recognize Mr. Smith as an expert in the
15 field of firearms identification can.

16 MR. TUCKER: Thank you, your Honor.

17 BY MR. TUCKER:

18 Q Now, Mr. Smith, can you tell the ladies and gentlemen
19 of the jury, a little bit about what a firearms examiner
20 does?

21 A So my responsibilities include examination of
22 firearms, ammunition, ammunition components such as
23 bullets and cartridge cases. Also restore serial numbers.
24 Firearms have had their serial numbers obliterated. I
25 also assist with the destruction firearms that agencies

1 throughout the state bring us for destruction. But the
2 majority of what I do from day to day is to try to
3 determine if an ammunition component, obliterated
4 cartridge case was fired by a specific firearm.

5 Q And generally speaking with whom for do you perform
6 these examinations?

7 A Any agency law enforcement agency in the State of
8 South Carolina.

9 Q And how does evidence come to SLED for analysis by
10 you?

11 A So agency will bring evidence to the laboratory.
12 They bring it to our evidence control department where it
13 is logged in given out an unique SLED lab case number.
14 Each evidence is giving a SLED item number and then it's
15 stored in our evidence control department until examiner
16 comes and gets the evidence when ready to work the case.
17 The evidence is transferred to that examiner and then its
18 in their custody at that point. And then ready to work
19 the case.

20 Q And does anybody have access -- just anyone have
21 access to the evidence control area?

22 A No, sir, only authorized personnel, upper management
23 folks like that.

24 Q And did you prepare a written report in connection
25 with your work on this particular case?

1 A Yes, sir, I did.

2 Q Okay. And I want to direct your attention
3 specifically to SLED lab number L19-07595, and that's the
4 evidence number assign or SLED lab number assign to the
5 evidence you examine in this particular case?

6 A That's correct.

7 Q All right. And let me?

8 MR. TUCKER: If I may approach, your Honor?

9 THE COURT: Yes, sir.

10 BY MR. TUCKER:

11 Q And, Mr. Smith, I'm going to show you this document
12 and ask if you recognize it?

13 A I'm just going to go through it real quick to make
14 sure.

15 Q Okay.

16 A Yes, sir, this is a copy of my report that I issued
17 for my examinations in this case.

18 Q Okay.

19 MR. TUCKER: Your Honor, at this time the State
20 will move 118 into evidence, which is the written report
21 of Chad Smith in regards to his examination of the items
22 in this case.

23 THE COURT: Any objection?

24 MS. PARHAM: No, your Honor.

25 THE COURT: 118 is in evidence.

1 (WHEREUPON, State's Exhibit No. 118 was admitted
2 into evidence.)

3 BY MR. TUCKER:

4 Q Now, in terms of what you did first in analyzing the
5 evidence in this case, I will just kind of follow in the
6 order in which it appeared in your report if that's okay?

7 A Yes, sir.

8 Q Now, your report if you look down under items of
9 evidence item one what is that?

10 A So item one it's a nine millimeter semiautomatic
11 pistol. The brand is FMK model 9C1G2 elite plus. So it's
12 rather long model designation given for that pistol. Nine
13 millimeter Luger caliber serial number BB13492. And it
14 was submitted with a magazine and 15 unfired nine
15 millimeter Luger caliber cartridges. And it had an
16 accessory attach to that pistol as well.

17 Q Okay. And overall there were some 22 items I believe
18 that were submitted for analysis, is that correct?

19 A Yes, sir, I believe that is correct.

20 Q Okay.

21 MR. TUCKER: And if I can approach?

22 THE COURT: Yes, sir.

23 BY MR. TUCKER:

24 Q I want to show you what has been premarked for
25 identification purposes 108, which appears to be a box of

1 ammo and other things. I would ask if you recognize it?

2 A Yes, sir, that is correct. It is a box of ammunition
3 nine millimeter Luger caliber. And there's also some test
4 fires that I used from this box of ammunition to test fire
5 a specific firearm that was submitted, so that's also in
6 this packaging.

7 MR. TUCKER: And your Honor at this time the
8 State would move been what's been marked as State's 108
9 into evidence.

10 THE COURT: Any objection?

11 MS. PARHAM: No, your Honor.

12 THE COURT: All right, 108 is into evidence.

13 (WHEREUPON, State's Exhibit No. 108 was admitted
14 into evidence.)

15 BY MR. TUCKER:

16 Q And, Mr. Smith, I'm going to go ahead and go through
17 this so I don't have to keep coming back and forth on each
18 and everything. Then we can go back and walk you through
19 your analysis. I am showing you what has been marked for
20 identification purposes as State's Exhibit 109, which is
21 another box of ammunition and what looks to be test fired
22 rounds on it as well ask if you recognize it?

23 A Yes, sir, this is, again, another box of ammunition
24 that was submitted. This is 380 auto caliber, yes, sir.

25 MR. TUCKER: Your Honor, at this time the State

1 would move 109 into evidence.

2 THE COURT: Any objection?

3 MS. PARHAM: No, your Honor.

4 THE COURT: All right, 109 is in evidence.

5 (WHEREUPON, State's Exhibit No. 109 was admitted
6 into evidence.)

7 BY MR. TUCKER:

8 Q Okay. I'm next going to show you what's been marked
9 for identification purposes as State's 110. And that one
10 is an envelope it looks like it contains multiple things
11 in there. Do you recognize it?

12 A Yes, sir, it contains my items seven through 20 that
13 were submitted. They're cartridge cases and some unfired
14 ammunition. Cartridge cases of different calibers several
15 different calibers represented here, but they're all in
16 this packaging.

17 Q Okay.

18 MR. TUCKER: And since we're going to be talking
19 about these individually, your Honor, they were placed in
20 one envelope 110 for identification purposes. Now, I'm
21 going to ask Mr. Smith to take those out, and we'll label
22 these individually as well and move those into evidence at
23 the same time so that we can talk about those individually
24 and refer to those so the record is clear.

25 THE COURT: All right. Do you have any

1 objection to that, Ms. Parham?

2 MS. PARHAM: No, your Honor.

3 BY MR. TUCKER:

4 Q And, Mr. Smith, I'll ask you to open that up?

5 A May I have some scissors.

6 Q Sure.

7 A I hate to use my teeth.

8 Q Here we go.

9 A Thank you. Would you like to go in the order of my
10 report?

11 Q Yeah, if you could just identify them first and we'll
12 move them into evidence. And then we can go through the
13 report.

14 A Yes, sir, looks like my 13 fired cartridge cases that
15 were submitted and then, again, there were three unfired,
16 I believe, they are three the auto-caliber cartridges that
17 were submitted.

18 Q Okay. If you'll hand me those so we can get them
19 marked.

20 MR. TUCKER: And your Honor at this time the
21 State would move items 119 through 130 into evidence,
22 which are the items collected at the scene that night and
23 submitted to SLED for analysis. 132 I'm sorry.

24 THE COURT: Al right. Any objection?

25 MS. PARHAM: No, your Honor.

1 THE COURT: All right, 119 through 132 into
2 evidence.

3 (WHEREUPON, State's Exhibit Nos. 119-132 were
4 admitted into evidence.)

5 BY MR. TUCKER:

6 Q And also, Agent Smith, since I'm standing up were you
7 asked to examine an item I believe a projectile taken and
8 submitted that was taken from the body of Chelsea Plowden
9 during her autopsy?

10 A Yes, sir.

11 Q And I show you what's been marked for State's
12 identification purposes 114 and ask you if you recognize
13 it?

14 A Yes, sir, this was a fired bullet that was submitted
15 for examination.

16 Q Okay.

17 MR. TUCKER: And your Honor at this time the
18 State would move State's 114 into evidence.

19 MS. PARHAM: Without objection.

20 THE COURT: All right, State's 114 is into
21 evidence.

22 (WHEREUPON, State's Exhibit No. 114 was admitted
23 into evidence.)

24 BY MR. TUCKER:

25 Q We're getting close, Agent Smith. And I think we

1 moved -- I don't know if I formally moved 112 into
2 evidence, but I will do so at this time. That is the
3 firearm that you described I believe is listed as first on
4 your written report?

5 A Yes, sir, the FMk nine millimeter, that is correct.

6 MR. TUCKER: And your Honor at this time I would
7 State's 112 into evidence.

8 THE COURT: Any objection?

9 MS. PARHAM: No, your Honor.

10 THE COURT: All right, 112 is into evidence.

11 (WHEREUPON, State's Exhibit No. 112 was admitted
12 into evidence.)

13 BY MR. TUCKER:

14 Q I'm going to ask you to look at what's premarked for
15 identification purposes as State's 111 and ask if you
16 recognize it?

17 A Yes, sir, this was another firearm that was submitted
18 as a 380 auto caliber high point.

19 Q Okay. And in terms of firearms last one I'm showing
20 you what's been premarked for identification purposes as
21 State's 113?

22 A This was a third firearm that was submitted for
23 examination and comparison. It is a Smith and Wesson 40
24 Smith and Wesson Caliber pistol.

25 Q Okay. And lastly in terms of evidence. I'm asking

1 you to take a look at what's premarked for identification
2 purposes as 115, 116, and 117 and ask if you recognize
3 these as well?

4 A These are my test specimens. So I'm going to get a
5 firearm and we need to compare test specimens to evidence
6 such bullets and cartridge cases. We need to test fire
7 that firearm, so that we can get test bullets and
8 cartridge cases from a specific gun. So these are my test
9 fires from all three of these firearms.

10 MR. TUCKER: And your Honor at this time the
11 State would move State's 115, 116 and 117 into evidence as
12 well.

13 THE COURT: What about 111 and 113?

14 MR. TUCKER: I think it's 111, 112 and 113 I
15 believe we move those in your Honor.

16 THE COURT: All right. Any objection?

17 MS. PARHAM: No, your Honor.

18 (WHEREUPON, State's Exhibits Nos. 111, 113, 115,
19 116 and 117 were admitted into evidence.)

20 BY MR. TUCKER:

21 Q Mr. Smith, going back to item one item of evidence
22 that was the FMK model elite plus nine millimeter Luger
23 caliber pistol?

24 A Correct.

25 Q Okay. And what did you do with it in terms of

1 conducting your examination?

2 A So I would have just do a physical examination of the
3 firearm make sure there was no damage or anything that
4 would make it unsafe to test fire and make sure it was
5 working order. So I would test fire the firearm. And how
6 we do that in our laboratory is we have a water tank we
7 can shoot into. And the water slows down the bullet
8 projectile, so it doesn't add or take away any of the
9 markings on that bullet that we would use to try to
10 identify, you know, match it to a specific gun. And we
11 can retrieve those bullets. And then the cartridge case,
12 which is ejected out of the firearm, that's also
13 collected. So I can collect my test specimens for
14 comparison with other items. And so I did that actually
15 with all three of these firearms I would have done the
16 same process.

17 Q Okay. And if you would look at item two, what are we
18 looking at in that particular block?

19 A So that's a high point model CF semiautomatic pistol
20 380 caliber serial number P700155. And it came with a
21 magazine and ten unfired 380 caliber cartridges.

22 Q Okay. And item three?

23 A That is a Smith and Wesson model SD 40VE
24 semiautomatic pistol 40 Smith and Wesson caliber serial
25 number FBE2694 with magazine and 12 unfired 40 Smith and

1 Wesson caliber cartridges.

2 Q Okay. And item four which I believe is in evidence
3 as State's Exhibit 114 that is the bullet that was
4 submitted that was collected during the autopsy?

5 A Correct.

6 Q Okay. And in terms of examination did you do to
7 perform with regards to that item?

8 A So when we get a projectile bullet, again, we kind of
9 we would look at it physically, weigh it really depends on
10 the condition of the bullet as to what all we can do with
11 it. This specific item was pretty damage when I received
12 it. The jacket which is the outer portion of the bullet,
13 which usually a harder material like a brass or a cooper
14 alloy some of that was missing. It was torn away from the
15 core, which is the inside of the lead material. So it was
16 in pretty rough shape when I got it. However, through my
17 examinations, I can weigh it. I can if there's enough
18 there for me to try to measure a diameter of it, I can
19 potentially determine what caliber that bullet is. And so
20 just from the remaining characteristics on it, I could
21 determine that it was most consistent with being nominal
22 38 caliber. So that's kind of a class or category of
23 bullets, that includes things like nine millimeter Luger
24 caliber 380 auto caliber anything in that class. But my
25 best guess is it's probably either nine millimeter or 380

1 auto, but just to be safe, I said it was nominal 38, which
2 includes some other things as well. Also on that bullet,
3 when a bullet travel downs the bore of a barrel, that bore
4 which is inside of the barrel has what's called riffling.
5 The riffling is something that manufacturers put inside
6 the barrel and part a spin for a rotation on that barrel
7 -- on that bullet as it travels down. And what it does is
8 once that bullet exits the barrel, that riffling gives it
9 stability. So it is a lot like a quarter back throwing a
10 football, a spiral make it turn as it's flying through the
11 air because that makes it more accurate and it goes
12 farther, so that's all riffling does. The riffling can
13 put marks on that projectile on that bullet. So I can --
14 and what it is is the riffling is made of what's called
15 lands and groves. So when a manufacture puts a riffling
16 in, they cut or impress groves in sort of a twisting
17 patter. Those lands and groves grip the bullet as it
18 travels down and that's what causes it to spin. So we can
19 use the lands and groves to help us in our examinations.
20 I can try to determine how many lands and groves that
21 bullet has. The direction or twist that some
22 manufacturers want to the bullet to spin to the right or
23 clockwise and vice versa. So I can use all that, you
24 know, to try to help investigators. So this specific
25 bullet I was able to determine what's consistent with six

1 right conventional. So all that means is six lands and
2 groves spin to the right, had a right-hand twist on it and
3 had conventional riffling, which is a type of riffling
4 that the manufacturers use.

5 Q Okay. And I want to direct your attention to the
6 third bullet point down in item four based on -- I'm
7 reading right from your report. Based on the difference
8 in class characteristics item four was not fired by the
9 item one pistol, by the item two pistol or by the item
10 three pistol. What does that mean?

11 A So based on its characteristics and comparing it with
12 the firearms that I submitted. I was able to determine
13 that my item four bullet, which is State's Exhibit 114 was
14 not fired by any of the three firearms that were
15 submitted. Based on differences such as caliber, the
16 direction of twist and the number of lands and groves and
17 the widths of those lands and groves. So all those
18 firearms had different specifications as to what the
19 specific -- what was present on that bullet.

20 Q So you able to rule out the fact that that projectile
21 came from either or any of the three guns that were
22 submitted to you for purposes of your analysis?

23 A Yes, sir.

24 Q Okay. Now, were you able to make any other
25 determinations with regards to the examination of the

1 three pistols in relationship to any other items that were
2 submitted to you for you evidence analysis?

3 A Yes, sir, I compared the cartridge cases, the fired
4 cartridge cases that were submitted with the item -- the
5 three firearms that were submitted and was able to make
6 some conclusions.

7 Q And could you tell us what those were?

8 A So there was one 40 Smith and Wesson caliber
9 cartridge case that was submit. So I compared it with the
10 Smith and Wesson pistol that was submitted. It was
11 chambered a 40 Smith and Wesson caliber. And I was able
12 to determine that that specific cartridge case was fired
13 by the Smith and Wesson pistol that was submitted.

14 Q Okay. So you were able to match one casing found at
15 the scene I believe. And you indicated that it was marker
16 one I believe from the description submitted by the
17 Florence police department?

18 A That's correct.

19 Q Okay. So that shell casing was fired by the gun that
20 you were asked to analyze?

21 A Right, right. Smith and Wesson pistol that was
22 submitted. And then there was 380 auto caliber cartridge
23 case that was submitted. I compared it with the high
24 point 380 auto caliber pistol that was submitted was able
25 to determine that that specific pistol did fire that 380

1 auto caliber cartridge case.

2 Q Okay. And were you able to draw any other
3 conclusions with regards to the other pistol and cartridge
4 cases submitted for analysis?

5 A Yes, sir, there were 11 total nine millimeter Luger
6 caliber cartridge cases that were submitted. So I
7 compared those cartridge cases with each other as well as
8 the pistol, the nine millimeter pistol manufacturer FMK
9 that was submitted to determine if potentially they were
10 fired by that particular firearm.

11 Q And what conclusions were you able to draw?

12 A I was able to determine that three of those cartridge
13 cases were fired by the nine millimeter pistol that was
14 submitted the FMK.

15 Q Okay. And how about the others?

16 A The other group -- there were a group of eight nine
17 millimeter cartridge cases left. I was able to determine
18 that they were all fired by the same firearm but not by
19 any of the firearms that were submitted.

20 Q Okay. And so that I'm clear with regards to those
21 particular nine millimeter shell casings, were those the
22 ones that you list in your report item 13 and beginning at
23 marker eight?

24 A Correct.

25 Q And then sequentially after that will be marker nine,

1 marker ten, marker 11, marker 12, marker 13, marker 14 and
2 marker 15?

3 A Yes, sir.

4 Q Okay. So those would be eight that did not match the
5 nine millimeter that you asked to compare?

6 A Right, but they did all match other. So I can
7 determine they were all fired by the same gun just not the
8 guns that were submitted.

9 Q Okay, fantastic. And with regards to the bullets
10 that were found pursuant to a search warrant, if I could
11 approach. Specifically, I am referring you to State's
12 108. Were you asked to compare the eight shell casings
13 that you were not able to match to that nine millimeter to
14 the cartridges that were submitted that were taken out of
15 the home of Jolica Joyner pursuant to a search warrant?

16 A Well, what we do with unfired ammunition is we can
17 look at it document what kind of ammunition it is, the
18 caliber, the construction of it that sort of thing.
19 Sometimes if we ask in advance, we may be able to -- if a
20 specific unfired cartridge had been cycled through a
21 firearm but not fired if that makes sense, there may be
22 marks on that cartridge that we may be able to say, you
23 know, was cycle through a specific firearm. Again, these
24 cartridges I didn't note anything of that they been cycle
25 through a gun, but I did document what the manufacturer

1 construction that sort of thing is on these unfired
2 cartridges.

3 Q Okay. Did they share any characteristics with the
4 eight shell casings that were not matched to that nine
5 millimeter that the other three were?

6 A They did. The eight fired cartridge cases had
7 aluminum construction aluminum case body. The
8 manufacturer was Federal where all Luger caliber. This
9 group box of unfired ammunition were also Federal brand
10 nine millimeter Luger caliber aluminum case construction.

11 Q Okay. Did they share the same what is referred to
12 commonly as a head stamp?

13 A Yes, sir, head stamp is the information that's put on
14 by a manufacturer on the bottom of cartridge usually
15 denotes manufacturer or caliber just so, you know, a
16 person picking up a cartridge can easily identify, you
17 know, potentially what caliber it is. So they did share
18 the same head stamp information.

19 Q Okay.

20 MR. TUCKER: If I may approach, your Honor.

21 BY MR. TUCKER:

22 Q And, Agent Smith, I want to show you State's what's
23 been entered into evidence as State's 98 if I can get the
24 --- okay, and this is State's 98 which is a picture of
25 that box of ammunition I just asked you about, is that

1 correct?

2 A It looks the same yes, sir.

3 Q Okay. And showing you now what's been entered into
4 evidence as State's 100 and that appears to be those
5 cartridges taken out of the box, is that correct?

6 A Yes, sir, when I received it as you can see in the
7 picture, there's room or enough spaces for 50 cartridges
8 to fit in this container. So there were 38 present, so it
9 was missing 12 of those cartridges.

10 Q Okay. And actually going to show you what's been
11 entered into evidence as State's 101. And was that just a
12 close up picture reflecting of what we discussed in terms
13 of a head stamp?

14 A Yes, sir. And it's turned a different way, but you
15 can see there's an FC, which means a Federal cartridge.
16 So Federal's the brand. It has an NR, which means not
17 reloadable, not reloadable. Because it's aluminum
18 construction, it's just to note -- a lot of people reload
19 ammunition. Aluminum is harder to reload. And then the
20 caliber nine millimeter Luger.

21 Q And, again, those cartridges share characteristics
22 are consistent with the eight shell casings nine
23 millimeter that weren't able to match to that one nine
24 millimeter gun?

25 A Right. The same information and construction of the

1 cartridge case itself you know were similar.

2 Q Okay. And were you able to draw any conclusions with
3 regards to the other box of ammo that was submitted to in
4 terms of comparing it some of the other stuff found there
5 at the scene?

6 A No, sir, other than just saying that it's the correct
7 caliber for use. Again, the other box was 380 auto
8 caliber cartridges, so it would have been correct for use
9 in the high point 380 pistol as well as any other pistol
10 that was chambered for 380 auto.

11 MR. TUCKER: Your Honor, if I can beg the
12 Court's indulgence for a second. I believe those are all
13 the questions I have, your Honor.

14 THE COURT: All right. Ms. Parham.

15 CROSS-EXAMINATION

16 BY MS. PARHAM:

17 Q Good morning.

18 A Good morning.

19 Q So what you're not saying is you're not testifying
20 that item four the autopsy was fired by items eight, nine,
21 10, 11, 12, 13, 14, 15?

22 A Those specific shell ---

23 Q Shell casings. You have them differently labeled, so
24 those would be your items 13 through 20.

25 A Correct. No, ma'am, I'm not saying that that

1 specific projectile had come from any of those cartridge
2 cases that were submitted. We can't do an examination to
3 say this specific bullet projectile came from a specific
4 cartridge case. All we can say is if we had a gun to
5 compare it to and we see the right identifying
6 characteristics enough of them to say a match, then I
7 could say that a bullet was fired by a specific firearm
8 and a cartridge case was fired by a specific firearm, but
9 I can't say that that bullet came from that cartridge
10 case.

11 Q Correct. Now, with regard to the -- you said
12 something about nominal 38 caliber cartridges. I was just
13 trying to clarify I didn't understand because you were
14 saying it could have been a nine millimeter. It would
15 have been a 380 or could have been a nominal 38. What
16 does that mean?

17 A So, again, that projectile that I receive was in
18 really damage condition. It was missing some material.
19 The base was damage, so I couldn't get a firm measurements
20 to narrow it down to a specific caliber such as it being,
21 you know, most consistent with 380 and most consistent
22 with nine that sort of thing. What I did was there was
23 enough of it there that fell within a range of
24 projectiles. Nominal 38 just means it's a class or
25 category includes, you know, a hand full of different

1 calibers but ---

2 Q Let me stop you there. What other calibers does it
3 include?

4 A It could include things like 357 magnum, 38 special,
5 357C all those are -- fall under the umbrella of nominal
6 38, but, again, based on the information that I can get
7 from that specific bullet, you know, I think it's nominal
8 38, which includes nine millimeter and 380 auto.

9 Q And so when you give the list of potential nine
10 millimeters weapons that could have fired the bullet and
11 then you give a long list of potential 380 caliber
12 firearms that could have fired the bullet. And I believe
13 there's somewhere around 115 total on those two lists?

14 A There's quite a bit of number of -- and just to
15 clarify for the jury how I generate a list of potential
16 manufactures that could have fired a specific bullet is
17 going back to the riffling impressions that are on a
18 bullet. What we do is, again, if we can if there's enough
19 of it there we can count the numbers of lands and groves,
20 the direction of twist. We can measure the widths of
21 those lands and groves. We can plug all this information
22 into a data base which generates a list of potential
23 manufactures that we know about that share those same
24 characteristics. So what it does is just helps
25 investigators be on a look out for specific firearms that

1 if they may come across they might want to submit from me
2 to try to compare with that bullet. However, there are a
3 lot of manufactures that share those characteristics on
4 this list.

5 Q So when you gave that list for the 380's and the nine
6 millimeters, you know, 100 plus different firearms, that
7 list doesn't even include the nominal 38's that you
8 testified to earlier the 357 and all those or does it?

9 A It does not. Again, that's why our results are
10 written includes nine millimeter Luger and 380 auto among
11 others, but, again, I think just based on the
12 characteristics that those are the two likely categories
13 or calibers that this bullet could have been. If an
14 investigator comes across a revolver, you know, 38 special
15 or 357 magnum, he says, hey, this could have been -- well,
16 I can go back and look. And, you know, it's potentially
17 worth sending in, but, again, this bullet was not in good
18 shape for me to begin with. So even in my report, I said
19 it may not be suitable for identification with other
20 items. So even if an investigator had a gun that they
21 really thought could have fired that bullet, I may not
22 have been able to identify it with any way just because of
23 the damage and the lack of mark on that bullet.

24 Q And you brought up a good point, it could have been
25 fired by a revolver that bullet?

1 A Potentially. Again, revolvers and semiautomatic
2 pistols, they can share the same riffling specifications,
3 so, you know, that's just the nature of it. So
4 potentially that is possible.

5 Q Yes, so the list with the 380's and the nine
6 millimeters I won't read all of them because it's in
7 evidence, but if that list were expanded to include the
8 nominal 38's that you mention, that list of 115 possible
9 guns would expand to -- I'm not going to hold you to it
10 how much would it be.

11 A Right. I mean, it would add -- certainly add more
12 manufacturers to that list if you expand it to other
13 calibers. Right offhand, I don't know what that other
14 would be, but just, again, nine millimeter itself on this
15 list is a lot manufactures. So I don't know if it really
16 helps investigators all that much. Sometimes we can
17 narrow it down to one manufacturer that we know of that
18 has that riffling specifications, so that really does
19 help. To have so many manufacturers may or may not, you
20 know, help the investigation.

21 Q Right. And were you ever -- these are the only three
22 firearms that were submitted in this case for your
23 examination?

24 A That's correct.

25 Q You were not later sent any other firearm for

1 comparison?

2 A No, ma'am.

3 MS. PARHAM: That's all I have.

4 THE COURT: All right. Mr. Tucker any redirect?

5 MR. TUCKER: Just briefly, your Honor.

6 REDIRECT EXAMINATION

7 BY MR. TUCKER:

8 Q Mr. Smith, Ms. Parham asked you about the list of
9 firearms that possibly could have fired that projectile?

10 A Yes sir.

11 Q But your testimony is that this particular firearm,
12 which is the FMK nine millimeter that was submitted by the
13 Florence police department did not fire that projectile?

14 A No, sir, I can say that conclusively based on the
15 differences and riffling specifications. The FMK pistol
16 had a left-hand twist riffling. The bullet that was
17 submitted was a right twist riffling. So you can't get a
18 right-hand twist bullet from a left-twist barrel, so
19 that's how I was able to negate that specific firearm from
20 having fired that bullet.

21 Q Okay. And you also certain in your expert opinion
22 that the 380, which is State's 111 that was submitted by
23 the Florence police department did not fire that
24 projectile either, correct?

25 A Correct. While they did share the same six right

1 conventionally riffle barrels, the widths of those
2 riffling were different enough for me to negate the high
3 point firing that bullet.

4 Q Okay. And also that State's 113, which is the Smith
5 and Wesson 40 caliber that weapon also did not fire that
6 projectile, is that correct?

7 A That's correct. The Smith and Wesson pistol had
8 riffling specification of five lands and groves right-hand
9 twist conventional riffling. And, again, the bullet
10 itself is most consistent with having or consistent with
11 having six lands and groves. Again, this is hard to get
12 six lands and groves on a bullet from a barrel that had
13 five, you know, produce like that. So I was able -- and
14 the caliber what was off to pistol being 40 Smith and
15 Wesson. Sometimes you can fire nine millimeter out of a
16 40, but there's such a different in the widths of those
17 bullets -- the diameters of those bullets that you really
18 don't get riffling impressions on a nine millimeter fire
19 down a 40 caliber barrel.

20 Q Okay. And, again, so that I'm clear you were able to
21 match the shell casings that were submitted that were
22 collected at the scene to these firearms, correct, the
23 three nine millimeter shell casings, the 380 and the 40
24 caliber, is that correct?

25 A That's correct. Yeah, just the eight remaining ones

1 were fired by the same gun just not the guns that were
2 submitted.

3 MR. TUCKER: Okay, thank you. I believe that's
4 all I have.

5 THE COURT: All right. Is there any --
6 Mr. Smith, thank you for coming. You're free step down.
7 Is there anything -- reason that he needs to remain under
8 subpoena?

9 MS. PARHAM: No, your Honor.

10 MR. TUCKER: Not from the State, your Honor.

11 THE COURT: Thank you, sir.

12 (WHEREUPON, the witness leaves the witness
13 stand.)

14 THE COURT: Mr. Tucker.

15 MR. TUCKER: And your Honor at this time the
16 State would call Dr. Thomas Beaver to the stand.

17 THE CLERK: Sir, if you'll please approach the
18 stand and place your left hand on the Bible and raise your
19 right hand. Do you swear or affirm the testimony you give
20 in this case to be the truth, the whole truth, and nothing
21 but the truth so help you God?

22 THE WITNESS: I do.

23 THE CLERK: Please be seated and state your full
24 name for the record?

25 THE WITNESS: My name is Thomas Richard Beaver

1 B-E-A-V-E-R.

2 MR. TUCKER: May it please the Court.

3 THE COURT: Yes, sir.

4 WHEREUPON,

5 Thomas R. Beaver,

6 after first having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. TUCKER:

9 Q Dr. Beaver, where are you employed?

10 A I'm employed with the Medical University of South
11 Carolina. I'm faculty -- full-time faculty there.

12 Q And what is your position there in addition to
13 faculty member?

14 A I am associate clinical professor in the department
15 of pathology and laboratory medicine.

16 Q And what is your educational background, sir?

17 A I have an under graduate degree from the University
18 of California. I have a medical degree from Saint
19 George's University Medical School of Medicine. I
20 completed a residency training program five years in
21 anatomic pathology and clinical pathology at the
22 University of Colorado and follow that with a one-year
23 fellowship in forensic pathology. I have taken the
24 certifying examinations given by the American Board of
25 Pathology in anatomic pathology, clinical pathology and

1 forensic pathology passing all of those exams on the first
2 attempt.

3 Q And so when we say one is board certified is that
4 what you -- a person refers to in terms of your particular
5 field?

6 A Yes, sir, I'm board certified three time.

7 Q And do you know approximately how many autopsies you
8 performed in your career?

9 A I think it's over 10,000.

10 Q And have you ever been qualified as an expert in any
11 field in any court in the State of South Carolina?

12 A Yes, sir, I have.

13 Q And in what field?

14 A In forensic pathology.

15 Q And do you recall how many times approximately you
16 been qualified as an expert?

17 A In South Carolina?

18 Q Yes, sir.

19 A Probably, I would say between -- I would say it's
20 probably around 20 times. I just came to South Carolina
21 in 2018. And then we had Covid and the courts were shut
22 down. So a lot my cases haven't yet gone to trial and so
23 about 20 times here.

24 Q And elsewhere?

25 A Elsewhere hundreds. I was the chief in Daytona

1 Beach, Florida for almost ten years and did a lot of
2 homicides and cases there in court. I was probably close
3 to a hundred times in court there.

4 Q Okay. And that was in the field of forensic
5 pathology as well?

6 A Yes, sir.

7 MR. TUCKER: Your Honor, at this time I would
8 offer Dr. Beaver as an expert in the field of forensic
9 pathology.

10 THE COURT: Any objection?

11 MS. PARHAM: No, your Honor.

12 THE COURT: All right. Ladies and gentlemen, we
13 find that Dr. Beaver is an expert in the field of forensic
14 pathology. Mr. Tucker.

15 MR. TUCKER: Thank you, your Honor. May it
16 please the Court.

17 BY MR. TUCKER:

18 Q Dr. Beaver, what does a forensic pathologist do in
19 layman terms?

20 A So a forensic pathologist is a physician who's been
21 trained to determine the cause, manner and mechanism of
22 death in cases of sudden and unexpected death. And our
23 primary tool is the autopsy. So we do an autopsy
24 examination and it's a very systematic type of exam. And
25 then we use the findings from the autopsy from other

1 historical information maybe some toxicology. And we make
2 the cause of death and the manner of death.

3 Q And, Doctor, how do bodies come to your facility for
4 purposes of autopsy?

5 A Yes, sir, the Medical University of South Carolina
6 provides autopsy services to, I think, about 70 percent of
7 the coroners in the State of South Carolina, so we get
8 cases from all over the state. And they come to us by
9 transport. The coroners will have a transport capability.
10 And they will bring the body's to Charleston where we do
11 the autopsy.

12 Q And when bodies arrive at your facility for purposes
13 of autopsy, are they assign a specific number?

14 A Yes, sir, they are.

15 Q And I want to direct your attention doctor to a
16 session number FA19-271. Are you familiar with this
17 particular case?

18 A Yes, sir, I am.

19 Q And, Doctor, if I could approach, I want to show you
20 two things first of which is this document that I'm not
21 mark, but I would ask if you could identify it?

22 A Yes, this is the autopsy report for the case.

23 Q And this the one you performed when you were doing
24 the autopsy?

25 A Yes, sir.

1 MR. TUCKER: And your Honor I would ask if I
2 could mark this for identification purposes initially and
3 this is 133 that I would now move into evidence.

4 THE COURT: Any objection?

5 MS. PARHAM: No, your Honor.

6 THE COURT: All right. State's 133 is into
7 evidence.

8 (WHEREUPON, State's Exhibit No. 133 was admitted
9 into evidence.)

10 BY MR. TUCKER:

11 Q And, Doctor, I'm going to show you now what's been
12 marked for identification purposes as State Exhibit 63.
13 I'm going to ask if you recognize it?

14 A Yes, sir, I do.

15 Q And I would ask you how you recognize it?

16 A This is my writing and a drawing that I made at the
17 time of the autopsy.

18 Q Okay. Thank you, Doctor. And I'm going to put this
19 up on the screen if you need to refer to it during your
20 testimony.

21 A Thank you.

22 Q And, Doctor, let me ask you initially how do you
23 start the autopsy procedure itself?

24 A So it starts with moving the body onto the table
25 obviously and then I do examination. I start from the

1 head and I move to the foot. And I'm looking at the first
2 time first pass through I'm looking just to describe the
3 body. And I call the part of that report an exam just the
4 external examination. I'm just describing the person in
5 general are they tall, are they short, are they thin, are
6 they fat. They have long hair, short hair, beard, how's
7 their teeth, what are their eyes like. All that just sort
8 of external exam so that the reader of a report might get
9 sort of a mental picture of the person in general. Then I
10 started at the head and move to the foot a second time.
11 This time I am looking for evidence of scars and
12 identifying marks. So tattoos and scars that might be
13 used to identify the person. That's sort of an antiquated
14 part of the report now because we have DNA and DNA so good
15 that -- but I am old school and I was doing this before
16 there was DNA. I still have that in my report. And then
17 the second -- third pass through I go from the head to the
18 foot. This time I'm focusing documenting the evidence of
19 therapy. Anything that was done to resuscitate the person
20 any medical devices in place, IVs, breathing tubes things
21 like that. And then the final time through from head to
22 foot I am looking for evidence of injury. And here I
23 focus just on contusions, abrasions, gunshot wounds, stab
24 wounds things like that.

25 Q Okay. And did you note any of those things on your

1 initial assessment?

2 A Yes, sir, I did.

3 Q And do you recall where that was in terms of on the
4 body?

5 A Yes, a gunshot wound on the forehead.

6 Q Okay. And I'm going to show you what has been
7 entered into evidence now as State's Exhibit 63 hopefully
8 I can get it on there. I think we can make everything out
9 if I can get it a little straighter, push that up just a
10 little. And, Doctor, you indicated that the writing that
11 we see those are your handwritten notes that you indicated
12 there on the diagram?

13 A Yes, sir. I don't generally see this diagram in
14 court, but this is fine.

15 Q Okay.

16 A I'm embarrassed by some of it, but that is okay.

17 Q I'm not the artist neither myself and my handwriting
18 is atrocious, so I can relate. Could you indicate I
19 believe if we're looking at the top of the head you have
20 the gunshot wound that you just described there?

21 A Yes, so I've made a mark with a pin and I measured it
22 and put some dimensions there. And then I guess there's a
23 dressing also associated with it, so some wrap around the
24 head. And then also I guess looks like there's a
25 contusion under the eye, under the right eye, but the rest

1 of its all medical therapy IV. You see IV a number of
2 times. Those are plastic catheters that were on the body.
3 Then you see a large squiggly line down the front. She
4 was an organ donor. So she has donated her heart and
5 lungs and liver, so that is the incision that they used.
6 And then they close it with a suture, so it looks that
7 kind of squiggly pattern.

8 Q Okay. Now, once you done your initial external
9 examination, what do you move to next in terms of
10 completing the autopsy procedure.

11 A So the next one. And I should say that the -- every
12 step of that way of the external exam we photograph, so
13 there photographs for this hundreds of them. Then we take
14 x-rays. So we will take x-rays of the head in this case
15 to localize the bullet. We will try to find if there is a
16 bullet there and then it's location, so we can find it and
17 recover it.

18 Q Okay. And once you've done those things, what
19 happens next in terms of your procedure?

20 A Then the internal examination. It starts with
21 internal examination of the torso, so the chest and
22 abdomen, but in this case, she has donated all those
23 organs. So we go ahead and look inside, but there are
24 really no organs for us to really to examine. And we just
25 kind of examine maybe the residual portions of the bowel

1 and the stomach and parts of the aorta that may left
2 behind.

3 Q Okay.

4 A And then we move to the head and we cut the scalp.
5 We reflect the scalp forward. And we do all this in a way
6 that you could still have an open casket funeral. So we
7 go out of our way to hide the incisions as much as
8 possible see you want see any of the incisions on the body
9 itself.

10 Q Okay.

11 A Any way so we cut behind the ears for the scalp
12 forward use the bone saw and cut the top of the skull off.
13 And then we remove the brain, weigh it, dissect the brain
14 and document it.

15 Q Okay. And I believe you indicated you used an x-ray
16 machine and then the internal examination to find the
17 bullet. Were you able to recover a projectile in this
18 case?

19 A Yes, sir, I did. I recovered a projectile.

20 Q Okay. And what were your findings in terms of once
21 you removed the projectile in terms of the affect the
22 bullet had on Ms. Plowden when it entered her skull?

23 A Yeah, so this bullet entered pretty high on the skull
24 and it went through the upper kind of top portion of the
25 brain and impacted on the posterior part of the skull and

1 that's where we recovered it from. It was embedded in the
2 inside of the skull. The damage to the brain was severe.
3 And she had hemorrhage in the brain, hemorrhage throughout
4 the brain tissue from the blast affect of the bullet going
5 through the brain. But it was, I think, so high up here
6 in the top of the brain, that it allowed the structures at
7 the base of the brain and the brain stem to be relatively
8 uninvolved, which is why she was available to survive long
9 enough be an organ donor.

10 Q Okay.

11 A So she still had the brain stem function, which she
12 would have basic respiration and heart rate and that was
13 enough to keep her, but she would never recover cognitive
14 function. Her brain was destroyed.

15 Q Okay. And, Doctor, could you explain what manner and
16 cause of death as it relates to your particular profession
17 for the jury?

18 A Certainly, certainly the common question manner of
19 death we have five words. We have to use one of these
20 five words no modifiers. And this manner of death is
21 remarkably standard through all states of the United
22 States and even in the world. When I done cases in Kenya
23 and places like that, it's the same. They use the same
24 terminology the same five words and it's accident,
25 natural, homicide, suicide, and we always leave

1 undetermined, so we leave ourselves some wiggle room. And
2 homicide is the finding of death at the hands of another.
3 So if someone causes another person's death, that would be
4 a homicide.

5 Q And the cause of death what exactly is that in terms
6 of your profession?

7 A So the cause of death is that event or physical
8 derangement that causes the person to stop living, to
9 cause the heart to stop, causes the blood pressure to go
10 to zero, causes no respiration. And we try to find the
11 thing that started if it's a process and it goes a long
12 time, we try to find the thing that starts the process.
13 In this case, it's pretty evident this woman's fine and
14 then she gets a gunshot wound to the head. It's lethal
15 incompatible with life and she is dead.

16 Q Okay. And, Doctor, I wanted to direct your attention
17 to page two of your report if you have that in front of
18 you?

19 A Yes, sir, I do.

20 Q Okay. If you could come down to about three fourths
21 of the way down the page where it says evidence of injury?

22 A Yes, sir, I see it.

23 Q Below that entrance wound. And I want to direct your
24 attention specifically to the sentence where it begins the
25 wound has been previously staple close with focal crusting

1 present. And then the next two sentences powder stippling
2 is not appreciated, black sooting material is not
3 apparent. What does that mean?

4 A Yeah, so when we're trying to determine the range of
5 fire, we use the things that come out of the muzzle of the
6 gun besides the bullet. So the bullet comes out, but it
7 comes out in a cloud of smoke and that smoke gets
8 deposited on the skin and we will see it. Kind of like if
9 you have a candle, we'll put soot on the things around it
10 or if you have a fire, it will put soot on the things --
11 anything around it. So we look for that soot. And
12 because the soot doesn't travel very far from the barrel
13 of the gun, it gives us some idea of the range of fire.
14 If the gun and barrel is close enough, the soot will be
15 deposited on the skin, but it's farther away no soot. Then
16 the next thing we use are unburned powder granules. So
17 the gun powder is like grains of sand, very fine grains of
18 sand. They travel out of the barrel. They hit the skin
19 and they will leave marks. So that helps us again to say
20 what the range of fire was. And when we don't have those
21 things, we have to say that we don't have them. And
22 they're not present in this case. I would introduce one
23 caveat though is that soot can be wiped off. She's been
24 in the hospital. The wound has been stapled close examine
25 by doctors, cleaned very well. So that -- so if there was

1 soot there, I might not see it because of that.

2 Q Okay. But you didn't see any what we refer to as
3 stippling or anything like that around the wound?

4 A No, I did not see any stippling and stippling would
5 not be washed off. I would expect to see stippling in
6 this case if the gun was close enough.

7 Q Okay. And, Doctor, based on your expert medical
8 opinion and to a reasonable degree of medical certainty,
9 what is your opinion with regards to the cause and manner
10 of death for Chelsea Plowden in this case?

11 A Yes, sir, the cause of death is gunshot wound of the
12 head and the manner of death is homicide.

13 MR. TUCKER: Thank you, Doctor. I believe those
14 are all the questions I have.

15 THE COURT: Ms. Parham.

16 CROSS-EXAMINATION

17 BY MS. PARHAM:

18 Q Good morning, Doctor.

19 A Good morning.

20 Q You answered most of my questions. I was going to
21 ask you about the gunshot residue and how it could be
22 washed off at the hospital. And usually gunshot residue
23 is not really able to survive more than six hours. I
24 didn't know if you knew that?

25 A Yeah -- well, there's a difference between gunshot

1 residue and that soot that we're talking about.

2 Q Right.

3 A And the soot will be there until something washes it
4 off or whips it off or smudges off. Residue in terms of
5 what they would look for with like a kit, you know, that
6 they might apply to someone's hands that's -- you're
7 exactly correct.

8 Q And with regard to stippling, that's what we see in
9 most suicides and things like that where the gun's placed
10 at or near the head, correct?

11 A Yeah, so in suicides where it's a contact wound, we
12 see soot no stippling.

13 Q Okay. And do you know the distance that would be
14 required to have stippling?

15 A The generally -- you'd have the gun about an inch to
16 about two inches off of the skin. And then you'll see
17 stippling out to about a foot maybe 16 inches. There are
18 extreme examples with large caliber magnum load weapons
19 where you can see soot to 24 inches, but those are pretty
20 rare. It's a rare type of ammunition.

21 Q Right. And so with stippling it would be very
22 unusual to see any of that over a foot and a half?

23 A Yeah, absolutely.

24 MS. PARHAM: That's all, I have. Thank you.

25 THE COURT: All right.

1 MR. TUCKER: Nothing on redirect, your Honor.

2 THE COURT: All right, Dr. Beaver, thank you for
3 being here. You're free to go.

4 (WHEREUPON, the witness leaves the witness
5 stand.)

6 MR. TUCKER: Your Honor, before I -- if I would
7 approach the evidence just a make sure I got I need here.
8 Your Honor, at this time the State would rest.

9 THE COURT: All right, ladies and gentlemen, at
10 this time you've heard all the testimony and that you're
11 going to hear from the State in this case. We, again,
12 appreciate your time and your patience and your attention
13 throughout this process. At this time there's going to be
14 some matters of law that we have to take up outside the
15 presence of the jury and that can take sometime. So it's
16 11 o'clock now. What I anticipate that we should at this
17 point just to make sure that we don't have you here and
18 we're not ready for you just ask that you come back at two
19 o'clock, all right. And we come back at two o'clock,
20 we'll resume this trial. And, again, I appreciate your
21 service and please don't discuss this case. And we'll
22 see you back at two o'clock. Thank you so much.

23 (WHEREUPON, the jury is excused for a lunch
24 break.)

25 THE COURT: Is two o'clock, okay or we need to

1 do 1:30?

2 MR. TUCKER: No, I think two o'clock will be
3 fine, your Honor.

4 THE COURT: Okay.

5 MS. PARHAM: I think that will be fine, Judge.

6 THE COURT: Okay. All right. Do you want to
7 make any motions?

8 MS. PARHAM: Yes, your Honor. I would renew all
9 of my objections that I made during their case in chief.
10 And I would move for a directed verdict at this time of
11 all the charges. The murder charge I believe there's not
12 enough evidence for intent and malice aforethought. They
13 have a few witnesses who say that my client shot into the
14 crowd. There's not any evidence that she intended to kill
15 Ms. Plowden. There's also many contradictions with those
16 witnesses who say that she shot into the crowd having said
17 that her sister shot and other people and just the facts
18 are inconsistent with one another. With regard to the
19 attempted murder, I believe the State has problems under
20 the new case law and would move for a directed verdict on
21 those counts and also the firearm charge.

22 THE COURT: All right.

23 MR. TUCKER: And, your Honor, as the Court's
24 aware with regards to a motion for directed verdict, the
25 Court is concerned about the existence of evidence not

1 necessarily its weight at this juncture. Certainly, the
2 State would argue its more than met its burden with
3 regards to the murder charge and with regards to the
4 possession of a weapon charge. There were numerous eye
5 witnesses who actually saw Measha Joyner firing the gun in
6 the direction of Chelsea Plowden and that she was hit
7 moments -- just a second or two of Measha Joyner firing
8 the gun in her direction, so certainly we think we can put
9 the gun in Measha Joyner's hand. And we certainly think
10 that there's been enough evidence to suggest that or to
11 establish that we met the burden here with regards to the
12 murder charge. So I would certainly argue that the murder
13 charge and possession of a weapon charge should go
14 forward. At this point I think the State would go forward
15 on those two charges only. I think that that would be the
16 best thing to do with regards to confusing the jury with
17 the other collateral issues. So at this point certainly
18 we would ask that the judge to deny the motion with
19 regards to the murder charge and possession of a weapon
20 during the commission of crime of violent charge.

21 THE COURT: All right. So you're dismissing the
22 attempted murder charges?

23 MR. TUCKER: That is correct, your Honor.

24 THE COURT: Okay. All right. So as to the
25 attempted murder directed verdict, that's mute at this

1 point. I'm not going to make a ruling on that, but I do
2 find and I understand and recognize that we are looking at
3 the existence of evidence at this point and not the weight
4 of the evidence. Certainly recognize your arguments,
5 Ms. Parham, as to, you know, whether or not there's any
6 consistencies, but certainly find that there is the
7 existence of evidence that would support the charges of
8 murder and possession of a weapon during a violent crime.
9 And so I will respectfully deny your motions as it relates
10 to those charges, all right.

11 MS. PARHAM: Thank you, your Honor.

12 THE COURT: And so you anticipate putting a case
13 up this afternoon and then we'll have a charge conference,
14 is that what we talked about?

15 MS. PARHAM: Yes, your Honor, that's what I
16 anticipate. And then we'd be ready with the closing
17 arguments tomorrow morning if that would suit your Honor.

18 THE COURT: That's fine with me.

19 MR. TUCKER: And your Honor what Ms. Parham and
20 I will do also we'll work amongst ourselves in terms of
21 hammering out if there are any issues with regards to what
22 she intends to introduce at two o'clock. If there's an
23 issue that we feel only you could resolve, you know, we'll
24 get back early and say 1:30. We come and get you 1:45 and
25 hopefully we can have those hammered out whatever they

1 maybe if there are any in fact before the jury returns at
2 two.

3 THE COURT: All right. Well, what I'll do is
4 I'll ask court staff and I'll make sure I'm here at 1:30
5 in case we need to put anything on the record.

6 MR. TUCKER: Yes, sir.

7 MS. PARHAM: Yes, sir.

8 THE COURT: And then we'll start right at two
9 o'clock with the jury. And then what I'll do probably
10 anticipate that I'll ask the jury to be here and we begin
11 at nine o'clock in the morning.

12 MR. TUCKER: Yes, sir.

13 MS. PARHAM: Yes, sir.

14 THE COURT: Okay.

15 MR. TUCKER: Yes, sir.

16 MS. PARHAM: And, Judge, and so more of this
17 will come out in our case, but I just wanted to put you on
18 notice I will be asking for a spoliation charge and I have
19 one that I'll submit to the Court.

20 THE COURT: Okay. We'll have a charge
21 conference.

22 MS. PARHAM: Thank you.

23 THE COURT: All right.

24 MR. TUCKER: Thank you, your Honor.

25 THE COURT: Thank you. So we'll be at recess

1 until 1:30 in case we're needed and then we'll begin back
2 the trial at two o'clock.

3 MR. TUCKER: Thank you.

4 MS. PARHAM: Thank you, Judge.

5 (WHEREUPON, a lunch break was taken.)

6 THE COURT: This is a good opportunity to talk
7 to your client about testifying.

8 MS. PARHAM: Your Honor, we're ready as well.

9 THE COURT: Ms. Joyner, will you raise your
10 right hand please. You swear or affirm the testimony
11 you're about to give will be the truth, the whole truth
12 and nothing but the truth?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right, ma'am, you understand
15 that you have the absolute right testify in this case if
16 you choose to do so?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You also have the absolute right to
19 remain silent. You don't have to testify. Nobody can
20 make you testify. Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: All right. And you also understand
23 that you're not required to prove anything. You don't
24 have to prove your innocence in this case. The State is
25 the only party in this matter that has the burden of proof

1 to prove you guilty beyond a reasonable doubt. Do you
2 understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: All right. But also you -- you
5 equally have the right to present any defenses that you
6 might have and that includes testifying. So you
7 understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Now, if you chose to testify or not
10 to testify that has to be your decision. You can talk to
11 your attorneys about that. You can get any advice that
12 you like to about that, but ultimately whether or not you
13 testify is up to you. It's got to be your decision. You
14 understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. And you also that if you
17 do testify I don't know if you have any criminal history
18 or not. Does she?

19 MR. TUCKER: She does, your Honor.

20 MS. PARHAM: She does.

21 THE COURT: All right. Do we know what would be
22 admissible if she chose to testify?

23 MR. TUCKER: I think there are some things. I
24 sent a copy of the NCIC to defense as part of discovery.
25 I assume they've gone over it together, but there are

1 several things I think that the State would think that
2 would be relevant.

3 MS. PARHAM: We talked about that, Judge.

4 THE COURT: So you understand, Ms. Joyner, that
5 if you chose to testify there be certain criminal
6 convictions that could be used to impeach your testimony.
7 You understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right, ma'am. You also
10 understand if you do chose to testify, then you'll be
11 treated just any other witness would be treated and
12 subject to the rules of the Court. You understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. Having asked you all
15 those questions have you made a decision as to whether or
16 not you want to testify in this case?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. What is that your
19 decision?

20 THE DEFENDANT: I chose not the testify.

21 THE COURT: Okay. All right. Well, please let
22 us if that changes in any way, okay.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And, Ms. Parham, is there anything
25 you like to add as far as that goes?

1 MS. PARHAM: No, sir.

2 THE COURT: All right. Are we ready?

3 MR. TUCKER: State's ready, your Honor.

4 MS. PARHAM: Defense is ready.

5 (WHEREUPON, the jury came into open court.)

6 (WHEREUPON, Defendant's Exhibit Nos. 3-6 was
7 marked for identification only.)

8 THE COURT: All right. Thank you for your
9 patience, ladies and gentlemen. I now recognize ms.
10 Parham for the defense's case.

11 MS. PARHAM: Thank you, your Honor. May it
12 please the Court. The defense calls Detective Stephen
13 Banister.

14 THE CLERK: Please your left hand on the Bible
15 and raise your right hand. Do you swear or affirm the
16 testimony you give in this case to be the truth, the whole
17 truth, and nothing but the truth so help you God?

18 THE WITNESS: I do.

19 THE CLERK: Please be seated again and state
20 your full name for the record.

21 THE WITNESS: Stephen Banister.

22 WHEREUPON,

23 Stephen Banister,
24 after first having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MS. PARHAM:

2 Q Detective Banister, good afternoon.

3 A Good afternoon.

4 Q I just wanted to go over make sure we have the time
5 line correct on this, Detective. So after you responded
6 to the shooting where is the first place you went?

7 A Went to McLeod hospital.

8 Q So you never went to the crime scene?

9 A I did pass at a certain time just to check and make
10 sure everything was okay, but I didn't walk through the
11 crime scene and inspect everything.

12 Q Okay. And that's no where noted on your police
13 report?

14 A No, it's just something I remember off memory.

15 Q Okay. And so when you were at the hospital with whom
16 did you speak?

17 A I spoke to Deandra Whitehead and the hospital staff
18 and Sergeant Wynn. And there's another officer name
19 Officer Hay.

20 Q Okay. And that interview with Deandra Whitehead is
21 not recorded, correct?

22 A No, it was not.

23 Q Okay. And what adjective did you put in your report
24 regarding when her mother called after the shooting, the
25 time?

1 A When Ms. Gloria?

2 Q Yes?

3 A An adjective?

4 Q Uh-huh. What time? I mean, how long did she say?

5 A Let me look at the -- check for an adjective. When
6 you say -- I'm a little confused on your question on the
7 time you're asking Ms. Gloria what time?

8 Q Right, did she state that her mother called shortly
9 after she left the Quick Stop?

10 A Oh, yes, I'm sorry. I'm just getting confused.

11 Q Right. And is that what she says shortly before --
12 shortly after leaving the Quick Stop?

13 A Yes, I'm just trying to look for it in the Deandra
14 Whitehead. When I spoke to Deandra Whitehead, I was
15 trying to find exactly what I wrote down that she said.
16 Called shortly the last sentence sorry. It says called
17 her shortly after she had left the Quick Mart.

18 Q That's right. Now, in that particular statement by
19 the girls, you don't note any of the alleged shooters?

20 A No, I do not in that paragraph.

21 Q And so since this is the only note of what that
22 conversation is, there's just no notation of any shooter
23 in that paragraph the interview with Deandra Whitehead,
24 correct?

25 A Yeah, sure, correct.

1 Q Okay. And so then later that night after the
2 hospital, did you go speak with Gloria Whitehead?

3 A Yes, I do.

4 Q Okay. And then after speaking with Gloria Whitehead,
5 did you then get warrants for both Jolica and Measha for
6 attempted murder?

7 A Yes, I did.

8 Q Okay.

9 A It looks like the following day or the following
10 morning actually or that same morning at 8:30.

11 Q Okay. And so -- and was that actually the same
12 morning that you spoke with Ms. Whitehead?

13 A Ms. Gloria.

14 Q Yeah, Gloria Whitehead?

15 A Yes.

16 Q And so you got warrants for both sisters for
17 attempted murder?

18 A Yes.

19 Q And in your meeting with Ms. Whitehead that morning
20 did she mention any other shooters?

21 A No, she told me that the suspects had left the Joyner
22 sisters and that they fired back into the crowd.

23 Q Okay. But she did not mention any other shooters
24 other than the Joyner sisters, correct?

25 A Yes. You're correct.

1 Q She did Carlos Jackson, Jamares Robinson or Demarcus
2 Bluett?

3 A I don't remember if it was that morning that she talk
4 to him. In my notes, I do not have it, but in my second
5 interview, we talked further and they gave more
6 information about the other weapons and people on the
7 scene. Leading up to that point, I didn't really know who
8 own those weapons until Kanisha Allen got involved and
9 this was much after the bond hearing.

10 Q Right. So but in that first interview with Gloria
11 Whitehead she did not mention any of those three men as
12 per your police report?

13 A No, ma'am.

14 Q Okay. And so then you have a subsequent interview
15 with Gloria Whitehead at the police department, correct?

16 A Yes, on the 25th.

17 Q Right on the 25th. And at that time did she mention
18 any other shooter other than Carlos Jackson? In addition
19 to the Joyner sisters?

20 A No, ma'am.

21 Q Okay. And then when you interviewed Carlos Jackson
22 the next day did he mention any Demarcus Bluett or Jamares
23 Robinson?

24 A From my notes, I'm not -- I don't recall. They
25 didn't speak to each other before coming to see me as far

1 as I knew or what I was told.

2 Q Right. But in your video taped interview with Carlos
3 Jackson he never mentions those men, does he?

4 A Much as I recall, I do not believe he did.

5 Q Correct. All right. So then the bond hearings take
6 place on March 27th, correct?

7 A Yes, ma'am.

8 Q And is it at that point that you speak to the
9 victim's girlfriend KeeKee Allen. And after that, you
10 meet with the Robinsons, correct?

11 A Yes, ma'am.

12 Q And you tell her that she needs to get people to come
13 and talk to you. Jamares Robinson in your notes. And
14 this is on the 27th. And at the end of day of the 27th
15 you speak to Demarcus Bluett, but from your police report,
16 it looks like you interviewed the Robinsons prior ---

17 MR. TUCKER: Your Honor, I'm going to object to
18 the leading. This is direct examination.

19 MS. PARHAM: I'll rephrase.

20 THE COURT: Thank you, ma'am.

21 BY MR. TUCKER:

22 Q Do you interview the Robinsons before Mr. Bluett?

23 A Yes, ma'am.

24 Q And Mr. Bluett's interview is on video, correct?

25 A I brought him into the interview room. I haven't

1 seen the video recently, but I brought him into the video
2 room to record the interview, yes.

3 Q But the three Robinsons interviews are missing.
4 Those are the ones that we can't find, correct?

5 A Yes, ma'am.

6 Q And we don't know where they are or what happened to
7 them correct.

8 A No, we don't.

9 Q Okay. And in fact isn't it true that when you get to
10 Brianna Robinson, there really no notes about what she
11 says other than in your police report if I remember
12 correctly it just says that she basically said what her
13 mom said?

14 A And that she was able to identify Ms. Measha Joyner.

15 Q Correct.

16 A From where she was sitting in the passenger seat of
17 the vehicle.

18 Q Correct. So that is basically her interview is how
19 many sentences?

20 A That's just a couple sentences because the statement
21 was the same as the others and I just didn't want to be
22 redundant in the same.

23 Q But we don't know because we don't have that
24 interview, correct?

25 A Well, from this, but we do have the testimony.

1 Q But not the video?

2 A But not the video.

3 Q Correct. And, of course, we have the testimony years
4 and years later, but we don't know what they said on the
5 27th when they were in your interview room?

6 A No, because we have the video. I'm the only one that
7 knows it.

8 Q Right. And it looks like in your police report with
9 regard to Jamares Robinson in your notes it says something
10 about he stopped. And then he says, well, I'm going to be
11 honest. So the implication is is that perhaps he started
12 the interview being dishonest?

13 MR. TUCKER: I object, your Honor. It calls for
14 speculation for Investigator Banister as to what he was
15 thinking in terms of whether or not he was trying to be
16 deceptive or not.

17 THE COURT: I'm going to sustain the objection.

18 MS. PARHAM: All right. Your Honor, I will ask
19 another question.

20 BY MR. TUCKER:

21 Q Do you have any notes at all from that interview?

22 A The only notes I have has been put into this report,
23 but outside of that I do not.

24 Q All right. Did Jamares Robinson talk about any --
25 did he talk about Demarcus Bluett firing the gun?

1 A Did Jamares tell me about Mr. Bluett is that what
2 you're asking?

3 Q Uh-huh.

4 A I don't recall. If you can give me a second, I can
5 check going back and forth. I do not believe he did.

6 Q Okay. And did Ms. Angela Robinson mention Carlos
7 Jackson as the shooter?

8 A Okay. In my notes, I have right here, I just have
9 the -- she place Ms. Measha Joyner as the shooter.

10 Q Right. And when she did that where did she say --
11 where did she say that she watched that?

12 A She told me she seen it from her vehicle.

13 Q And with whom did she say she was sitting in her
14 vehicle watching that?

15 A Her daughter.

16 Q Right. So she places them both inside the vehicle,
17 correct?

18 A Yes.

19 Q Did she mention -- and her son as a shooter?

20 A Yes.

21 Q Where is that in your police report?

22 A I thought you were just asking me.

23 Q No, in the interview with her, did she mention her
24 son as the shooter?

25 A No, no she did not.

1 Q And did she mention Demarcus Bluett as the shooter?

2 A No, she did not, but I didn't interview her son
3 before she came in. And he had already given me a handgun
4 and told his testimony, so she might have assumed that.

5 Q Did Brianna Robinson mention her brother or Carlos
6 Jackson or Demarcus Bluett as shooters?

7 A No, but when I do interview people, I ask them to
8 tell me what they know and what they have seen.

9 Q Well, certainly, that should have been something they
10 seen based on the presentation that we've had here this
11 week?

12 MR. TUCKER: And, again, your Honor calls for
13 speculation.

14 THE COURT: Sustained.

15 A Just to add before I interviewed the Robinsons, I had
16 already spoke to Carlos Jackson.

17 Q Right, but you, obviously, when you interview someone
18 you don't -- part of detective procedure is you don't tell
19 them what someone else has told you because you want to
20 get independent statements, that are independent
21 statements, correct?

22 A I do, but sometimes I do let people know I have spoke
23 to others because sometimes that makes them know I already
24 know more about the case, that if I say I already talked
25 to a couple of these people and they know they were with

1 them, they know I know the story. So it tends to make
2 them want to tell me the truth or at least give me their
3 side. So sometimes I do let people know that I've already
4 talked to others before they come in to me.

5 Q Okay. But the bottom line is as per your police
6 report neither of Ms. Robinsons told you about the three
7 male shooters?

8 A Yes, ma'am, you're right.

9 Q And Ms. Gloria Whitehead didn't tell you about any of
10 the three male shooters the first time you talk to her and
11 only told you about Carlos Jackson the second time you
12 talk to her?

13 A Yes, ma'am.

14 Q Okay. Let me show you previously what's been
15 previously viewed and looked at as Defendant's Exhibit 10
16 and it is the interview with Tanisha Timmons?

17 A Okay.

18 MS. PARHAM: And we would offer this I believe
19 without objection from the State.

20 THE COURT: Is that right?

21 MR. TUCKER: That is correct. It's the video of
22 Tanisha Timmons in the interview room?

23 MS. PARHAM: Correct.

24 MR. TUCKER: No objection.

25 THE COURT: And that's Defense 10?

1 MS. PARHAM: Yes. And we would like to publish
2 that to the jury please.

3 (WHEREUPON, Defendant's Exhibit No. 10 was
4 admitted into evidence.)

5 (WHEREUPON, Defendant's Exhibit 10 played for
6 the jury.)

7 MS. PARHAM: That's all I have. Thank you,
8 Detective.

9 THE COURT: Mr. Tucker.

10 MR. TUCKER: Thank you, your Honor. May it
11 please the Court.

12 CROSS-EXAMINATION

13 BY MR. TUCKER:

14 Q Just briefly, Investigator Banister. Ms. Parham
15 asked you about the three videos of the interviews of the
16 Robinsons. Do you recall?

17 A Yes, sir.

18 Q Do you wish you could find those?

19 A I wish I had them, yes, sir.

20 Q Now, did you intentionally delete those?

21 A Absolutely not.

22 Q Did you intentionally not record those interviews?

23 A Absolutely not.

24 Q Now, you were here for their testimony, were you not?

25 A Yes, I was.

1 Q And was there testimony consistent with your
2 recollection of the interview was?

3 A Yes, it was, sir.

4 Q And just so that I'm clear when Ms. Parham asked you
5 about Gloria Whitehead whom did Gloria Whitehead indicate
6 she saw shoot Chelsea Plowden?

7 A The defendant Ms. Measha Joyner.

8 Q And with regards to Angela Robinson, who did she say
9 she saw shoot the victim?

10 A The same defendant Measha Joyner.

11 Q And Brianna Robinson whom did she indicate she saw
12 shoot the victim Chelsea Plowden?

13 A Same defendant.

14 Q And Jamares Robinson?

15 A Yes, sir, the same.

16 Q Okay. Now, with regards to the video that we just
17 watched of Tanisha Timmons. I want to ask you a little
18 bit about Tanisha Timmons. Now, Tanisha Timmons you spoke
19 to I think the mid afternoon around 1:30 of the 24th, is
20 that correct?

21 A Yes, it was the same roughly day, but just shortly
22 after noon.

23 Q Okay. Now, she was -- and you would later find out
24 the driver of the vehicle in which the defendant was
25 located when the shots was fired, correct?

1 A Yes, sir.

2 Q Okay. So you had Gloria Whitehead who was an
3 eyewitness. And at this point now you have Tanisha
4 Timmons who was the driver of the vehicle, correct?

5 A Yes, sir.

6 Q And whom she did indicate to you shoot out of the
7 back of the vehicle?

8 A The defendant Measha Joyner.

9 Q Okay. And, again, with regards to the video, did you
10 intentionally cut the video off?

11 A No, I did not. And if you notice with the perverse
12 camera, you could see where I'm actually thinking I'm
13 turning it off when I come out the door because you can
14 see my hand turn and hit where the switch is. So in my
15 thought, I was turning it off as it would have been
16 running the whole time, so I couldn't tell you what took
17 place.

18 Q And I believe you testified yesterday on direct when
19 I asked you that was a rather new recording system in
20 operation there at the police department?

21 A Yes, it was. I can't remember exactly how long we
22 had it, but it wasn't very hold old.

23 MR. TUCKER: Okay. I believe those are all the
24 questions I have, your Honor.

25 THE COURT: Any redirect?