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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MORGAN DAYLE CARR,

APPELLANT

APPELLATE CASE NO. 2023-000733

RECORD ON APPEAL

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State of South Carolina
 County of Lexington

Court of General Sessions

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	)	
	)	Transcript of Record
v.	)	2019-GS-32-01133
	)	
Morgan Dayle Carr	)	
	)	
<u>Defendant.</u>	)	

April 24 - 28, 2023
 Lexington, South Carolina

B E F O R E:

The Honorable Wlaton J. McLeod, IV, Judge; and
 a jury.

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Bethanie K. Creppon
 Circuit Court Reporter

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1 Other than that, we'll just see you bright and
2 early tomorrow morning at 9:00 a.m. in the morning
3 in your jury room. I have a good evening. See you
4 tomorrow.

5 (The jury exits the courtroom at 12:19 PM.)

6 (Luncheon recess 12:19 to 1:36 p.m.)

7 THE COURT: All right. Good afternoon. What
8 are we starting with this afternoon?

9 MS. FULLER: The State is ready to go forward
10 with Denno, if that's okay with defense.

11 MS. YONGE: Defense is ready.

12 THE COURT: All right. Are you ready to call
13 your first witness?

14 MS. FULLER: Yes, your Honor. He is ready to
15 call his first witness.

16 THE COURT: Ah.

17 MR. ESPOSITO: Yes, your Honor. The State
18 calls Captain Jesse Laintz to the stand.

19 THE COURT: Okay.

20 JESSE LAINTZ

21 being first duly sworn, testified as follows:

22 THE WITNESS: I do.

23 THE CLERK: If you'll have a seat up there and
24 state your name and spell your last name for the
25 record.

1 THE WITNESS: Jesse Laintz, L-A-I-N-T-Z.

2 MR. ESPOSITO: May it please the Court?

3 THE COURT: Yes, sir.

4 DIRECT EXAMINATION

5 BY MR. ESPOSITO:

6 Q. Can you please tell us what you do for a
7 living, Captain?

8 A. I'm a captain over investigations, which
9 consists of Narcotics, Major Crimes, and it also
10 covers Special Ops. And I'm also the assistant
11 commander of SWAT Team and a bomb detective for our
12 department.

13 Q. And what department is that?

14 A. Lexington County Sheriff's Department.

15 Q. How long have you been doing that for?

16 A. Just about 18 years.

17 Q. What is your involvement in this case?

18 A. In this case, I was the lieutenant over major
19 crimes. And we had a murder, and I responded to the
20 scene.

21 Q. And do you know when that murder occurred?

22 A. This was on July 11th, 2018, at almost
23 midnight, so it was like 11:30, 11:45 that night.

24 Q. Did you ever get a statement from the defendant
25 in this case?

1 A. A verbal statement, yes.

2 Q. When was that?

3 A. It was actually the 12th. It was around 6:20
4 in the morning on the 12th, so it was about seven
5 hours after the incident occurred.

6 Q. And why did you speak to the defendant at that
7 time?

8 A. At that point in time, we were trying to track
9 down breadcrumbs to get a better understanding of
10 what was going on and understanding who the victim
11 was. In doing so, we talked to the -- Robert All,
12 the victim's, baby's mom, I guess I'd say. And she
13 provided us as an ex-girlfriend of the victim's was
14 Ms. -- the defendant, Ms. Morgan Carr.

15 Q. Where did you speak to the defendant?

16 A. It was at her house. It was at [REDACTED] Backman
17 Street, which is actually about, the way a crow
18 flies, probably about a mile from here.

19 Q. Did you record that statement?

20 A. It was not recorded, no.

21 Q. Why not?

22 A. At that point in time -- so our policy didn't
23 require any kind of recording, and we didn't have
24 body cameras. There were times that we had our
25 handheld pocket recorders, but we usually did those

1 when we talked to suspects. So this was another
2 victim I was going to talk to -- I'm sorry, another
3 witness -- possible witness I was going to talk to
4 when I made contact with her.

5 Q. So was the defendant a suspect at that point?

6 A. She was not.

7 Q. Did you have a suspect at that point?

8 A. We did not.

9 Q. Okay. So when you spoke to the defendant then,
10 did you read her her Miranda rights?

11 A. We did not.

12 Q. Why not?

13 A. At that point in time, she was not a suspect.
14 She was a person we were going to talk to to try to
15 get more information about our victim and see if
16 they could point us in the direction of a possible
17 suspect.

18 Q. When you talked to her, did she appear
19 intoxicated at all?

20 A. She did not.

21 Q. Did she appear to be under the influence of any
22 drugs?

23 A. She did not.

24 Q. Medications?

25 A. She seemed the same way I am right now.

1 Q. Did she seem to be competent when you spoke to
2 her?

3 A. She did.

4 Q. Now, when you spoke to her, did you force her
5 to talk to you?

6 A. I did not.

7 Q. Did you threaten her?

8 A. There were no threats made.

9 Q. Coerce her?

10 A. No.

11 Q. Did you curse at her?

12 A. I may have used curse words, but I never cursed
13 at her.

14 Q. Did you try to make her give you a statement?

15 A. No.

16 Q. Did she appear to be willing to speak with you?

17 A. She was helpful and she appeared to want to
18 provide information of what she knew.

19 Q. Was she free to leave that the conversation at
20 any point?

21 A. At one point in the conversation, she -- at
22 least one point that I remember, she left to go back
23 into her house to get her computer and she brought
24 it back out and talked to us. She was free to leave
25 at any point in time.

1 Q. And where actually at her house did you speak
2 to her?

3 A. Right in her driveway. So we pulled up and we
4 were -- had our vehicles on the street and in the
5 driveway -- we had two different vehicles there --
6 and she came out and was talking to us the entire
7 time.

8 Q. So was she in custody?

9 A. No, she was not.

10 Q. So, now, when you actually spoke to her, what
11 did you speak to her about?

12 A. We asked if she knew who the victim was. She
13 acknowledged that she did know who the victim was.
14 And we tried to get more information about when she
15 last saw him, if there was anybody he was having
16 trouble with, just basic information to see if she'd
17 point us in the direction.

18 Q. What did she tell you?

19 A. She ended up telling us that she was the
20 ex-girlfriend of Robert All, our victim, and that
21 she last saw him around 8:00 or 9:00 yesterday,
22 which would have been the 11th, so about, what, less
23 than 12 hours before that; that he was with two
24 other people and they were getting ready to go to
25 CarMax.

1 Q. You mentioned earlier that she went inside at
2 one point to get her computer. Do you know why she
3 did that?

4 A. She did. We were asking her some questions.
5 There was a conversation that happened between me
6 and Sergeant Miler about some other information on
7 people we needed to follow up with, and one of those
8 was an individual named Nick that worked at the 44
9 Truck Stop.

10 She went in -- we asked if she knew who that
11 was, and she went, got her computer, and showed us
12 who it was on Facebook.

13 Q. When you spoke to the defendant, did she ever
14 indicate where she was the night before?

15 A. She was at her house.

16 Q. Did she indicate that she was at the crime
17 scene?

18 A. She did not.

19 Q. Did she make any statements that she was
20 involved in any way?

21 A. No, she did not.

22 MR. ESPOSITO: Your Honor, no further
23 questions.

24 THE COURT: All right. Does the defense have
25 any questions?

1 MS. YONGE: No questions for this witness, your
2 Honor.

3 THE COURT: All right. The witness may step
4 down.

5 All right.

6 MR. ESPOSITO: Your Honor, based on the
7 testimony, it's clear that the statements made by
8 the defendant were freely and voluntarily made; that
9 there was no coercion whatsoever. She was in the
10 driveway of her home, free to leave at any time.
11 She wasn't under arrest; she wasn't in custody.

12 Your Honor, there is no reason to believe that
13 these statements should not be admissible under
14 Jackson v. Denno.

15 THE COURT: Any response from the defense?

16 MS. YONGE: We agree, your Honor.

17 THE COURT: Okay. Well, I'm not going to stand
18 in the way of agreeing attorneys, so the statement
19 is admissible. It's admissible for the purposes
20 that the jury can make whatever they want to make of
21 it at the appropriate time. All right?

22 MS. FULLER: Thank you, your Honor. And, your
23 Honor, if there is any specific statement they are
24 challenging, we can just streamline this. We can go
25 faster, I guess.

1 MS. YONGE: Well, the next statement she gives
2 is to Adam Creech, and we're definitely objecting to
3 those.

4 THE COURT: There are two recorded statements,
5 aren't there?

6 MS. YONGE: Yes, your Honor. There is one that
7 is broken into two halves with Sergeant Creech, and
8 then there is one two-and-a-half-hour-long one with
9 Pratt, I believe.

10 THE COURT: Yeah. One is the day of her
11 arrest, if I'm not mistaken.

12 MS. FULLER: That's fine, your Honor. I can
13 move forward.

14 MS. YONGE: We just don't object to that one.

15 MS. FULLER: So all the rest of them; got it.

16 MS. YONGE: That's correct.

17 MS. FULLER: That's -- Justin Ashley is next.

18 JUSTIN ASHLEY

19 being first duly sworn, testified as follows:

20 THE WITNESS: I do.

21 THE CLERK: Have a seat up there. If you'll
22 state your name and spell your last name for the
23 record.

24 THE WITNESS: Justin Ashley, A-S-H-L-E-Y.

25 DIRECT EXAMINATION

1 BY MS. FULLER:

2 Q. And where are you currently employed?

3 A. At the Solicitor's Office here in Lexington.

4 Q. And that's the Lexington County Solicitor's
5 Office?

6 A. Correct.

7 Q. And how long have you been employed here?

8 A. About three years.

9 Q. And do you enjoy what you do here?

10 A. I do.

11 Q. Back in 2018, where were you employed?

12 A. At the Lexington County Sheriff's Department.

13 Q. How long were you employed there?

14 A. Ten years.

15 Q. As it relates to this case, the defendant
16 Morgan Carr, what was the nature of your involvement
17 back on July 12th of 2018?

18 A. At that time, I was an investigator in the
19 Major Crimes Unit at the Sheriff's Department.

20 Q. Did you have an opportunity to speak with or be
21 present for an interview with Morgan Carr?

22 A. I was.

23 Q. And can you explain to the Judge, set the scene
24 for him, who was present? was she in custody? was
25 she free to leave at the time?

1 A. Sure. Myself, as an investigator, along with
2 Sergeant Adam Creech at the sheriff's department.
3 It is an all-day investigative effort. Soon after
4 this shooting incident happened, we were tasked with
5 going to the address of [REDACTED] Backman Street in
6 Lexington to follow up with the defendant here,
7 Morgan Carr.

8 Myself and Sergeant Creech responded to that
9 location and conducted an interview with her just on
10 a factfinding basis.

11 Q. Did you have an opportunity -- tell the Judge
12 this: Was the interview recorded?

13 A. Yes, it was.

14 Q. And did you have an opportunity to listen to
15 that recording?

16 A. I have.

17 Q. And for the first recording in this case, which
18 I will make a Court's Exhibit shortly, your Honor,
19 were you present for that entire interview, for the
20 first recording?

21 A. Yes, I was.

22 Q. And where were you positioned during that
23 interview?

24 A. I was in the backseat of Sergeant Creech's
25 patrol vehicle.

1 Q. And where was Morgan Carr?

2 A. In the passenger's seat.

3 Q. And where was Sergeant Creech?

4 A. In the front driver's seat.

5 Q. And this all took place at her residence?

6 A. Yes.

7 Q. And was she arrested at this time?

8 A. No, she was not.

9 Q. Was she a suspect at this time?

10 A. No, she was not.

11 Q. And you indicated she was just someone to
12 follow up with, correct?

13 A. Correct.

14 Q. At the time of your interaction with her, did
15 she appear to be under the influence of anything
16 that would impair her ability to communicate with
17 you?

18 A. No, she was not.

19 Q. Did she appear to have any mental or physical
20 disabilities that impaired her ability to understand
21 what was going on?

22 A. No, she didn't.

23 Q. Did she know that she was speaking to law
24 enforcement that day?

25 A. She did.

1 Q. And did she, in fact, freely and voluntarily
2 speak with you and Sergeant Creech that day?

3 A. Yes. We actually made contact with a roommate.
4 I believe we ended up getting ahold of her and
5 requesting if she'd like to come speak with us. And
6 she voluntarily responded back to the residence that
7 we were already waiting at, and she spoke with us
8 when she arrived.

9 Q. Now, was Miranda given at that time?

10 A. No, it wasn't.

11 Q. And was Miranda required at this point, based
12 on the status -- where you guys were in the
13 investigation?

14 A. No, it wasn't.

15 Q. This was a noncustodial interview, correct?

16 A. Correct.

17 Q. And after the interview was completed, she was
18 yet still free to leave?

19 A. Yes.

20 MS. FULLER: Your Honor, as it relates to the
21 first portion -- and I'll make it now Court's
22 Exhibit -- the disc is State's Exhibit 2. And on
23 here are the three interviews -- recordings that I
24 provided your Honor last week and defense has in
25 discovery as well, just for the record.

1 (Court's Exhibit No. 1 marked for
2 identification.)

3 BY MS. FULLER:

4 Q. And on that -- end of those three recordings,
5 you were present for that first one, correct?

6 A. Correct.

7 MS. FULLER: No further questions at this time,
8 your Honor.

9 THE COURT: Cross-examination?

10 MS. YONGE: May it please the Court?

11 THE COURT: Yes, ma'am.

12 CROSS-EXAMINATION

13 BY MS. YONGE:

14 Q. Is it sergeant or -- I'm horrible with
15 monickers.

16 A. Currently, it's just -- I'm just an
17 investigator here --

18 Q. Investigator --

19 A. -- at the Solicitor's Office, and I held the
20 same role at the sheriff's department.

21 Q. Okay. So Investigator Ashley?

22 A. Yes, ma'am.

23 Q. Okay. Thank you. I will make a note.

24 During -- how long was the first portion of
25 this interview?

1 A. It was approximately 45 minutes to an hour.

2 Q. Okay. And if I were to say it was around an
3 hour, you wouldn't disagree with me on that?

4 A. No, I wouldn't.

5 Q. Okay. Let's see. Did she ask for a cigarette
6 at about 30 minutes?

7 A. She did ask for a cigarette at some point. I
8 cannot recall how far in, time-wise, the interview
9 would have been, but she did ask for a cigarette at
10 some point.

11 Q. And that would be apparent on the recording --

12 A. Yes.

13 Q. -- at what point she asked for a cigarette?

14 And was she granted leave to go get that
15 cigarette?

16 A. I do believe so.

17 Q. And if I were to tell you that she was not
18 granted leave to go get that cigarette, would you
19 disagree with me?

20 A. I would not disagree.

21 Q. Okay. And that, like, at the end of the hour
22 is when she was finally able to go get a smoke;
23 would you disagree with me?

24 A. I wouldn't disagree; no, no.

25 MS. YONGE: No further questions for this

1 witness, Your Honor.

2 THE COURT: Redirect?

3 REDIRECT EXAMINATION

4 BY MS. FULLER:

5 Q. And just so it's clear -- I don't know if it
6 was a double negative or -- but during the
7 interview, the time there, Morgan Carr was allowed
8 to step outside the vehicle and smoke a cigarette,
9 correct?

10 A. Yes. She was free to step outside of the
11 vehicle. I believe if we were in some type of train
12 of thought and might have wanted to finish that
13 train of thought with her. But I do remember at
14 some point during that lengthy time in the car, she
15 did -- she obtained a cigarette; whether she got it
16 herself or we assisted her in getting it, I don't
17 recall. But she did -- at some point, she was able
18 to get out of the car and smoke a cigarette.

19 Q. And you didn't threaten her or keep anything
20 from her that she actually needed that was vital to
21 her health, correct?

22 A. No.

23 MS. FULLER: No further questions.

24 THE COURT: Recross?

25 RECROSS-EXAMINATION

1 BY MS. YONGE:

2 Q. But she didn't actually -- she was not actually
3 allowed to get that cigarette until the end of the
4 first portion of this interview, which was at one
5 hour?

6 A. If it was that far in, I wouldn't disagree with
7 you. I don't remember if she asked at some point
8 and we said let's finish what we were trying to do.
9 But, again, I wouldn't disagree with you o that time
10 stamp.

11 Q. Would you agree that the recording would be the
12 ultimate decisionmaker on wheat time she asked for a
13 cigarette and when she was allowed to go get one?

14 A. Of course.

15 MS. YONGE: No further questions, your Honor.

16 THE COURT: Next witness.

17 MS. FULLER: Your Honor, are you taking each
18 recording one at a time in terms of argument?

19 THE COURT: Um --

20 MS. FULLER: Because that's the extent of it
21 for this first recording.

22 THE COURT: So that would be Part 1?

23 MS. FULLER: That's correct.

24 THE COURT: All right. Well, we did the first
25 one, so why don't we just do them all.

1 MS. FULLER: Your Honor, at this time, your
2 Honor, as it relates to part one of the recording,
3 Justin Ashley testified that she was free to leave,
4 she was not in custody. The question regarding the
5 cigarettes, your Honor, I guess, is of note, so I'll
6 address that.

7 She was not in custody at this point; she was
8 still free to leave. And so if we're dealing
9 with -- my argument probably would be slightly
10 different if it's a custodial interview in terms of
11 the reasonableness of the delay. If it was
12 something vital to her like food or water -- but
13 that's not what we're dealing with here.

14 She was outside of her home. She was in the
15 vehicle, and she freely came back to the home, based
16 on testimony, to speak with Sergeant Creech and
17 Investigator Ashley on this day.

18 Your Honor, he testified that she freely and
19 voluntarily spoke with her. This was noncustodial,
20 so Miranda wasn't provided, but, either way, she was
21 free to leave at any point.

22 And, your Honor, the State would respectfully
23 request that this statement be ruled admissible.

24 THE COURT: I'll just refer to it as Part 1.

25 Ms. Yonge?

1 MS. YONGE: Thank you, your Honor. With
2 regards to whether or not it was custodial, it's not
3 an objective -- it's not an objective standard, it
4 is a subjective standard. So whether or not it was
5 their intention for it to be a custodial
6 interrogation or whether Investigator Ashley
7 believed that it was a custodial interrogation is
8 actually irrelevant.

9 What matters is whether they client had the
10 belief that it was custodial, if she felt she was
11 free to leave. It is a subjective standard based on
12 the person who is being questioned, your Honor. So
13 was in a patrol vehicle. She was not allowed to go
14 get a cigarette. In fact, your Honor, if you check
15 the recording, I believe that around 29 minutes
16 and -- I have 29 minutes and 10 seconds --

17 THE COURT: I agree.

18 MS. YONGE: It could be on or off a little
19 bit -- she asked if she could go get a cigarette.
20 And then finally, at the end of the hour, she asks
21 again, and they say, yes, you may go get a
22 cigarette.

23 THE COURT: Well, Detective Creech says, I
24 don't want you to smoke in the car.

25 MS. YONGE: Right, he does say that. But then

1 it's another 30 minutes of interrogation in which my
2 client, who clearly needed a nicotine fix, isn't
3 allowed to get one.

4 THE COURT: I'll -- well, okay. Anything else
5 for the moment on that?

6 MS. YONGE: I believe that's it, your Honor.

7 THE COURT: I think they also swapped. Creech
8 got out of the car at one point --

9 MS. YONGE: Yes, your Honor, like at 48 minutes
10 and 35 seconds. I think Investigator Ashley started
11 questioning and Creech went somewhere to do
12 something; we don't know what.

13 THE COURT: And I remember there was
14 conversation about smoking as well, so...

15 You know, I haven't heard anything that I think
16 crosses the line at this point, as far as, you know,
17 making this custodial. I remember specifically
18 about -- the language about the smoke and having a
19 cigarette; I even made a note of it.

20 But I don't think that was a -- you know,
21 crossed the line from going from -- to some sort of
22 custodial situation. That said also, I told y'all
23 I'd listen to the full statement. Admittedly, I
24 have a few more minutes to go on Part 1.

25 But based off what I've heard now, I don't see

1 anything to warrant excluding the statement. And I
2 don't expect anything to change in the last 10
3 minutes I still need to listen to. But I'll do that
4 today, after we're done; and if there is a change,
5 I'll let y'all know certainly by tomorrow.

6 So my ruling, as of now, is that Part 1 will be
7 admissible. Are there any redactions we're going to
8 make for that? And I don't remember anything --
9 I'll tell you what, y'all can talk about that after
10 we're done, if y'all believe it's necessary to
11 redact it.

12 MS. YONGE: Okay.

13 THE COURT: All right. Part 2.

14 MS. FULLER: Thank you, your Honor. State
15 calls Cameron somehow.

16

17 CAMERON SHERBAN

18 being first duly sworn, testified as follows:

19 THE WITNESS: I swear.

20 THE CLERK: Have a seat and state your name for
21 the record, spelling your last, please.

22 THE WITNESS: My name is Cameron Sherban,
23 S-H-E-R-B-A-N.

24 DIRECT EXAMINATION

25 BY MS. FULLER:

1 Q. Where are you employed?

2 A. With the Lexington County Sheriff's Department.

3 Q. How long have you been employed there?

4 A. I've been there for almost 12 years now.

5 Q. And in what capacity?

6 A. I started as a road deputy. I became a master
7 deputy or an assistant supervisor on the road, moved
8 over as an SRO at Brookland-Cayce High School for
9 three years. And for the last five years, I've been
10 in the Major Crimes Unit with the Special Victims
11 Unit.

12 Q. And back in 2018, in July when this happened,
13 were you in the Major Crimes Unit at that time?

14 A. I was. I was -- had been promoted to Major
15 Crimes later that year.

16 Q. Jumping straight to the purpose of this
17 hearing, back then, on July 12th, did you interview
18 the defendant in this case, Morgan Carr?

19 A. I did not interview her myself. I did sit in
20 on one of the interviews with her.

21 Q. And for the -- what we refer to as Part 2 of
22 the recording -- I'm kind of jumping ahead here --
23 during that day when she was being interviewed, was
24 that recorded?

25 A. Yes, it was.

1 Q. And that's what we refer to as Part 2?

2 A. Yes.

3 Q. Go ahead and set the scene. We just heard for
4 Investigator Ashley. And Sergeant Creech was
5 leading this interview, and you just kind of jumped
6 in for the second portion; is that correct?

7 A. Yes.

8 Q. And describe for the record, where were you
9 seated, where was Morgan Carr, and where was
10 Sergeant Creech?

11 A. So Sergeant Creech was in the driver's seat of
12 his vehicle. Morgan Carr was sitting in the
13 passenger's seat. And I was actually sitting behind
14 Sergeant Creech in his vehicle, like, in the
15 backseat, but behind the driver's seat.

16 Q. Okay. And at this point, did Morgan Carr, to
17 you, based on you vantage point and you interaction
18 with her throughout the rest of the time there, did
19 she appear to have anything that would impair her
20 ability to communicate with you?

21 A. No, she did not.

22 Q. Did she freely and voluntarily speak to you?

23 A. Yes, she did.

24 Q. I don't know if you recall, but at one point,
25 she actually said, "I actually like y'all; it's

1 fine," correct?

2 A. Yes, she did.

3 Q. And that was a follow-up after she said she's
4 not a big fan of the police, correct?

5 A. That is correct.

6 Q. And she was aware that she was afraid to leave,
7 but she indicated she liked you guys, and she
8 continued to speak, correct?

9 A. She did.

10 Q. And later on during the interview, did you
11 actually -- were present for obtaining a written
12 statement from her?

13 A. I was.

14 Q. And for the portion of the interview that she
15 was writing that statement, do you recall asking her
16 any questions during that time?

17 A. I did not ask her any question during any of
18 the interview.

19 Q. And, in fact, on the recording, is there pretty
20 much several silent -- a long portion of silent time
21 while she's writing that statement? Correct?

22 A. Yes, ma'am. And, actually, on the recording,
23 you can kind of hear her writing as well.

24 Q. And did she freely and voluntarily write that
25 statement?

1 A. Yes, she did.

2 Q. I'll hand you now what is marked as State's 1.

3 And I have one for the Court.

4 I'll hand you what's premarked as State's 1,

5 which is Morgan Carr's written statement, and ask

6 you if you recognize it.

7 A. Yes, I do. This is her written statement.

8 Q. How do you recognize that as her written

9 statement?

10 A. So I recognize where Sergeant Creech had

11 notated the date and the address, and I see where

12 she had written her name and her address where she

13 was at, at the time. She gave her number, an

14 alternate contact number. And then it was also done

15 in the presence of Sergeant Creech, and then my name

16 is there as well, Detective Sherban. And then she

17 has signed and dated it at the bottom as well.

18 Q. Does she list an alternate contact person as

19 well?

20 A. Yes, she does.

21 Q. Who is that?

22 A. Susan Powers.

23 Q. Who do you understand that to be?

24 A. I don't recall --

25 Q. Okay.

1 A. -- who Ms. Powers is off the top of my head.
2 I'm sorry.

3 Q. Okay. But in terms of the address that's on
4 that form?

5 A. I believe this was Ms. Powers' address --

6 Q. Okay.

7 A. -- the [REDACTED] Backman.

8 Q. Okay. And so she's at her residence; this is
9 all taking place in the vehicle where she's free to
10 leave, correct?

11 A. That's correct.

12 Q. And she writes that statement uninterrupted,
13 correct?

14 A. Yes.

15 Q. Is there a portion for Miranda?

16 A. Yes.

17 Q. And can you go ahead and publish that into the
18 record?

19 A. Yes. There is five questions here. I have
20 the -- well, five statements, excuse me.

21 One is: I have the right to remain silent.

22 And she's initialed MC.

23 Anything I say can and will be used against me
24 in a court of law. And she's initialed MC.

25 I have a right to talk to a lawyer for advice

1 before asked any questions and have him or her
2 present with me during questioning. Initialed MC.

3 If I have no money for lawyers fees, the Court
4 will appoint one to represent me without any cost to
5 me, if I wish. Her initials, MC.

6 If I decide to answer any questions without a
7 lawyer present, I still have the right to stop
8 answering questions at any time. And I also have
9 the right to stop answering questions at any time
10 until I talk with a lawyer. Initialed MC.

11 And then another statement just below that: I
12 have read this statement of my rights, and I
13 understand what these rights are. Initialed MC.
14 And then it says: I make the following statement,
15 and then she writes her statement out.

16 Q. And prior to that actual written statement, she
17 was given Miranda earlier in the interview, correct?

18 A. Yes.

19 Q. And that was provided by Sergeant Creech as
20 well?

21 A. Yes.

22 Q. And during -- prior to that -- I think it was
23 about eight minutes into the recording or roughly --
24 what do you recall taking place? Why was Miranda
25 given at that point?

1 A. She had made a statement that, from what
2 Sergeant Creech said -- I think he said we're get
3 into some tricky territory, because she made a
4 statement that was different from what she had been
5 saying that put her at the place whenever the
6 incident took place. So she was putting herself at
7 the location.

8 Q. And prior to that, was she a suspect at any
9 point?

10 A. At that moment, no. I think we were just there
11 for information from her because she just knew who
12 he was.

13 Q. And at this point, she had changed her
14 statement --

15 A. Yes, ma'am.

16 Q. -- and even though she wasn't in custody,
17 Miranda was given, correct?

18 A. Yes.

19 Q. And even when she wrote that statement on that
20 statement form, she wasn't in custody at that point,
21 correct?

22 A. That is correct.

23 Q. So even though Miranda didn't have to be given
24 because it wasn't a custodial interrogation, it was
25 still given, twice?

1 A. Yes.

2 Q. And after it being given twice, she freely
3 spoke with you guys and provided a written
4 statement, correct?

5 A. Yes.

6 Q. And at any point during that interview, did she
7 display any demeanor, behavior -- and I know that's
8 not the standard; I'm just asking -- anything to
9 suggest that she didn't want to freely speak with
10 you guys?

11 A. No, not at any point.

12 Q. Any threats or promises made to her?

13 A. No.

14 Q. Any -- when there was discussion about arrest
15 or anything of that nature, was that made in a --
16 based on any threats to her to get her to talk?

17 A. I'm sorry. Can you repeat that?

18 Q. I know that was terrible.

19 When there was discussion about charges or
20 things of that nature, were those made in an effort
21 to threaten her to talk to you guys?

22 A. I was not a part of any discussion as far as
23 arrests would go for her, so I do not know.

24 Q. Okay. But you didn't threaten her in any way?

25 A. No, not in any way.

1 Q. Okay. But during the Miranda, the first one,
2 Sergeant Creech stated to her that she was not under
3 arrest and she started making some comments, but
4 then continued to provide -- continued to provide
5 Miranda to her. And he indicated that -- stated
6 comments like you're doing the right thing by
7 Robert, okay, can we shake on that, things of that
8 nature. Were you present for that?

9 A. Yes.

10 Q. And based on you being there and hearing it,
11 and also listening to the recording, was he making
12 any promises -- did he ever make any promises to her
13 that she wouldn't be charged in this case, if she
14 talked?

15 A. No.

16 MS. YONGE: Objection, your Honor; speculation.
17 He's asking for Creech's opinion.

18 BY MS. FULLER:

19 Q. Did Creech make any statements to her that she
20 wouldn't be charged?

21 A. No.

22 THE COURT: Overruled. For purposes of this
23 hearing, you can ask the question.

24 MS. FULLER: And I -- just respectively, that's
25 not speculation. I asked him if he heard Creech

1 make any promises.

2 THE COURT: I heard the question.

3 MS. FULLER: Thank you, your Honor. I
4 apologize.

5 BY MS. FULLER:

6 Q. And to the best of your knowledge, was her
7 statement made to Creech in your presence and her
8 statement made to you made freely and voluntarily?

9 A. Yes.

10 MS. FULLER: No further questions.

11 THE COURT: Cross-examination?

12 CROSS-EXAMINATION

13 BY MS. YONGE:

14 Q. Hi, Detective Sherban. How are you?

15 A. Afternoon. I'm fine.

16 Q. Okay. So this recording, was it recorded on a
17 handheld recording device?

18 A. I know it was Sergeant Creech's device. I
19 think it was done on his phone. He usually used his
20 phone and an app on his phone back in 2018. That's
21 probably what he was using. I think at one point, a
22 phone rings, and it was that phone. He had to do
23 some texting, and you could hear that on there, too.

24 Q. So the Axon program on his phone?

25 A. I don't think it was Axon yet. I think it was

1 just a personal recorder he had and then transferred
2 it over.

3 Q. Okay. At the beginning of Part 2, Sergeant
4 Creech asks my client that, "You're a mother,
5 right?" And then asks, "What are their names?
6 Where we go here for the next few minutes, you need
7 to keep in mind you need to be able to be there for
8 Abigail and Landon." He says that, correct?

9 A. Yes.

10 Q. That's at about one minute in the recording.

11 And then at 3 minutes and 22 seconds, he again
12 reiterates, "You've got to do right to be able to be
13 a mom; to be there for Abigail and Landon;" is that
14 correct?

15 A. I believe so, yes.

16 Q. And both of these statements were made to her
17 before he Mirandized her, correct? If he Mirandized
18 her at 8 minutes and 20 seconds?

19 A. Yeah. Yeah, that would be then.

20 Q. Okay. And then at around 5 minutes and 45
21 seconds when she iterates to him that she's
22 concerned about potential charges, he states: "I'm
23 worried about the truth. I'm not worried about
24 anything that came before. Okay?"

25 Isn't that correct?

1 A. Yes. I believe so.

2 Q. Okay. And then at 8 minutes and 40 seconds, he
3 states: "I'm going to pause real quick. We're get
4 into some territory. This is out of respect for
5 your rights where this potentially goes, okay?
6 You're not under arrest, okay? But because what
7 you're saying is going to...we'll shake on that" and
8 then he reads her the Miranda rules.

9 A. Yeah, I remember that.

10 Q. Okay. At 18 minutes and 27 seconds, does she
11 state that she can't lose her kids, too? If it was
12 on the recording, would you agree with that?

13 A. Yes.

14 Q. Okay. And the statement that gets Sergeant
15 Creech to decide to Mirandize her is, "Corey's been
16 joking around because Robert just got the new rental
17 car, saying, 'I want that car I want that car.'" Is
18 that correct?

19 A. Yes.

20 Q. And that's when Sergeant Creech decides he
21 wants to Mirandize her?

22 A. Yes.

23 Q. At some point, does someone go get her computer
24 for her from the house?

25 A. I believe so. I know she didn't have it on

1 her, and then she did have it with her at one point
2 and a he's taking pictures of the -- I don't
3 remember who went and got it.

4 Q. But she wasn't allowed to get out of the
5 vehicle to get the computer; isn't that correct?

6 A. I don't know if she wasn't -- I know that she
7 did not get out of the vehicle. I don't know what
8 actually -- I don't remember what was actually said.

9 Q. And then at the end of the statements, we're
10 going to say 1 hour and 20 minutes, Sergeant Creech
11 states that he's going to go ahead and let her smoke
12 that cigarette, but that you have to be with her.
13 She's not under arrest, but you must be with her
14 while she smokes that cigarette; isn't that correct?

15 A. Yes.

16 MS. YONGE: No further questions for this
17 witness.

18 THE COURT: Redirect?

19 REDIRECT EXAMINATION

20 BY MS. FULLER:

21 Q. Let's just clarify the end. At this point,
22 based on the information you received -- and we can
23 go ahead and look at her written statement as well.
24 Looking at -- okay. This last sentence, can you go
25 ahead and read that last sentence for me?

1 A. Then Corey brought me back to me residence.
2 Corey left the home around 4:00 a.m. in the car. No
3 contact or communication since.

4 Q. So at that point during the interview, y'all
5 had determined that after the shooting happened,
6 that the group, or whomever, came back to the
7 residence, correct?

8 A. That's correct.

9 Q. And do you recall what was going to occur in
10 terms of searching that residence? Do you recall
11 that?

12 A. Yes. They were obtaining a search warrant for
13 the residence.

14 Q. And what is standard protocol when you're
15 obtaining a search warrant for a residence?

16 A. People don't go back inside, and we secure it.

17 Q. So not only were you guys interviewing Morgan
18 Carr, she was not free to leave, but she wasn't
19 allowed to could go in the residence because it
20 needed to be secured for a search warrant to be
21 executed, correct?

22 A. That's correct.

23 Q. So it wasn't simply stand with her; it was
24 basically keep anyone outside of the residence until
25 the search warrant was executed?

1 A. Yes, that's correct.

2 Q. And I don't know the answer to this: Do you
3 recall if you stayed there for execution of the
4 search warrant?

5 A. Yes, I was.

6 Q. And was anyone allowed to go inside the
7 residence?

8 A. No.

9 Q. And that would include Morgan Carr, the
10 defendant?

11 A. That is correct.

12 MS. FULLER: No further questions.

13 THE COURT: Recross?

14 MS. YONGE: One question, your Honor.

15

16

17 RECROSS-EXAMINATION

18 BY MS. YONGE:

19 Q. Do you recall when they made the call for the
20 search warrant?

21 A. I don't. I know it's on the recording. I
22 think he calls out about something, but I do not
23 remember exactly what time.

24 MS. YONGE: No further questions, your Honor.

25 THE COURT: All right. Any further witnesses

1 on this one?

2 MS. FULLER: No, your Honor.

3 THE COURT: Madam Solicitor?

4 MS. FULLER: May the witness step down, your
5 Honor?

6 THE COURT: Oh, sorry.

7 Yes, you may step down.

8 MS. FULLER: Your Honor, I guess I'll take the
9 recording first, and then the written statement.
10 I'm treating them separately, even though we went
11 over them at the same time. I think it would just
12 be easier for argument.

13 In terms of the defendant's statement to law
14 enforcement, following up on what you heard from
15 Justin Ashley, still same scene, same setting; she
16 was not in custody; she was not a suspect at that
17 time.

18 You heard the testimony. At this point, her
19 story began to change, and that's why Miranda was
20 given, out of an abundance of caution. It did not
21 turn a noncustodial interview into a custodial one.
22 And I think case law is solid on that.

23 Your Honor, there were some questions about
24 Sergeant Creech's comments in the beginning. The
25 State would argue that that that does not amount,

1 under any case law, to some form of a threat. At
2 this point, she had stated she wasn't there, she
3 didn't know anything about it, and she last saw
4 Robert. And then the story was changing. This was
5 just what I would consider interview tactic in this
6 case and not anything threatening or promising.

7 And there were no promises made to her. She, I
8 want to say it was a few minutes in, said she would
9 speak to them; she liked them even, though she
10 didn't like law enforcement. I made a point of that
11 for a reason; because she knew who she was talking
12 to.

13 She was advised of her rights about 8 minutes
14 in, which she waived and continued to talk. Then,
15 towards the end of the interview, she was asked to
16 do a written statement. And it's on the
17 recording; I didn't get into this, but I think she
18 said write everything of -- you know, it's herder to
19 write it out and all of that stuff.

20 But you heard her voice on that recording.
21 This wasn't a person that felt threatened or sounded
22 threatened. She was going to write what wanted to
23 write, and she did.

24 Towards the end, law enforcement had to execute
25 that search warrant, no one was allowed in the home.

1 So that did not also escalate or change this
2 interaction from noncustodial to custodial. And so,
3 your Honor, in terms of Part 2 of the recording, the
4 State would argue that the defendant made those
5 statements freely and voluntarily.

6 In terms of the written statement, we through
7 Miranda on the form, you have a copy of the
8 statement, and she wrote that. And you can listen
9 to the audio and hear silence, pretty much, while
10 she's writing that statement. And we would submit
11 to you that both admitted -- respectfully request
12 that both be admitted into evidence, should the
13 State seek to introduce them, because both of them
14 were made freely and voluntarily.

15 Thank you, your Honor.

16 THE COURT: Ms. Yonge?

17 MS. YONGE: Yes, your Honor. We would start
18 with we believe all of these statements were made in
19 custody from the very beginning. Again, I'll
20 reiterate --

21 THE COURT: She was sitting in a car?

22 MS. YONGE: She was in a patrol vehicle, yes,
23 your Honor. There was a continuity of -- it was the
24 same investigator who had continued to question her,
25 which implies a certain degree of custodial

1 interrogation.

2 In addition, I think it's interesting to note
3 because we heard earlier in the proceeding with
4 regard to the first statement, that Laintz, I
5 believe is what his name is, he stated that there
6 was no recording made of the statement because she
7 wasn't a suspect yet. That was the first statement.
8 In this case, there's most certainly a recording,
9 because we're discussing it.

10 He also stated in his statement that she was
11 allowed to go inside and get her computer. In this
12 case, she wasn't allowed to go inside and get her
13 computer --

14 THE COURT: Who went to get it?

15 MS. YONGE: I don't remember, your Honor.

16 THE COURT: I feel like --

17 MS. YONGE: I think it was either --

18 THE COURT: Well, didn't she have a roommate
19 there?

20 MS. YONGE: It was not Meghan. It was an
21 officer who went inside and got it from Meghan, your
22 Honor. I just don't remember who went to get it.

23 THE COURT: All right. I just remember a
24 dialogue basically saying, hey, can you go in and
25 get this.

1 MS. YONGE: Yes. So she was not allowed to
2 leave the vehicle to go get her computer. And so I
3 would say that based on previous officer testimony,
4 those two facts, in and of themselves, point to her
5 being in custody.

6 Furthermore, Sergeant Creech states that she is
7 a mother, questions her about her motherhood,
8 questions her about the names of her children, makes
9 statements that, you know, you want to be right, you
10 got to do right by your kids, as well as by the
11 victim, but that you got to do right -- I'm sorry,
12 your Honor. You got to do right to be able to be a
13 mom; to be there for Abigail and Landon.

14 That is pushing a little bit too strongly on
15 her motherhood and, oh, I got to say something
16 because I got to be there for my kids. Which, there
17 is case law on it; it's old, your Honor. It's
18 *State v. Corns*. It's a 1992 appellate case.

19 THE COURT: Well, that's not old. I thought
20 you meant --

21 MS. YONGE: Apologies, your Honor. I meant
22 nothing disrespectful.

23 But -- and in that case, it is a much more
24 severe situation. In that case, a man's wife is
25 threatened with an arrest warrant and it is

1 threatened that his children will go away to DSS.
2 So the defense will acknowledge that it is a very
3 severe case in that.

4 But we would reiterate that stating that you
5 have to do right to be able to be there for your
6 kids certainly puts an improper amount of pressure
7 on a mother who is concerned about that. And you
8 know that it's still in her brain, because at 18
9 minutes and 27 seconds, she makes an audible comment
10 "I can't lose my kids, too."

11 So this isn't something that just passed
12 through; thi is something that is lingering with her
13 and that she's thinking about her children.

14 THE COURT: Okay.

15 MS. YONGE: As your Honor knows, express
16 promises are not allowed in order to elicit
17 testimony, but neither are implied promises. In
18 fact, it is stated in the case law that a confession
19 may not be extracted by any sorts of threats or
20 violence or obtained by any direct or implied
21 promises, however slight, or by the exertion of
22 improper influence. And that's an excerpt from the
23 same case I just --

24 THE COURT: Where do you argue he implied a
25 promise here?

1 MS. YONGE: Your Honor, she asks if he's going
2 to be arrested, and he states -- or if she's going
3 to get in trouble for her previous -- her previous
4 lies, basically.

5 And this is around 5 minutes and 45 seconds.
6 She makes that comment to Sergeant Creech, and
7 Sergeant Creech states, "I'm worried about the
8 truth. I'm not worried about anything that came
9 before that, okay," implying she's not going to get
10 in trouble for making a misstatement of the law;
11 it's okay to go ahead and tell us now. And, as your
12 Honor may or not know, she ultimately ended up with
13 obstruction of justice charges, which is the
14 opposite.

15 Finally, I believe -- and, your Honor, this is
16 probably my weakest point because I'm not sure where
17 it is, and it's a very long recording. But I swear
18 somewhere on there he says that you will be going to
19 jail tonight; he makes that statement to her. And,
20 again, this is my weakest point, because I didn't
21 write it down, so I can't tell you.

22 But if that is the case, that's where it also
23 makes it more custodial. Also the fact that he felt
24 the need to Mirandize her at all makes me think that
25 it was a custodial interrogation. He clearly knew

1 that he was in murky waters and wanted to fix it.

2 THE COURT: Well, what should he have done?

3 MS. YONGE: No, he did the right thing. But,
4 your Honor, I would say it's also Seibert violation.
5 That brings me to my final point. I apologize.
6 Thank you.

7 So in Seibert, they basically get rid of the
8 notion that you can elicit important information and
9 then Mirandize someone and then get them to write it
10 down or give another statement that says the same
11 thing; and now it's okay because they said the same
12 thing they said before they were Mirandized.

13 So in this case, the piece of information that
14 she gives out was that Corey has been joking around
15 because Robert just got the new rental car; I want
16 that car, I want that car. So she makes that
17 statement and Sergeant Creech goes, oh, that's an
18 important piece of information, then Mirandizes her,
19 and then continues to interrogate her and get her to
20 make her statement. So we would also argue that
21 it's a Seibert violation because Miranda was --
22 Miranda was rendered meaningless; it was given in
23 the middle of an interrogation, kind of in a hurried
24 "I just have to do this, it doesn't matter" kind of
25 way, if you listen to it, which demeans the purpose

1 of Miranda to begin with.

2 Thank you, your Honor.

3 MS. FULLER: Your Honor, respectfully, this
4 doesn't amount to a Seibert violation. I -- if
5 you -- I know your Honor listened the recording, so
6 we won't publish it here. But there are several
7 times where Sergeant Creech tells her be a good
8 witness. And based on that, it wasn't confronting
9 her or having a conversation with her as if she was
10 involved. They didn't know at this point.

11 He also -- I want to say on the recording,
12 there's a point where she does ask about arrest.
13 And I do take issue. I don't believe he ever told
14 her that she was going to jail tonight.

15 I want to say there was a point on the
16 interview -- and I'm going to find it -- he says,
17 "I've managed to go all day --" and I think all of
18 them were running hard. If you saw the witness
19 list, I should have just said all of Lexington
20 County, stand up, because everyone responded to this
21 case.

22 But he said he managed to go, I think, all day
23 without having to be involved in this case, and then
24 he gets sent over to do this interview. And I think
25 she laughs and says something like it must be fate

1 or something like that. This wasn't a situation
2 where --

3 THE COURT: Fate?

4 MS. FULLER: Fate. And she's, like, chuckling
5 with him.

6 THE COURT: Okay.

7 MS. FULLER: It was weird. But, like, it
8 was -- because he had commented that he had managed
9 to go without having to be involved. He made it
10 very clear to her that this was not his case; that
11 he can't make any charging decisions; said I can't
12 make you any promises. Like he, in so many words,
13 made that very clear on the recording.

14 THE COURT: And I don't remember the specific
15 language too, but I think he deferred, as far as
16 charges, that would be a solicitor's question.

17 MS. FULLER: And he said it's not his case,
18 too. He made it very clear to her that couldn't --
19 he was just like be a good witness.

20 So in terms of -- you know, Seibert was very --
21 I don't want to talk about another prosecutor, but
22 it's a very different situation. It was you have
23 your suspect, you're asking them a question, and
24 then you decide to Miranda. This was not done.

25 But either way, United States Supreme Court,

1 South Carolina Supreme Court is very clear, issuing
2 Miranda does not escalate a noncustodial interview
3 to custodial, period, point blank, period. It
4 doesn't go there.

5 So in this situation, you have to take into
6 account what law enforcement was dealing with. You
7 heard the testimony from Justin Ashley and then
8 Cameron Sherban, they were there following up. I
9 think Jesse Laintz testified they were following
10 breadcrumbs. Her name came up -- obviously, we
11 didn't get there. It's not in here, but I think it
12 may be on one of the recordings where Robert's
13 tattoo -- one of his tattoos had her date of birth
14 on it.

15 And so there were other links to get to her as
16 someone to ask questions to. And then she said she
17 saw him the day he died. It was just a follow-up
18 interview. Creech is listening to the conversation
19 in the head space that this is a witness, saw him
20 before he was killed at some point.

21 And then in the interview, she starts to change
22 her story like oh, hold on, hold on; this is
23 different territory here, and then just decides to
24 Mirandize her. It doesn't change it and make it a
25 custodial interview meriting suppression here; it

1 doesn't make it involuntary.

2 And so, your Honor, I don't believe any of her
3 statements should be suppressed, based on that
4 standard. No threats were made, no promises; the
5 testimony, as we heard it, was that she is in the
6 right mind and head space to know that she was
7 speaking to law enforcement -- that's the standard
8 we're looking at -- and nothing was impairing her
9 ability to communicate.

10 She literally pointed out she knew who law
11 enforcement was, and she says I'm not a fan of the
12 police see, and then she says something about see my
13 tattoos, but I like y'all. This isn't a situation
14 where I'm a stranger to the police, I don't know
15 what I'm dealing with, I don't know who you guys
16 are, I'm not talking voluntarily to you guys
17 voluntarily.

18 She voluntarily spoke where them; no threats
19 and no promises. Creech made it abundantly clear he
20 is not the officer in charge of this case -- he
21 mentioned it all day -- hes just there to do an
22 interview and her to be a good witness. And that
23 was it.

24 THE COURT: Yes, ma'am?

25 MS. YONGE: All right. Your Honor, briefly,

1 regarding the tattoos and the numbers being matched
2 on the -- that that was a reason for them to be
3 looking for her, she actually gave that information
4 to the police.

5 So it's in her interview with Sergeant Creech
6 when she says, oh, by the way -- he mentions the
7 numbers tattoos and says, that's how we were able to
8 identify him. And she goes, oh, that's his birthday
9 and my birthday; we both have those. So that's
10 where that information came from; it came actually
11 from the interviews in question.

12 MS. FULLER: Not true.

13 MS. YONGE: Regarding whether they didn't know
14 if she was a suspect at this point, that they were
15 interviewing her, at multiple times -- and this is
16 for purposes of this hearing only. But at multiple
17 times, law enforcement states that she is lying or
18 that she's not telling the whole truth or they had a
19 feeling that she's hiding something or -- all sorts
20 of things you'd say when you have additional
21 information and you believe someone is a suspect.
22 It's not all okay, okay, it's oh, no, we know that's
23 not right, tell us a little bit more. That's -- she
24 was a suspect at this point, your Honor.

25 THE COURT: It's your argument then that if law

1 enforcement tells a witness that that story doesn't
2 seem to add up with what the confirmation is --

3 MS. YONGE: Not on its own, your Honor. I
4 believe when you're in custody, when you're not
5 allowed to smoke a cigarette when you want to -- and
6 that happened before the second part of the
7 interview.

8 So that was the first part, when she wasn't
9 allowed out with the cigarette; she's not allowed
10 out to get her computer. You know, they're in
11 control of this interview. She cannot leave at any
12 time.

13 And I would reiterate that this is a subjective
14 standard. People react differently to being
15 questioned. Some people get nervous; some people
16 laugh; some people pretend to be the people they
17 think you want them to be. Just because she isn't
18 screaming or crying or saying let me out of here, I
19 don't want to talk to you, that doesn't mean that
20 she didn't feel intimidated and that doesn't mean
21 she didn't feel she was in custody.

22 That is -- it is a subjective standard. It's
23 whether she felt she was in custody; not Sergeant
24 Creech, not Detective Sherban, not Investigator
25 Ashley, and not, you know, the State in general.

1 It's about whether she felt she was.

2 Finally, regarding the -- well, not finally;
3 almost finally. Your Honor, regarding Sergeant
4 Creech making it explicitly clear that he is not the
5 person in charge of this case and he can't charge
6 and the Solicitor's Office will have to do that,
7 things like that, all of that discussion happens at
8 the end of the interview.

9 The statement that I'm referring to, your
10 Honor, is the one that he makes at the beginning,
11 before she gives the information, stating, I'm
12 worried about the truth; I'm not worried about
13 anything that came before that, okay?

14 So I agree with the State that he makes it
15 explicitly clear at the end, I don't know; I can't
16 do anything. The problem is the implied promise
17 came at the beginning before she gave any
18 information. It came at about five minutes, and
19 then she starts to give information. So I think
20 that's what the difference is there. And then,
21 finally, we reiterate the point about her children.
22 Clearly, that was on her mind.

23 THE COURT: Okay.

24 All right. Well, based on the circumstances
25 surrounding the accounting, as I've heard it today,

1 I'll deny the motion to suppress. You can certainly
2 renew that objection in trial. We'll move on to the
3 next one.

4 MS. YONGE: Thank you, your Honor.

5 MS. FULLER: Thank you, your Honor.

6 THE COURT: Would that be a written statement?

7 MS. FULLER: I'm sorry, your Honor; what was
8 that?

9 THE COURT: You wanted to do that separately, I
10 thought.

11 MS. FULLER: Oh, that's correct.

12 Your Honor, I apologize. Your Honor, in terms
13 of this -- the written statement, Your Honor, you
14 heard when Miranda was being provided on the
15 recording. Again, we'd reiterate the same thing,
16 the same circumstance, the same situation, and she
17 was asked to reduce her statement to writing. I
18 think Creech said something along the lines they're
19 going to want, you know, something in writing, and
20 she freely and voluntarily agreed to this. And I
21 stand on the same argument; nothing has changed.

22 THE COURT: Subject to your previous objection,
23 the written statement itself, you take issue with
24 the actual just -- the document?

25 MS. YONGE: Not other than all of my previous

1 arguments, your Honor.

2 THE COURT: Right. And your argument is,
3 essentially, that your previous objection -- or your
4 previous suppression was granted, this can't come
5 in?

6 MS. YONGE: Yes, your Honor.

7 THE COURT: All right. Based on my previous
8 ruling, I'll deny that suppression.

9 MS. FULLER: Thank you, your Honor.

10 THE COURT: And the written statement was done
11 by the defendant in her own writing where she was
12 Mirandized in writing and initialed accordingly; it
13 was done some period of time, 30 minutes to an hour,
14 after Part 2 began. I find that that written
15 statement completed by the defendant is admissible
16 under the circumstances.

17 MS. FULLER: Thank you, your Honor. The State
18 calls -- I don't know what to call him now, because
19 he looks well rested and retired -- Pratt -- James
20 Pratt to the stand.

21 JAMES PRATT

22 being first duly sworn, testified as follows:

23 THE WITNESS: Yes, ma'am.

24 THE CLERK: Have a seat up there. State your
25 name and spell your last name for the record.

1 THE WITNESS: My name is James Pratt; last name
2 is P-R-A-T-T.

3 DIRECT EXAMINATION

4 BY MS. FULLER:

5 Q. Thank you for coming back. Where are you
6 currently employed?

7 A. Actually, I'm self-employed. I started by own
8 consulting firm.

9 Q. And back in 2018, where were you employed?

10 A. I was employed with the Lexington County
11 Sheriff's Department as a Major Crimes detective.

12 Q. And how long were you employed with the
13 sheriff's department?

14 A. Total of nine years.

15 Q. And during that time back in July of 2018, what
16 was your involvement in this case?

17 A. I was assigned lead investigator in this case.

18 Q. And did you work with a team of investigators
19 in this case?

20 A. Yes, ma'am.

21 Q. Back on July 18th of 2018, did you interview
22 Morgan Carr?

23 A. Yes, ma'am.

24 Q. And can you describe to the Judge the nature of
25 your interview? Where did it take place what and

1 was her custody status?

2 A. So on that day, we were given an anonymous tip
3 that Morgan Carr was back at her residence. Myself
4 and investigator Moore responded to [REDACTED] Backman
5 Street where we were able to locate Morgan, advise
6 her she had a warrant for her arrest, and then she
7 was taken into custody.

8 She was then transported to the Lexington
9 County Sheriff's Department; she was escorted to an
10 interview room, and was in custody at the time.

11 Q. And what was she arrested for at the time?

12 A. At that time, the warrant had been obtained for
13 obstruction of justice.

14 Q. And the basis at that time was based on what
15 for her arrest?

16 A. That her -- when she was initially asked about
17 the incident, she made statements of a gentleman at
18 the 44 Truck Stop having knowledge of what took
19 place and that she was never involved and was never
20 there at the scene of the incident -- or when the
21 incident took place. And it was determined later on
22 that that was not accurate.

23 Q. Okay. And once you got her back to the
24 sheriff's department, did you provide Miranda -- her
25 Miranda warnings?

1 A. Yes, ma'am.

2 Q. Who was present for that?

3 A. Sergeant Miller.

4 Q. Initially. You said Moore transported,
5 correct?

6 A. Yes, ma'am.

7 Q. Okay. So was Moore or Miller present for
8 Miranda?

9 A. I believe it was Miller.

10 Q. Okay. And can you publish -- or do you recall
11 exactly how you provided her with Miranda?

12 A. Um...

13 Q. Her Miranda warnings?

14 A. Yes, ma'am.

15 Q. What did you use to give her Miranda warnings?

16 A. At the time I had a card that had the Miranda
17 rights on it, and I read specifically from that
18 card. Yes.

19 Q. And do you remember them?

20 A. Yes, ma'am.

21 Q. Can you go ahead and publish them for the
22 record?

23 A. Yes, ma'am. She was advised she had the right
24 to remain silent; anything that she said can and
25 will be used against her in a court of law. She had

1 the right to an attorney; if she couldn't afford a
2 lawyer, one would be provided for her at government
3 expense. Knowing and understanding her rights as I
4 explained them to her, was she willing to answer my
5 questions without an attorney present.

6 And it was worded in a she was able to
7 understand. It was slowly spoken and she verbally
8 waived her right to an attorney and agreed to speak
9 with us. Yes.

10 Q. And this interview was recorded, correct?

11 A. That's right.

12 Q. And the Miranda was recorded on that recording,
13 correct?

14 A. Yes, ma'am.

15 Q. And she acknowledged, correct?

16 A. Yes.

17 Q. In fact, said, "Yes, sir;" do you recall that?

18 A. Yes.

19 Q. At that point, you began interviewing her,
20 correct?

21 A. Yes, ma'am.

22 Q. During the interview, I know you led questions
23 as well as sergeant Miller, correct?

24 A. Yes.

25 Q. And at any point during the interview, did you

1 make any threats or promises to her?

2 A. No, ma'am.

3 Q. Did she appear under to be under the influence
4 of anything that would prevent her from
5 understanding what was taking place?

6 A. No, ma'am. And I will say that when we
7 specifically asked her that question, she said she
8 was not.

9 Q. And did she make any requests or say she needed
10 anything?

11 A. No, ma'am.

12 Q. To the best of your knowledge, was her
13 statement freely and voluntarily made to you?

14 A. Yes, ma'am.

15 Q. And coerced in any way?

16 A. No, ma'am.

17 Q. And did she end up talking to you guys at
18 length for approximately -- I think I have it down
19 as from 12:33 to 2:57. Does that sound about right?

20 A. I believe that's correct. Yes, ma'am.

21 Q. And throughout this entire time, she freely and
22 voluntarily spoke to you, correct?

23 A. That's correct.

24 MS. FULLER: No further questions at this time.

25 And, your Honor, for the record, the recording is

1 also on State's 2.

2 THE COURT: That's the exhibit you already --

3 MS. FULLER: Yeah. I put all the recordings on
4 one, just for the record, so it's clear.

5 THE COURT: Got it. Thank you.

6 Yes, ma'am.

7 CROSS-EXAMINATION

8 BY MS. YONGE:

9 Q. I don't know what to call you either. What was
10 your rank before you --

11 A. Investigator.

12 Q. Investigator Pratt, hi. Thank you for being
13 here.

14 You said the interview was approximately two
15 and a half hours; is that correct?

16 A. I believe so. Yes, ma'am. It's been some
17 time.

18 Q. Fair enough.

19 At any point did my client ask to use the
20 restroom?

21 A. I don't recall, to be honest.

22 Q. At any point did she say she was hungry or she
23 was thirsty?

24 A. I want to say she said she was thirsty, and we
25 had given her water. But, again, I can't be 100

1 percent sure, but I want to say if memory serves me,
2 I believe she asked for water and we got it for her.

3 MS. YONGE: No further questions for this
4 witness, your Honor. Thank you.

5 THE COURT: Anything further on redirect?

6 MS. FULLER: No, Your Honor.

7 THE COURT: This interview, is it just me, or
8 is it tougher to hear?

9 MS. FULLER: It is tough to hear, your Honor.
10 We are working currently on enhancing it, Justin is.
11 And once we do that, we'll give a new copy. We just
12 don't have it fully enhanced. He sent me a version
13 last night or early this morning at some point, but
14 I thought I -- it's clear, but there's an echo. The
15 interrogation room is terrible.

16 THE COURT: Okay. I mean, if you put your ear
17 down on the computer, you could sort of understand
18 it, but it's got a little barrel feeling to it. I
19 just think about it being amplified and hearing --

20 MS. FULLER: Right. We're working on -- should
21 we choose to introduce any of the statements, we are
22 working on enhanced versions.

23 THE COURT: Okay.

24 MS. FULLER: So once we have those, we will
25 give them to the Court. But, no, this one in

1 particular was terrible.

2 THE COURT: Okay. Do y'all agree on that?

3 MS. YONGE: Yes, your Honor.

4 THE COURT: All right. Any more argument on
5 this one?

6 MS. FULLER: Not of this witness, your Honor.
7 I'd just call one more witness.

8 THE COURT: Okay.

9 Investigator Pratt, you can step down.

10 THE WITNESS: Thank you, your Honor.

11 MS. FULLER: We'd call Brandon Miller to the
12 stand.

13 BRANDON MILLER

14 being first duly sworn, testified as follows:

15 THE WITNESS: I do.

16 THE CLERK: Have a seat up there and state your
17 first name, spelling your last name for the record.

18 THE WITNESS: Brandon Miller, M-I-L-L-E-R.

19 DIRECT EXAMINATION

20 BY MS. FULLER:

21 Q. And where are you employed?

22 A. Lexington County Sheriff's Department.

23 Q. And for how long?

24 A. I've been with the sheriff's department a
25 little more than 15 years now. I'm currently a

1 Major Crimes investigator-sergeant, and I've been in
2 that role for about five years and I was in that
3 role during the time of the incident.

4 Q. And dealing with the interview we just talked
5 about, you were in the courtroom for when Pratt
6 testified, correct?

7 A. Right.

8 Q. And were you present for the interview?

9 A. I was.

10 Q. And what portion of the interview were you
11 present for?

12 A. I came in probably about nine or ten minutes
13 in. At that point, he had already advised of
14 Miranda. And then I came in after that to relieve
15 investigator Moore.

16 Q. And investigator Moore, what division was he
17 working at any time?

18 A. He was working with the Fugitives Task Force.

19 Q. Okay. And in terms of your involvement in this
20 case, did you work with Pratt throughout this
21 investigation back then?

22 A. I did.

23 Q. And during that interview when you came in and
24 you began asking her questions, you understood that
25 Miranda had already been provided?

1 A. That's correct.

2 Q. And did it appear that she didn't understand or
3 wasn't freely speaking with you guys at that point?

4 A. Yes. She seemed like she was freely speaking
5 and she was not coerced or anything like that.

6 Q. Okay. And at any point, did you -- do you
7 recall her asking for water or anything of that
8 nature?

9 A. Offhand, I don't recall.

10 Q. Okay. And do you recall denying her any access
11 to the bathroom or anything that she needed during
12 the time of the interview?

13 A. No.

14 Q. And at any point did she express any concerns
15 in wanting to stop the interview?

16 A. Not that I recall.

17 Q. Did she ever invoke her right to an attorney
18 with you present?

19 A. No.

20 MS. FULLER: No further questions at this time.

21 THE COURT: Cross?

22 MS. YONGE: No questions for this witness, your
23 Honor.

24 THE COURT: The witness may step down.

25 MS. FULLER: Your Honor, at this point -- the

1 defendant is in custody at this point on a warrant
2 separate from the murder and armed robbery warrant.
3 Your Honor, she provided Miranda and she freely
4 spoke. There were no testimony of any threats or
5 promises made and, to the best of their knowledge,
6 that the statements made were freely and voluntarily
7 made.

8 THE COURT: Madam -- Ms. Yonge.

9 MS. YONGE: Agreed, your Honor.

10 THE COURT: All right. Well, the record will
11 reflect that the parties agree on the admissibility
12 of the July 18th statement taken, I believe, at the
13 Lexington County Detention Center. Even though they
14 agree, I also find that it's an admissible statement
15 for the jury to weigh; you know, take into account
16 the totality of the circumstances and any factors
17 including age, the length of detention; no denial of
18 any services or bathroom breaks or anything of that
19 nature that showed it was coerced or compelled. So
20 the statement will be admissible.

21 Next?

22 MS. FULLER: Oh. I don't believe she gave any
23 more statements, unless there's any more that you
24 guys want to give us.

25 MS. YONGE: There are no more statements from

1 our defendant, your Honor.

2 THE COURT: All right. What's up next?

3 MS. YONGE: Your Honor, I believe that's it.

4 MS. FULLER: Yes, your Honor. Just to be taken
5 up, should -- now that you've ruled that all the
6 statements are admissible, if there's content they
7 wish to be redacted, should we introduce them, if
8 they can send that. I already emailed, generally,
9 what's to be redacted from all the statements and --

10 MS. YONGE: And I agreed, your Honor. It's --
11 I will be blunt. I didn't go through the two and a
12 half hours of interview and redacted it all out
13 myself, but I agree that any references to law
14 enforcement saying that she's lying or something
15 like that, any sort of improper to try and get a
16 response that needs to be redacted --

17 MS. FULLER: I think in the first two, the only
18 thing that I note was repeating the statement
19 someone else made. But other than that, the first
20 two were pretty straightforward. The second one
21 though did go into the territory of what the shooter
22 said and all of that. And so those, I do propose to
23 be redacted. Any questions about her -- what does
24 she think someone else would say or things of that
25 nature -- anywhere where she responds, like, asking

1 THE COURT: Take a moment.

2 MS. FULLER: No, I don't think I had anything.
3 Just I normally put on the record that I served
4 notice to move in evidence pursuant to business
5 record. I didn't receive any objections, no
6 additional motions to suppress. I just want to make
7 sure that this is all of the pretrial that we have
8 so that the State can proceed tomorrow morning with
9 opening.

10 MS. YONGE: Agreed, your Honor. We received
11 notice of the telephone of Robert All and Facebook
12 records of Robert All, Morgan Carr, and Robin
13 Cunningham, and Timothy Watford.

14 MS. FULLER: That's correct.

15 MS. YONGE: We have no objection to those.

16 THE COURT: All right.

17 MS. YONGE: Well, we might have objections to
18 them at the trial point, but not regarding the
19 notice part.

20 THE COURT: All right.

21 MR. WILLIAMS: May I approach, your Honor?
22 Just in case I forget, this is from the bonding
23 company saying that they're on the hook, even
24 though -- whatever.

25 THE COURT: All right. I'll keep this close

1 case of the State versus Morgan Dayle Carr. I have
2 some introductory remarks and statements to make to
3 you, but before I do that, I'll have the Clerk of
4 Court swear you in.

5 (Jury sworn.)

6 The jury: I do.

7 THE CLERK: Thank you. You can be seated.

8 THE COURT: Ladies and gentlemen, before we
9 begin the trial of the case, I thought it might be
10 helpful to explain to you basically how a trial
11 proceeds.

12 First, the State will make an opening
13 statement. An opening statement is not evidence;
14 it's simply an outline to help you understand what
15 that party expects the evidence will show. The
16 defendant may, if she wishes, present an opening
17 statement, but does not have to for reasons I'll
18 explain later.

19 Following the opening statements, you'll hear
20 testimony and evidence in this case. This will
21 consist of testimony from State's witnesses as well
22 as any physical exhibits which will be introduced
23 into evidence.

24 Following the completion of testimony, the
25 attorneys will again have an opportunity to make

1 case as they make their opening statements.

2 MR. MCNAIR: Thank you, your Honor. May it
3 please the Court?

4 THE COURT: Yes, sir.

5 MR. MCNAIR: The hand of one, is the hand of
6 all. But for Morgan Carr, Robert All would not have
7 been murdered. See, Morgan planned with Corey
8 Robinson and a guy named Robin Cunningham to steal
9 Robert All's vehicle. During the course of that
10 robbery, Corey Robinson shot Robert All four times,
11 including once in the back of the head.

12 Morgan set it up. Robin Cunningham brought the
13 gun. Corey Robinson pulled the trigger. Under the
14 hand of one, they are all charged and guilty of
15 armed robbery and murder.

16 A person who plans a robbery that results in a
17 murder is just as guilty as the person who pulled
18 the trigger. You can't plan a robbery, set up a
19 robbery, and then, when somebody gets shot during
20 the course of that robbery, say "Oops. I didn't
21 mean for it to get to that extent." And that makes
22 sense, doesn't it? Because who is more to blame?
23 The puppet or the puppet master? Who orchestrated
24 it all?

25 The puppet master in this case is Morgan All

1 [sic]. These guys weren't friends. They were all
2 there that night because of Morgan Carr. Robert All
3 was her ex-boyfriend. Corey Robinson was her
4 current boyfriend. Robin Cunningham was just some
5 guy that she was -- who she knew had a gun, who she
6 was flirting with that night and told she was alone.
7 That's the only reason he was there.

8 Morgan orchestrated all of these guys coming
9 over to her house that night because she had a plan
10 to steal Robert All's vehicle.

11 You'll hear multiple witnesses say they heard
12 Morgan talking about stealing Robert's vehicle
13 beforehand. One witness will say not only was she
14 talking about stealing Robert All's vehicle with
15 Corey Robinson but she said she wanted to see Robert
16 hurt, the day before.

17 On the night of July 11th, 2018, her plan came
18 together. Corey Robinson was at Morgan's house.
19 That day she started messaging Robert All to come
20 over. When she knew Robert was going to come over,
21 she started messaging Robin Cunningham, flirting
22 with him, saying she was alone to get him over
23 there.

24 And pause and think about this for a minute:
25 She now has her current boyfriend, her ex-boyfriend,

1 and some guy who thought he had a chance at her
2 house all at the same time. Who else's plan would
3 that have been? That's not some guy's plan. That's
4 her plan.

5 And you'll see that when Robert got there, he
6 didn't want to stay. He didn't want to go inside.
7 He messaged her "Come outside; I don't have time to
8 wait around." But her way, she convinced Robert All
9 to drive her and Corey Robinson and Robin Cunningham
10 30 minutes away to some house on Toole Smith Road in
11 Swansea where her mom's van was.

12 And there's something about this van. Like I
13 said, it's her mom's van. It had been at this house
14 on Toole Smith Road for a couple of days. Her mom
15 was out of town, but her mom was coming back in a
16 few days, and she needed that van back.

17 You'll hear from a witness at that house on
18 Toole Smith Road named Theresa Wilson say that they
19 all showed up in Robert All's vehicle. Robert's
20 driving. Morgan's in the passenger seat. Corey
21 Robinson is sitting behind Robert. Robin
22 Cunningham's sitting behind Morgan.

23 And when they got there, Corey got out to talk
24 to Theresa, and then Morgan got out. And you know
25 what Morgan said? "We'll be right back with that

1 vehicle," talking about Robert All's vehicle.

2 "We'll be right back with that vehicle." I guess,
3 presumably, she had to swap that vehicle to get her
4 mom's van back.

5 Shortly after they left Theresa Wilson's house,
6 they're driving down Toole Smith Road. Robert is
7 driving. Corey pulls a gun, orders Robert out of
8 the vehicle, shoots him four times, including once
9 in the back of the head. They then go through his
10 pockets, take the key fob for the vehicle, his
11 wallet, and his phone, and leave him on a dirt road
12 in Swansea with no way to identify him but a tattoo
13 of his birth date on his arm. And for what? A
14 rental car? To get his rental car. How senseless
15 is that?

16 You'll hear witnesses that live off of Toole
17 Smith Road right where this happened. They heard
18 the gunshots. They look outside. They see multiple
19 people moving around this vehicle after the
20 shooting. You know why? Because it wasn't Corey
21 Robinson acting alone; it was all of them.

22 Now I'm sure -- the defense doesn't have to say
23 a word during this whole trial. And that's fine.
24 It's our burden of proof. But I'm sure what they're
25 going to want to do is blame it on Corey Robinson,

1 and that's easy to do because Corey's already pled
2 to murder. He's pled for his role. In multiple
3 statements that Morgan gave to law enforcement she
4 said, "I didn't know this was going to happen." "I
5 was scared of Corey, so I just went along with it."

6 But ask yourselves this: If she didn't know it
7 was going to happen and if she was scared of Corey,
8 why was she acting happy after this? Why did she
9 apologize to Corey and say, "It's all my fault"?
10 Why does she tell Corey how much she loved him and
11 tell other people I'm going to win Corey's heart
12 back? Why did she lie to law enforcement
13 repeatedly? Why did she lie to her friends about
14 what happened? Why did she lie to Robert All's
15 mother and pretend she didn't know anything?

16 "Mom, what happened?" "Why are the police over
17 here asking me weird questions?" I'm sure she wants
18 to distance herself from Corey Robinson now, but
19 that was her man. She knew Corey. If Corey was a
20 violent and volatile person, she knew that. And she
21 put Corey Robinson in the same car with Robert All,
22 with a gun, with a plan to steal his vehicle. She's
23 just as guilty.

24 And just because, like I said, Corey Robinson
25 has pled to being the triggerman for his part, just

1 because one person takes responsibility for what
2 they did, that doesn't mean everybody else is off
3 the hook. This is her day in court now, and she
4 should be held accountable, and Robin Cunningham's
5 day in court will come as well.

6 Robert All, a father, a son, a brother, gunned
7 down on a dirt road in Swansea for a rental car. It
8 begs the question: What's the value of a human
9 life? Well, we know in this case what Robert All's
10 life was worth to Morgan Carr, don't we? A 2018
11 Nissan Altima, whatever that is worth.

12 We can't undo what's been done. We can't bring
13 Robert back. But we can hold people accountable for
14 their actions. And we can deliver justice. This
15 case boils down to one of two options: Either this
16 was a robbery gone bad that Morgan Carr planned or
17 Corey Robinson did exactly what Morgan Carr wanted
18 him to do, hurt Robert. Why else would she be happy
19 afterwards?

20 But for Morgan Carr, Robert All would be alive.
21 But for you, Robert All will not get justice.
22 That's why we're here. Find him guilty. Find her
23 guilty. Thank you.

24 MS. YONGE: Your Honor, I have a matter of law
25 that I need to take up outside of the presence of

1 opportunity to hear from the defense.

2 MS. YONGE: May it please the Court?

3 THE COURT: Yes, ma'am.

4 MS. YONGE: Ladies and gentlemen, good morning.

5 THE JURY: Good morning.

6 MS. YONGE: We all, both the State and the
7 defense, thank you for being here today. But why
8 are you here? As the solicitor stated, Robert All
9 was brutally murdered in July of 2018. He was shot
10 on the side of a red dirt road, and I cannot imagine
11 how his family or how any family can cope with that.

12 What is unusual about this trial is that before
13 we even begin, we know the ending. We know who the
14 killer is. Charley Robinson, III, a/k/a Corey,
15 murdered Robert All in a sudden act of violence. He
16 has pled -- he's pled guilty. He has been
17 convicted, and he is currently serving his sentence
18 in prison.

19 So why are we here? The State says that we're
20 here because, beyond a reasonable doubt, Morgan Carr
21 committed these horrific crimes with Corey Robinson,
22 that she participated in some scheme to steal her
23 friend's car at gunpoint and murder him. This is
24 her friend. She murdered her friend.

25 You know, I think it is human nature to want to

1 explain tragedy, to want to be able to explain why
2 something happened, especially in a case like this
3 where it is the result of sudden, unexpected
4 violence. You want to know why. But sometimes
5 there is no explanation, and I think that's what the
6 evidence is going to show.

7 I think it's going to show that Morgan and
8 Robert cared about each other. I think it's going
9 to show that Morgan cared about Corey. I think it's
10 going to show they had an exceedingly difficult
11 relationship and that she did care for him but she
12 was also terrified of him. And it's going to show
13 that Morgan made poor choices. Out of fear, Morgan
14 made some bad choices.

15 But what the evidence will not show you is it
16 will not show you that she did these horrible things
17 that she is accused of. We know who did. Corey
18 Robinson did.

19 Sometimes the simple answer is the answer.
20 When listening to the testimony in this case, please
21 remember that everyone involved is human. And none
22 of them is perfect.

23 Ask yourself how each bit of testimony fits
24 into the case. When the evidence shows that Robert
25 and Morgan had matching tattoos declaring their love

1 for one another, those very same tattoos that helped
2 to identify him later, please ask yourselves if that
3 supports that Morgan Carr murdered her friend beyond
4 a reasonable doubt.

5 When the evidence shows that Morgan kept
6 Robert's driver's license after the incident, please
7 ask yourself if that supports that she murdered her
8 friend beyond a reasonable doubt. When the evidence
9 shows that everyone involved was a drug user, please
10 ask yourselves if that supports that she killed her
11 friend beyond a reasonable doubt. When the evidence
12 shows that Morgan exchanged messages with Robert all
13 the time, to include the day that this happened,
14 please ask yourselves if that supports that she
15 schemed, she set her friend up, and she had him
16 murdered beyond a reasonable doubt.

17 When the evidence shows that Corey Robinson
18 took a joyride with the car after all of this
19 happened, please ask yourselves if that supports
20 that Morgan Carr set up her friend, got him
21 murdered, beyond a reasonable doubt. When the
22 evidence shows that Robert and Corey were
23 on-again-off-again friends, please ask yourselves if
24 that supports that Morgan Carr set her friend up to
25 get robbed of a rental car, had him murdered, was

1 joyful afterwards, beyond a reasonable doubt.

2 Or does all of the evidence tend to support
3 something else? Something more simple, something
4 tragic, that Corey Robinson robbed and murdered
5 Robert All, beyond a reasonable doubt. Is that what
6 the evidence supports?

7 Ladies and gentlemen, thank you for being here.
8 I won't take up any more of your time except to say
9 that once all of the evidence has been presented to
10 you and you have considered all of the evidence,
11 we're going to ask you to find Morgan Carr not
12 guilty. Thank you.

13 THE COURT: All right. Is the State ready to
14 call their first witness?

15 MR. MCNAIR: Your Honor, the State calls Jimmy
16 Jeffers.

17 JIMMY JEFFERS
18 being first duly sworn, testified as follows:

19 THE WITNESS: I do.

20 THE CLERK: Have a seat up there. If you'll
21 state your name, and spell your last name for the
22 record.

23 THE WITNESS: Okay. My name is Jimmy Jeffers,
24 Jr. Last name Jeffers, J-E-F-F-E-R-S.

25 DIRECT EXAMINATION

1 BY MR. MCNAIR:

2 Q. MR Jeffers, how are you doing today?

3 A. Pretty good.

4 Q. Let's start by telling the jury a little bit
5 about yourself. Where did you grow up?

6 A. I grew up in Gaston.

7 Q. In Gaston?

8 A. Yes, sir.

9 Q. All right. Where are you currently living?

10 A. I live in Swansea.

11 Q. Where do you live in Swansea?

12 A. [REDACTED] Toole Smith Road.

13 Q. On Toole Smith Road?

14 A. Yes, sir.

15 Q. How long have you lived there?

16 A. 20 years.

17 Q. Pardon?

18 A. 20 years.

19 Q. 20 years?

20 A. Yes, sir.

21 Q. All right. So you've lived on Toole Smith Road
22 for 20 years. Who do you live there with?

23 A. My fiancée Melissa Henderson and my kids.

24 Q. How many kids do y'all have?

25 A. Three. But at the point we had two at the

1 house.

2 Q. Okay. So were you home on July 11th of 2018?

3 A. Yes, sir.

4 Q. And is your house in Lexington County?

5 A. Yes, sir.

6 Q. What area of the county is that?

7 A. Swansea.

8 Q. Now, on July 11th of 2018 around 11:00 p.m.

9 that night, did you call 911?

10 A. I did.

11 Q. What happened that caused you to call 911?

12 A. We were watching TV, and we heard gunshots.

13 Q. All right. When you say "we," who is that?

14 A. Me and Melissa.

15 Q. How many gunshots did you hear?

16 A. Six or seven.

17 Q. All right. You remember any particular cadence
18 of the gunshots?

19 A. The first shot was a thud, and then there was a
20 pause, and then it was a rapid couple shots back to
21 back and then another pause and then another shot.

22 Q. What did you do after you heard those gunshots?

23 A. We ran to the front door to look, see what was
24 going on. There was a vehicle sitting a couple of
25 feet -- I mean a couple of yards away from our

1 house. And we didn't hear nothing, so we walked on
2 the front porch.

3 Q. All right. Let me stop you right there.

4 A. Yes, sir.

5 Q. We're going to go step by step and go slow.
6 Okay?

7 A. Sorry.

8 Q. All right. So you went to your front door?

9 A. Yes, sir.

10 Q. Do you have a window in your front door?

11 A. We have a window in the front -- we had a
12 window at the door and a window beside us.

13 Q. All right. And what did you see when you
14 looked out the window?

15 A. We seen a vehicle sitting there.

16 Q. About how far away is the vehicle -- was from
17 your house?

18 A. I'm going to say about 80 yards.

19 Q. About 80 yards?

20 A. Yes, sir.

21 Q. And where was the vehicle sitting?

22 A. To our right, in the road.

23 Q. On Toole Smith Road?

24 A. On Toole Smith Road.

25 Q. All right. And what did you see when you saw

1 the vehicle -- first of all, let's talk about --
2 could you tell anything about what type of vehicle
3 this was?

4 A. We knew it was a small car. That's all it was,
5 the vehicle.

6 Q. Okay.

7 A. It was no truck. It was a vehicle.

8 Q. Could you tell anything about the color of the
9 vehicle?

10 A. We thought it was white or silver at the time.
11 It was dark.

12 MR. WILLIAMS: Objection to the response "We
13 thought."

14 THE WITNESS: Well, I thought but --

15 THE COURT: All right. Overruled on "we."

16 THE WITNESS: Okay. My bad.

17 MR. WILLIAMS: The basis being hearsay and
18 speculation, what "we" thought.

19 THE COURT: If you could reask the question,
20 Mr. McNair.

21 BY MR. MCNAIR:

22 Q. What color did you think the vehicle was?

23 A. I thought it was a gray or silver.

24 Q. Okay. And just to be clear, when you were
25 sitting in the living room and heard these gunshots,

1 your wife was with you, right?

2 A. Yes, sir.

3 Q. And she's standing with you at the door with
4 you as well?

5 A. Yes, sir.

6 Q. All right. Now describe this area on Toole
7 Smith Road. Is it well lit?

8 A. No.

9 Q. Are there any streetlights or anything like
10 that?

11 A. Down the road there is, but in that general
12 area, no.

13 Q. Are you able to see anything around the vehicle
14 while it's sitting there?

15 A. Just lights of the car itself.

16 Q. The lights of the car were on?

17 A. Yes, sir.

18 Q. Were the lights inside the car on, like the
19 dome light or anything like that?

20 A. No, sir.

21 Q. All right. So you couldn't see in the vehicle?

22 A. No.

23 Q. Could you see anything outside the vehicle?

24 A. Yes.

25 Q. What did you see outside the vehicle?

1 A. Silhouettes of people running in front of the
2 car.

3 Q. One person or more than one silhouette?

4 A. I think it's more than one.

5 Q. More than one. And this was obviously after
6 the gunshots, correct?

7 A. Yes.

8 Q. Could you tell what direction the movement was
9 going?

10 A. They were running from the vehicle, so it was
11 left to right.

12 Q. Did you see anybody come from the passenger
13 side to the driver's side of the vehicle?

14 A. They had to because of the silhouettes going in
15 front of the car back and forth.

16 Q. Back and forth?

17 A. Yes, sir.

18 Q. Okay. And you were able to see them because of
19 the headlights on the vehicle?

20 A. Yes, sir.

21 Q. Are they moving in front of the headlights?

22 A. Yes.

23 Q. And this is about 80 yards from where you were?

24 A. Yes.

25 Q. Do you think these people could see you?

1 A. No.

2 Q. Why is that?

3 A. I have a big tree in the front of our yard.

4 Q. What type of tree is that?

5 A. It's a live oak tree. It hangs over our porch.

6 Q. Now, did you stay inside your house the whole
7 time?

8 A. No.

9 Q. At some point did you move outside your house?

10 A. I was on the front porch.

11 Q. You moved to the front porch?

12 A. Yes.

13 Q. All right. And what was the vehicle doing when
14 you went outside?

15 A. It was standing still. It was still parked in
16 the -- road.

17 Q. Was there anybody still outside the vehicle?

18 A. No.

19 Q. Okay. And then what did the vehicle ultimately
20 do?

21 A. Sit there for a minute, and it took off real
22 fast.

23 Q. Took off fast?

24 A. Yes, sir.

25 Q. How long do you think the vehicle was actually

1 sitting there after you heard the gunshots?

2 A. A minute max.

3 Q. About a minute?

4 A. Yes, sir.

5 Q. All right. After the vehicle sped off, what
6 did you do?

7 A. I was going to go check on my mother-in-law, so
8 I went down to the -- my driveway, and I kneeled to
9 see if I could hear anything, quiet, no noise, no
10 nothing.

11 Q. Where does your mother-in-law live?

12 A. [REDACTED] Toole Smith Road.

13 Q. How far away is that from your house?

14 A. 200 yards.

15 Q. Do you typically -- is it within walking
16 distance?

17 A. It is. I usually walk it, but this time I
18 drove it.

19 Q. And tell us -- tell the jury what you saw when
20 you pulled out of the driveway.

21 A. I got out of the driveway, started turning to
22 the right going to my mother-in-law's house, and as
23 I pulled out of my driveway, I seen shoes, and I got
24 a little bit closer, and I seen the rest of him
25 laying there. And I sit there for a minute praying

1 for something to kind of move.

2 And when I seen everything -- you couldn't --
3 it was -- it was bad. So I called 911 while I was
4 sitting in front of him and backing up to get to my
5 family to, I guess, protect them as best I could.

6 Q. And did you see any movement at all?

7 A. No. There was no movement.

8 Q. Any signs of life?

9 A. No.

10 Q. Now, prior to hearing gunshots, did you hear
11 any yelling or screaming?

12 A. No.

13 Q. After the gunshots did you hear any voices,
14 yelling, screaming, arguing, anything?

15 A. No. I didn't hear no -- I didn't hear nothing.

16 Q. You didn't hear anything?

17 A. I was on the front porch. I didn't hear
18 nothing.

19 Q. But you did see multiple people moving around
20 the vehicle?

21 A. Yes, sir, I did.

22 MR. MCNAIR: I'm going to show you what's been
23 marked as State's Exhibits 3 through -- let me show
24 you 3 and 4 first.

25 (State's Exhibit Numbers 3 and 4 marked for

1 identification.)

2 BY MR. MCNAIR:

3 Q. Take a look at those, and tell me whether or
4 not you recognize that area.

5 A. Yeah. It's my road.

6 Q. That's an aerial shot -- photo of your road and
7 your house?

8 A. Yes, sir, it is.

9 Q. In State's 3. And what's State's 4?

10 A. A closer view of our house.

11 MR. MCNAIR: All right. Your Honor, we'd offer
12 State's 3 and 4 into evidence at this time.

13 MR. WILLIAMS: We have no objection to the
14 introduction of those documents.

15 THE COURT: State's Exhibits 3 and 4 admitted
16 into evidence.

17 (State's Exhibit Numbers 3 and 4 admitted into
18 evidence.)

19 MR. MCNAIR: And now State's 5 and 6.

20 (State's Exhibit Numbers 5 and 6 marked for
21 identification.)

22 BY MR. MCNAIR:

23 Q. Do you recognize these photos?

24 A. Yes, sir, I do.

25 Q. What does that show?

1 A. That is the view going towards our house.

2 That's her grandma -- her grandma's house at the
3 time. Our house is over here.

4 Q. Is that the way it looked back in 2018?

5 A. Yes, sir, it did.

6 MS. FULLER: All right. Your Honor, we'd offer
7 State's 5 and 6 at this time.

8 MR. WILLIAMS: No objection, your Honor.

9 THE COURT: State's 5 and 6 are admitted into
10 evidence.

11 (State's Exhibit Numbers 5 and 6 admitted into
12 evidence.)

13 BY MR. MCNAIR:

14 Q. I'm going to give you a laser pointer. If you
15 just push that gold button, it will shoot a dot up
16 there.

17 All right. Let's look at State's 3 first. Can
18 you point out on here where Toole Smith Road is?

19 A. Right here.

20 Q. And can you tell where your house is on this
21 map?

22 A. Probably about right there.

23 Q. Okay. And when you saw the vehicle, which way
24 was it heading or which way was it pointing?

25 A. They were pointing going that way. So they

1 were actually facing back towards 321 highway.

2 Q. So the headlights were pointing towards which
3 way?

4 A. 321.

5 Q. Okay. State's 4. Do you see your house on
6 this map?

7 A. Yes, sir. It's right here.

8 Q. Right there?

9 A. Yes, sir.

10 Q. All right. And is it facing straight towards
11 Toole Smith Road or --

12 A. It's facing -- I think it's at an angle. It's
13 actually facing in this direction right here.

14 Q. All right. And show us with your laser pointer
15 approximately where you saw the vehicle.

16 A. Right there.

17 Q. Okay. And it was, again, facing -- it would
18 have been heading to our left, if we're looking at
19 this map?

20 A. Yes.

21 Q. And where is the porch where you were standing?

22 A. My porch is right there.

23 Q. All right. And you said that was about 80
24 yards or so?

25 A. Pretty much, yes, sir.

1 Q. State's 5. What are we looking at here? It's
2 hard to see, I know, on the aerial on this photo.

3 A. That's the mailbox across the street. That is
4 our old mobile home there, and my mobile home is
5 back over here.

6 Q. So nobody was living in this mobile home that
7 we can see in this picture?

8 A. No. My daughter was living there just months
9 prior to that.

10 Q. So your house is to the right of this?

11 A. Right. My house is in this area over here.

12 Q. All right. And you see the shoe and the debris
13 on the road there?

14 A. And Robert was right there.

15 Q. That's where you saw --

16 A. Yes, sir.

17 Q. -- Robert?

18 And you didn't know -- you didn't know Robert
19 at the time, did you?

20 A. I did not know him.

21 Q. State's 6. What does this show?

22 A. That shows our old house is right there.
23 That's where Robert was laying.

24 Q. Okay. And so just to be clear, the passenger
25 side of this vehicle would have been facing you,

1 right?

2 A. Yes, sir.

3 Q. Okay.

4 A. Well, actually, the driver's side. They were
5 facing this way.

6 Q. Driver's side.

7 A. Driver's side was on this side. Passenger side
8 was on this side.

9 Q. I gotcha. Got it. Again, this was -- you
10 testified this was a dark area?

11 A. Yes, sir.

12 Q. No street lights?

13 A. No, sir.

14 Q. The light that you were -- I guess the way you
15 were able to see these folks is because of the
16 headlights on the vehicle?

17 A. Yes, sir.

18 Q. And you said -- testified there was movement in
19 front of the vehicle?

20 A. There was movement in front of the vehicle.

21 Q. And there was movement from the passenger side
22 to the driver's side?

23 A. Yes, sir.

24 Q. And from the distance that you were, 80 yards
25 or so, have you been at your house before and heard

1 people talking out there on the street?

2 A. Yes, I have.

3 Q. So you could have heard voices or yelling from
4 the -- from where this happened?

5 A. Yes, sir.

6 MR. MCNAIR: That's all the questions I have at
7 this time.

8 THE COURT: Cross-examination?

9 MR. WILLIAMS: May it please the Court?

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. WILLIAMS:

13 Q. How are you doing, Mr. Jeffers?

14 A. I'm good.

15 Q. Good. I'm Theo Williams. I realize we haven't
16 met yet.

17 A. Yes, sir.

18 Q. So your address -- your home address is what?

19 A. [REDACTED].

20 Q. [REDACTED]?

21 A. Toole Smith Road.

22 Q. And I think you've already stated that you
23 were -- it was around 11:00 --

24 A. Yes, sir.

25 Q. -- on July the 11th.

1 A. Yes, sir.

2 Q. Can I ask you to do me a big favor.

3 A. Yeah.

4 Q. When you get my age, I'm a little hard of
5 hearing.

6 A. I gotcha.

7 Q. I don't know if there's anybody else that might
8 be that way. Can you lean a little bit towards
9 that?

10 A. Okay.

11 Q. Thank you.

12 A. Yes, sir.

13 Q. So you and your fiancée were in --
14 wife/fiancée --

15 A. Yeah.

16 Q. Y'all were watching TV or something like that?

17 A. Yes, sir.

18 Q. About what time was it?

19 A. We were watching -- because I gave -- her
20 birthday is actually the 12th, so I gave her her
21 necklace prior to that. So we were eating dinner,
22 watching TV, had it turned down. We were talking.

23 Q. Okay.

24 A. News just came on 11:00.

25 Q. Okay.

1 A. So...

2 Q. What did you give her for her birthday?

3 A. I got her a ruby necklace.

4 Q. Okay. So were the children up, or were they
5 asleep?

6 A. We were all up.

7 Q. So the front room that you go to -- is this a
8 trailer or a house?

9 A. It's a mobile home.

10 Q. Mobile home?

11 A. Yes, sir.

12 Q. So when you walk into that mobile home, that's
13 a living room area there?

14 A. Yes, sir.

15 Q. All right. And is it also an eating area
16 combined?

17 A. Can be, yeah.

18 Q. And so you've got tables where y'all are
19 eating, and you've got the TV there?

20 A. Yes, sir.

21 Q. And you and your wife are sitting on the sofa?

22 A. Yes, sir.

23 Q. All right. And that means y'all would have
24 been maybe facing to the left where the TV would
25 have been?

1 A. Pretty much, yeah.

2 Q. So that means, since your trailer was out -- I
3 think you said the event occurred to your left going
4 that way from the trailer; is that right?

5 A. No. It was to the right.

6 Q. It was to the right?

7 A. Yeah. If you're looking outside the window, to
8 the right.

9 Q. I'm sorry. I said that the wrong way.

10 A. Okay.

11 Q. If you were seated on the -- if you were seated
12 on the sofa, I guess --

13 A. Yes, sir.

14 Q. It would be your left.

15 A. It would be on my right.

16 Q. But it's to the -- but it -- but it's to the
17 right of the trailer?

18 A. Yes, sir.

19 Q. That's a complicated left-right deal, wasn't
20 it?

21 So you were on the inside. Your wife is on the
22 outside, more than likely?

23 A. Yes.

24 Q. And you're -- I'm just thinking which arm I'd
25 put around my wife. And you're watching TV, right?

1 A. Well, the TV was on.

2 Q. Were you watching TV?

3 A. Yeah. The TV was on, yes, sir.

4 Q. Okay. All right. And then what was the first
5 thing that drew your attention to something going on
6 outside?

7 A. A gunshot.

8 Q. All right. And how many did you hear?

9 A. I heard one. Then I heard multiple. Then I
10 heard a pause, then another one.

11 Q. All right. So -- and I think you just said on
12 direct examination that you heard one and that you
13 heard six or seven gunshots in total; is that right?

14 A. Pretty much, yes, sir.

15 Q. So that means you heard one and then you heard
16 five or six and then an additional one, right?

17 A. Pretty much, yes.

18 Q. Okay. Could you tell -- are you a hunter?

19 A. I am.

20 Q. Because you live out -- where you live, you
21 probably are a hunter, aren't you? You got
22 shotguns, rifles?

23 A. I do.

24 Q. Could you tell what type of weapon this was?

25 A. It was a gun -- it was a handgun. It wasn't

1 nothing else.

2 Q. Right. So when you heard this, at that point
3 in time, is that when you left the sofa or the
4 couch?

5 A. Yes, sir.

6 Q. So you didn't get up until after you heard the
7 shots?

8 A. I did not get up until I heard the shots.

9 Q. And then what did you do immediately after
10 that?

11 A. Went to the door. I looked outside.

12 Q. All right. Your door opens to the right?

13 A. My door opens in.

14 Q. It opens in?

15 A. Yes, sir.

16 Q. So you pull the door in this way?

17 A. Yes, sir.

18 Q. Then you step out on the porch, right?

19 A. Yes.

20 Q. Your porch is a wooden porch that you built?

21 A. Yes.

22 Q. And then when you get out there, you look
23 straight towards the dirt road, and then you said
24 you've already got -- you've got an oak tree out
25 there in your front yard, right?

1 A. I do.

2 Q. How low are the limbs hanging on that oak tree?

3 A. It's not really low. Like 5 or 6 feet.

4 Q. Can -- all right. And then when you look out
5 there, what is the first thing you see?

6 A. Car lights.

7 Q. All right. And they're pointed to the right --
8 well, from where you are, they would be pointed to
9 your right also, wouldn't they?

10 A. They were facing -- if you're looking at
11 your -- I'm looking at the car, they're facing that
12 way back towards the interstate -- highway.

13 Q. (Demonstrates.)

14 A. Yep.

15 Q. Going that way?

16 A. Car is to the right.

17 Q. Car is to the right?

18 A. Yes, sir.

19 Q. All right. And could you tell what side of the
20 road it was on? I know it's a dirt road.

21 A. Yeah.

22 Q. But there's a right side. There's a left side.
23 Could you tell which side it was on?

24 A. They were on the far right-hand side by the
25 mailbox.

1 Q. Could you tell that from where you were
2 standing?

3 A. Actually, yeah.

4 Q. I'm sorry?

5 A. Yeah. You could see the mailbox through the
6 lights.

7 Q. All right. And then I think you said after you
8 saw the lights you saw somebody running from left to
9 right or right to left?

10 A. Yes, sir, I did.

11 Q. Okay. Which way was it?

12 A. Well, they -- silhouettes of a couple of people
13 ran in front of the lights. I don't know where they
14 came from. I know they ran in front of the car.

15 Q. You don't know where they came from?

16 A. No.

17 Q. You don't know if they were in the car or out
18 of the car when you saw them? You saw people
19 running in front of the lights?

20 A. I did.

21 Q. But you don't know if they were in that car
22 before or after or came from some other location?

23 A. Okay.

24 Q. True?

25 A. Okay. Yes.

1 Q. Okay. So I think you said, first, that
2 somebody was going from left to right; is that
3 right?

4 A. Y'all got me messed up with directions.
5 Somebody ran in front of the vehicle.

6 Q. You don't know if they came from left or right?

7 A. They came from left to right and right to left.

8 Q. From both directions?

9 A. Both directions. I said that.

10 Q. All right. Is your memory better today than it
11 was back on July 11th?

12 A. My memory is as clear about it now, yes, sir.

13 Q. All right. But it was real clear on July the
14 11th, wasn't it?

15 A. It was really good.

16 Q. Because normally, as time goes by -- people
17 tend to remember those things closer in time, that
18 they write down, they focus on, and they're right
19 there in the moment, right?

20 A. Well, it is. But when it's an event like this,
21 you find somebody dead in your front yard, you live
22 it every day.

23 Q. Right. But, I mean, it's -- your memory is
24 normally better for that -- for that occasion when
25 it happens, isn't it?

1 A. No.

2 Q. It's not?

3 A. No. I'm --

4 Q. So you remember things better as time goes by?

5 (Reporter admonition.)

6 THE COURT: She beat me to it. Try not to talk
7 over each other, please.

8 MR. WILLIAMS: Yeah. Go ahead.

9 BY MR. WILLIAMS:

10 Q. Okay. I guess the reason I'm asking is because
11 you called 911, right?

12 A. I did.

13 Q. What did you tell 911?

14 A. I initially said that someone is shot in the
15 front yard and if they had a chance -- please hurry
16 up and give him a chance to live, if he had a
17 chance.

18 Q. Okay. Well, you didn't know it was a he at the
19 time, did you?

20 A. I knew it was a him because --

21 Q. Because you had already seen him?

22 A. I seen the body, yes, sir.

23 Q. This is after you had already gone out there is
24 when you called 911?

25 A. Yeah. When I drove up -- going to check on my

1 mother-in-law is when I found him in the road.

2 Q. Okay. So did you have -- did you call from
3 your cell phone from inside the house or --

4 A. I called from my cell phone in the vehicle.

5 Q. In the vehicle?

6 A. Yes.

7 Q. So you were inside the vehicle -- your vehicle?

8 A. Yeah.

9 Q. I'm a little confused. You drove your car down
10 to the area?

11 A. I drove my car to check on my mother-in-law,
12 like I said before.

13 Q. Okay.

14 A. And then when I drove up and I seen him, I
15 waited for a minute to see if anything moved, and he
16 was not moving, so I called 911 from my vehicle.

17 Q. How far did you drive your vehicle to go to
18 where the -- where the area was that that person was
19 at?

20 A. 15 yards; max, 30.

21 Q. Didn't you say it was about 80 yards away --

22 A. From my front porch.

23 Q. From your front porch.

24 A. See, this is in the driveway.

25 Q. But you drove your car 15 to 20 yards to where

1 the car was parked, right?

2 A. No. I drove out my front yard through the
3 driveway, turned right. He was laying in the road.

4 Q. Okay. The reason I'm asking that is -- you had
5 a conversation with law enforcement when they came,
6 didn't you?

7 A. I guess. Yeah. A bunch of them.

8 Q. Did you have a conversation with more than one
9 officer?

10 A. I talked to the first one on scene, and then I
11 talked to a few more after that.

12 Q. All right. Do you know the names of any of
13 them?

14 A. Not offhand, no, sir.

15 Q. You don't recall if you talked to Sergeant
16 Spires or Franklin or Deputy Sharp; is that right?

17 A. I think Sergeant Spires was the first one I
18 talked to.

19 Q. All right. Did you tell him the same thing
20 that you just testified to today?

21 A. Yes.

22 Q. And is he the one who got you to go ahead and
23 give out a written statement?

24 A. I think he was, yes, sir.

25 Q. And you put the information that you've

1 testified to today in that written statement?

2 A. Yeah.

3 Q. Can I ask you to --

4 May I approach the witness, your Honor?

5 THE COURT: Yes, sir.

6 BY MR. MCNAIR:

7 Q. Can I ask you to look at that written statement
8 and tell me if that's the information that you've
9 testified to today that you gave that particular
10 officer on that particular night?

11 A. Okay.

12 Q. Is that the information?

13 A. It is.

14 Q. Is it the same information that you testified
15 to?

16 A. Yeah.

17 Q. Would you read that statement for us?

18 A. I said I heard gunshots, walked to my front
19 door, saw a small white car speeding past our house.
20 Went and checked on my mother-in-law. I saw the
21 person laying in the middle of the road. Then I
22 called 911.

23 Q. Where is the -- where is the part that you said
24 that you saw people running back and forth in front
25 of the headlights?

1 A. This was a quick, brief thing.

2 Q. And where is the portion that talks about how
3 far away from it you were, like you were 80 yards
4 away or 80 feet away?

5 A. I see where you're going with this.

6 Q. Well, yeah. I'm comparing what you said on the
7 night that it occurred.

8 A. I mean -- I mean -- okay. So -- so say --
9 let's say somebody is killed in your front yard and
10 they give you -- and you go ahead -- and they tell
11 you to write this stuff, you're going to give it a
12 quick, brief second. I was still shaken up. There
13 was a -- there was a guy -- there was a young man in
14 my yard dead in front of my kids. So this is what I
15 done, yes, sir. But my statements never changed.
16 It's the same thing as that.

17 Q. Well -- may I see the statement again?

18 A. Yeah.

19 Q. In here you don't list the number of gunshots,
20 correct? In your statement?

21 A. Should I have? Should I have?

22 Q. I don't know what you should do or not do
23 because I wasn't there.

24 A. I mean, you keep pointing out to me. I mean,
25 nobody told me make a list of everything going on.

1 I was -- what I done, and that's what I done.

2 Q. Well, you met with the solicitor's office on
3 April the 13th of this year, didn't you?

4 A. I guess, yes, sir.

5 Q. All right. Do you remember Ms. Fuller and
6 Mr. McNair, and you remember Mr. Sullivan, the
7 gentleman right here?

8 A. I do.

9 Q. And this is the investigator that works at the
10 solicitor's office. Do you remember them being
11 there when you gave a statement?

12 A. Uh-huh.

13 Q. Did you tell them that it was 80 yards away
14 from your house?

15 A. I told him pretty much, around about; yes, sir,
16 I did.

17 Q. You didn't tell them 30 yards from your house?

18 A. No. It could have been. I mean, it's a
19 distance away; yes, sir, it was. But, I mean, I got
20 to go out there and measure it for you? I mean, I
21 have no problem doing it. I'm just trying to get
22 where you're going at with this.

23 Q. Did you tell them the number of shots that were
24 fired?

25 A. I did.

1 Q. And how many did you tell them?

2 A. I told them six or seven, yes, sir. But all I
3 can tell you is the one -- the first one I heard
4 definitively.

5 Q. So you heard one?

6 A. I heard one. It was loud. It had a thump. It
7 had a purpose to it.

8 Q. So it was --

9 A. And it was a rapid shot after that.

10 Q. Would the first shot have been from a different
11 gun?

12 A. No.

13 Q. Why would it -- do you know why it sounded like
14 a thump? Or are you just speculating if you say
15 that? It just sounded that way?

16 A. I'm just saying it had a purpose to it.

17 Q. Did you describe the color of the car to the
18 first officer on the scene?

19 A. I told him either gray or white; yes, sir, I
20 did.

21 Q. Can I ask you to look at your statement --

22 A. It says white. I know what it says.

23 Q. So you told him -- you told him it was white,
24 not gray or white, right?

25 A. I told him gray or white; yes, sir, I did. In

1 my statements it says gray -- I mean white, whatever
2 it says.

3 Q. It's important what you say. Are you saying --
4 are you saying that it -- there's a difference
5 between a white car and a gray car.

6 A. It was dark. And I told him it was two
7 different colors, gray or white.

8 Q. But you didn't write down the one color.

9 A. I wrote down white in that; yes, sir, I did.

10 THE COURT: And I'm going to ask the witness
11 and the attorney here -- I know y'all are having a
12 dialogue, but I would appreciate it if you would let
13 Mr. Williams finish his question.

14 And Mr. Williams, obviously, when he's done
15 answering the question, proceed on to your next
16 question.

17 THE WITNESS: Yes, sir.

18 BY MR. WILLIAMS:

19 Q. Did you tell anybody that you could see how
20 many people were there?

21 A. No.

22 Q. Because you couldn't?

23 A. No.

24 Q. You couldn't see any people there?

25 A. I seen silhouettes of people; yes sir, I did.

1 Q. Could you tell if the people were male or
2 female?

3 A. No.

4 Q. Couldn't see the tag on the car?

5 A. No.

6 MR. WILLIAMS: Beg the Court's indulgence. One
7 moment, your Honor.

8 That's all the questions I have, your Honor.

9 THE COURT: Redirect?

10 MR. MCNAIR: Briefly, your Honor.

11 REDIRECT EXAMINATION

12 BY MR. MCNAIR:

13 Q. Mr. Jeffers, you said when you initially heard
14 the shots you had the TV on, correct?

15 A. Yes.

16 Q. Was the volume -- and you testified the volume
17 was low?

18 A. The volume was really low.

19 Q. And then after you heard the shots, you
20 actually went to your door, correct?

21 A. I did.

22 Q. And at that point are you focusing on what
23 the -- what's going on on the TV or are you totally
24 focusing --

25 A. No. I was focused on what was going on in the

1 yard.

2 Q. All right. And after those shots, when you're
3 focused totally on what's going on out there, did
4 you hear any voices? any yelling? any arguing?

5 A. I did not.

6 Q. How loud was the TV, anyway?

7 A. It's never loud when I'm talking to my family.

8 Q. So it was low enough that you could hear your
9 wife talk and your kids or whatever was going on?

10 A. Yes, sir.

11 Q. Okay. Now, when you initially gave a statement
12 to law enforcement, did they ask you about the
13 details --

14 A. No.

15 Q. -- that we asked you about when we met with
16 you?

17 A. No, sir.

18 Q. At the time that you gave that initial
19 statement, what was your mental state?

20 A. Not good.

21 Q. Why was that?

22 A. A guy just got killed in my front yard in front
23 of my kids. A guy was shooting in front of our
24 house.

25 Q. Were you shaken up by that?

1 A. I was.

2 Q. Were you focused on every little detail that
3 you might have recalled from that night at that
4 time?

5 A. No. Not at that time, no, sir.

6 Q. Did you know Robert All?

7 A. No.

8 Q. Do you have anything to gain by lying here
9 today?

10 A. No, I don't.

11 Q. And the number of gunshots, when you say you
12 heard six or seven, is that an exact count, or are
13 you estimating?

14 A. I'm guessing.

15 Q. You ever heard gunshots in front of your house
16 like that before?

17 A. Not like that, no.

18 Q. And when you talk about people moving around
19 the vehicle in front of the vehicle --

20 A. Yes, sir.

21 Q. -- is it the same person going back and forth?
22 Can you say whether or not it was the same person or
23 different people?

24 A. I can't tell, no, sir. All I know is it was
25 silhouettes going in front of the car. It was

1 moving right to left, left to right.

2 MR. MCNAIR: No further questions.

3 MR. WILLIAMS: Just a couple of questions.

4 THE COURT: Recross.

5 RECROSS-EXAMINATION

6 BY MR. WILLIAMS:

7 Q. The solicitor was asking you if there was a
8 difference in query or interrogation or questioning
9 that was done once they met with you versus what
10 happened when you were out on the scene. Were you
11 asked a lot more questions when the solicitor was
12 talking to you?

13 A. It was the same questions, just a little
14 different -- little brief, more detailed.

15 Q. In more detail?

16 A. Yes, sir.

17 Q. Like filling in the holes that you needed to
18 talk about?

19 A. There's no holes that need to be filled in.

20 MR. WILLIAMS: That's all the questions I have,
21 your Honor.

22 THE COURT: All right. The witness is excused.
23 Next witness.

24 MR. MCNAIR: Your Honor, the State calls
25 Melissa Henderson.

1

2

MELISSA HENDERSON

3

being first duly sworn, testified as follows:

4

THE WITNESS: Yes.

5

THE CLERK: If you'll have a seat up there. If

6

you'll state your name and spell your last name for

7

the record.

8

THE WITNESS: Okay. Melissa Henderson,

9

H-E-N-D-E-R-S-O-N.

10

DIRECT EXAMINATION

11

BY MR. MCNAIR:

12

Q. Melissa, how are you doing today?

13

A. Doing well. Thank you.

14

Q. We just heard from Mr. Jeffers, and he is your

15

significant other, correct?

16

A. Yes. Correct.

17

Q. What is your relationship with him?

18

A. We're engaged.

19

Q. You're engaged? How long have y'all been

20

together?

21

A. We have been together about 25 years.

22

Q. So it's about time?

23

A. Exactly.

24

Q. All right. Tell the jury where you grew up?

25

A. I grew up actually on Toole Smith Road at [REDACTED]

1 Toole Smith Road.

2 Q. Okay. And where were you living back in July
3 of 2018?

4 A. [REDACTED] Toole Smith Road.

5 Q. You lived there with Mr. Jeffers and your
6 children?

7 A. Correct.

8 Q. Now, is this family land that you live on?

9 A. It is.

10 Q. Do you have other family around there or did
11 you have other family around there at the time?

12 A. I did. I did.

13 Q. Who was that?

14 A. At [REDACTED], still, my parents were living there at
15 the time. Across the street at [REDACTED] my uncle lived
16 there but -- there was also a mobile home where my
17 grandmother used to live in between us and my
18 parents but --

19 Q. Okay. Is that the one that was right beside --

20 A. Uh-huh.

21 Q. -- right beside y'all? That was vacant at the
22 time?

23 A. Correct. Correct. She had passed away.

24 Q. All right. And Toole Smith Road, is that in
25 Lexington County?

1 A. It is.

2 Q. What area of the county is that?

3 A. It's in Swansea.

4 Q. Back on July 11th of 2018, were you present
5 when Mr. Jeffers called 911?

6 A. I was.

7 Q. Can you just kind of walk the jury through what
8 happened that night that prompted y'all to call 911?

9 A. I can. We were -- probably about 10:00 he had
10 gotten home from work, and it was the night before
11 my birthday, and he gave me my birthday present
12 early because he can't keep a secret. And then
13 afterwards we were sitting there watching TV, and
14 probably around 11:00, we heard gunshots outside.
15 They were -- we heard around five or six gunshots.
16 It was like pow, pause, pow, pow, pow, pause, then a
17 final gunshot.

18 Q. And let me stop you right there. You said you
19 were watching TV. Is the TV loud, or what's the
20 volume on the TV?

21 A. No, it wasn't loud. Our living room was small.
22 The kids had already made their way to their
23 bedrooms, so we didn't have it very loud. It was --

24 Q. All right. Did you hear anything prior to
25 hearing gunshots?

1 A. No.

2 Q. Any screaming or yelling or arguing?

3 A. No. It's generally a very quiet road. So us
4 hearing that at that time of night was, you know --

5 Q. Let's talk about that. What type of area is
6 this?

7 A. It's a very rural area where -- and, like I
8 said, it's family land, so most of it is just family
9 or either people that have lived there -- like the
10 people across the street from me have lived there,
11 you know, as long as I have. So that's, you know,
12 45, 50 years. So it's quiet, dark.

13 Q. And what type of road is Toole Smith?

14 A. It's a dirt road.

15 Q. Is this a well-lit area?

16 A. No.

17 Q. So after you heard the gunshots, what did you
18 do at that point?

19 A. We went to the window at the front door and
20 looked out. And when we looked out of the window,
21 we could see -- kind of at an angle, we could see a
22 car, you know, sitting there and --

23 Q. Could you tell anything about the car?

24 A. We could tell that it was a smaller-sized
25 sedan. You know, it looked to be about a four-door

1 car. And we could tell it was lighter in color,
2 probably about white or silver. We couldn't tell
3 the exact color at the time. But --

4 Q. Let me ask you this: How are you able to see
5 anything around this vehicle?

6 A. Just basically from the headlights of the
7 vehicle, pretty much. It just lit up enough to
8 where we could see enough of the vehicle to kind of
9 make out a little bit of it.

10 Q. Could you see inside the vehicle?

11 A. No.

12 Q. But you could see around the vehicle?

13 A. Yes.

14 Q. What, if anything, did you see around the
15 vehicle?

16 A. Around the vehicle, the main thing that we saw
17 was movement around the vehicle in front of the
18 headlights. We would -- we saw, like, people
19 moving.

20 Q. When you say "people" plural, you saw more than
21 one?

22 A. It appeared to be. It appeared to be probably
23 two, maybe. I mean, we couldn't really tell if it
24 was two or three, but it appeared to be more than
25 one.

1 Q. And why do you say it appeared to be more than
2 one?

3 A. Because it was like moving from passenger to --
4 like crossing each other, kind of.

5 Q. So did you see people moving in front of the
6 vehicle at the same time?

7 A. Yeah. Yeah.

8 Q. Okay. So one was going from passenger to
9 driver, and one was going from driver to passenger?

10 A. Right. Right.

11 Q. So it wasn't the same person going back and
12 forth?

13 A. Right. Right.

14 Q. But could you tell anything about these people?

15 A. No.

16 Q. You just are seeing silhouettes?

17 A. Right. Right. Kind of shadows.

18 Q. Now, when you saw this, you're at your front
19 door looking out?

20 A. Right.

21 Q. And I know this is hard to do, but can you
22 estimate the distance that you think you were?

23 A. It was probably about 75, 80 yards, maybe.

24 Q. Okay. Now, you grew up there. You've been
25 there your whole life, right?

1 A. Yes.

2 Q. Do you think you could have heard people
3 talking from where you were at your house to where
4 they were on the road?

5 A. If there had been talking, we could have.

6 Q. Okay. And did you hear, after the gunshots,
7 any talking? yelling? arguing?

8 A. No.

9 Q. You just saw people moving?

10 A. Right.

11 Q. What's the next thing you did?

12 A. We opened up the front door, walked out on our
13 front porch. We have a live oak tree in front of
14 our house. So we kind of felt like we were under
15 the cover to where we wouldn't have been seen. And
16 we watched the car. It sat there for like a minute,
17 maybe, and then it took off.

18 Q. So once you got outside, did you see any more
19 movement around vehicle?

20 A. I don't believe so. I think that they had
21 already, you know, gotten in the vehicle.

22 Q. Once you got outside, did you hear any doors
23 close or anything like that?

24 A. Not that I can recall.

25 Q. Okay. So you think they were inside the

1 vehicle at that point?

2 A. I think so.

3 Q. And you said -- you testified they continued to
4 sit there?

5 A. Yes. For about a minute or so.

6 Q. Okay. What happened after that?

7 A. Then they took off and --

8 Q. How did they take off?

9 A. They gunned it. I mean, they were not slow
10 about it. They -- yeah, they took off very fast.

11 Q. Do you know if they saw you or not?

12 A. I hope not.

13 Q. Okay. After they left, what did y'all do?

14 A. I went back in the house, and I kept standing
15 at the front door looking out the window, and Jimmy
16 grabbed his shotgun and went to check around our
17 house outside, but he kind of went out by our car
18 and kind of stooped down for a few minutes, you
19 know, and it was -- you know, to kind of make sure
20 nobody was still out there, you know, that was going
21 to injure us or anything --

22 Q. Tell me this: I mean, what were your concerns
23 at the time?

24 A. My concern at the time was my -- my parents.

25 My daddy worked night shift at the time. So my mom

1 was, you know, two houses down by herself, and so,
2 you know, he always knew anytime we heard anything
3 or, you know, if the dog started going crazy or
4 whatever and -- he would go check on my mom, you
5 know, and he would always, you know, check on her
6 first. So he, you know, waited at our house for a
7 few minutes, and then he got in our car and was
8 going to drive down to her house to check on her.

9 Q. Is that usual for him to drive to her house?

10 A. No. Normally he walks, but for whatever reason
11 he drove.

12 Q. And did he make it to your mom's house that
13 night?

14 A. No, he did not. As soon as he pulled out of
15 our driveway into the road, he saw the silhouette of
16 a person in the road.

17 Q. And how far from the head of your driveway to
18 where the person was in the road?

19 A. Oh, it's not far at all.

20 Q. Okay. And what happened at that point?

21 A. At that point he sat there, and he called 911
22 while he was still in the car, and he backed the car
23 back into our driveway. And while he was on the
24 phone with 911, he came back into the house and told
25 me that there was someone -- that there was a dead

1 body in the road.

2 Q. Did you ever walk out there yourself?

3 A. I did walk out there, but I waited until the
4 first responders got there because I did not want
5 whoever did this -- I did not want them to come
6 back, you know, and try to do anything to us.

7 Q. Is it fair to say you were scared?

8 A. Oh, I was terrified. I'm still terrified.

9 Q. And you didn't know Robert All, did you?

10 A. No.

11 Q. Never met him before this?

12 A. No.

13 Q. I'm going to show you -- do you have a laser
14 pointer up there, by chance?

15 A. Yes.

16 Q. There should be a gold button that you push
17 that will make it work?

18 A. Yes.

19 Q. I'm going to show you State's 4. Do you see
20 your house on here?

21 A. My goodness. It's hard to get my bearings.
22 Okay. My house is right there.

23 Q. Okay. And what driveway was your husband
24 pulling out of? Is that like a -- is that a
25 circular driveway?

1 A. It's a circular driveway, yes. It goes, like,
2 right like that.

3 Q. And which way was he pulling out?

4 A. And he was pulling out of that one.

5 Q. Your mother's house is down to the right
6 somewhere?

7 A. Yes. It's on the corner.

8 Q. All right. And which way was the vehicle
9 facing when you saw all this?

10 A. The vehicle was facing that direction, going
11 that way.

12 Q. If we follow Toole Smith Road in that direction
13 you just indicated, where does that lead to?

14 A. It goes to Highway 321.

15 Q. 321?

16 A. Correct.

17 Q. State's 5. This is kind of hard to see, but do
18 you see a house there in that picture?

19 A. Oh. I am so sorry.

20 Q. Let me show it to you in person first.

21 A. Yes. Well, my grandmother's mobile home was
22 right there.

23 Q. Was anybody living there at the time?

24 A. No. It was vacant at the time.

25 Q. And where is your house in relation to this?

1 A. My house in relation was like over in there,
2 off to the right.

3 Q. Okay. And do you see where the debris is on
4 the road, the shoe and stuff?

5 A. Yes. Yes.

6 Q. Did you have a pretty clean sight line to that
7 point?

8 A. I did.

9 Q. Okay. Melissa, I don't have any more questions
10 for you. Please answer any that Mr. Williams or
11 Ms. Yonge has.

12 MS. YONGE: May it please the Court?

13 THE COURT: Yes, ma'am. Cross-examination.

14 CROSS-EXAMINATION

15 BY MS. YONGE:

16 Q. Good morning, Ms. Henderson. How are you?

17 A. I'm well. Thank you.

18 Q. So the night when all of this happened, do you
19 recall making a statement to the police?

20 A. Yes.

21 Q. Do you recall make a written statement to the
22 police?

23 A. I don't recall if I did or not. I know that I
24 made a statement. I believe I did sitting at my
25 dining room table, yes.

1 MS. YONGE: Your Honor, may I approach?

2 THE COURT: Yes, ma'am.

3 BY MS. YONGE:

4 Q. Can you tell me if you recognize this?

5 A. Yes.

6 Q. Is that the statement that you gave to law
7 enforcement that night?

8 A. It appears to be.

9 Q. It appears to be?

10 A. Yes.

11 Q. Or it is?

12 A. It is.

13 Q. Okay. Would you mind reading that to the jury,
14 please?

15 MR. MCNAIR: Your Honor, I don't think -- I
16 don't think a proper foundation has been laid just
17 to read a statement into evidence.

18 THE COURT: She can refresh her recollection.

19 MS. YONGE: Okay.

20 THE COURT: Then go from there.

21 BY MS. YONGE:

22 Q. Do you need a second to read it?

23 THE COURT: Take a moment.

24 MS. YONGE: Yes.

25 THE COURT: A few moments.

1 THE WITNESS: Okay.

2 BY MS. YONGE:

3 Q. Okay. I'm going to come back and get it from
4 you.

5 A. Sure.

6 Q. Okay. So in your statement, don't you say
7 that, "I was in the living room watching TV, and I
8 heard about five to six gunshots"?

9 A. Yes.

10 Q. And then don't you say, "I went to the front
11 door and looked out to see headlights of a car"?

12 A. Yes.

13 Q. And then don't you say, "The car was stopped,
14 then took off headed towards Highway 321"?

15 A. Yes.

16 Q. And then don't you say, "My fiance got his
17 shotgun and walked outside"?

18 A. Yes.

19 Q. And then don't you say, "He stayed outside for
20 a few minutes, then came back in, got our keys and
21 went to drive to my mom's" -- house -- "my mom's,"
22 comma, "two houses down"?

23 A. Right.

24 Q. And then don't you say, "I was inside watching
25 through the door"?

1 A. Right.

2 Q. And then don't you say, "He got to the end of
3 the driveway. I saw him turn right, stop, and back
4 up, back into our driveway"?

5 A. Right.

6 Q. And then don't you say, "He came in the front
7 door while on the phone with 911 and told me there
8 was a dead body in the road"?

9 A. Right.

10 Q. And then don't you say, "We waited at the front
11 door watching for the police officers"?

12 A. Right.

13 MS. YONGE: Thank you, Ms. Henderson.

14 No further questions for this witness.

15 THE COURT: Any redirect?

16 MR. MCNAIR: No, sir.

17 THE COURT: All right. The witness is excused.

18 All right. Ladies and gentlemen, we'll just
19 take our midmorning break here. It's been an hour
20 and 20 minutes, so go refresh yourselves in the jury
21 room, get you back out here -- just let me know when
22 y'all are ready to come back. We'll just say five
23 to ten minutes. Okay?

24 (The jury exits the courtroom at 10:51 a.m.)

25 (Brief recess 10:51 a.m. - 11:13 a.m.)

1 THE COURT: All right. Is the State ready to
2 call their next witness?

3 MR. MCNAIR: Yes, your Honor.

4 THE COURT: Is the defense ready to proceed?

5 MS. YONGE: Yes, your Honor, the defense is
6 ready.

7 THE COURT: All right. Let's bring the jury
8 in.

9 (The jury enters the courtroom at 11:14 a.m.)

10 THE COURT: All right. Ladies and gentlemen, I
11 hope you had a chance to refresh yourselves. We'll
12 continue on with the next witness in the State's
13 case in chief.

14 MR. MCNAIR: Thank you, your Honor. The State
15 calls Detective Adam Spires.

16 ADAM SPIRES

17 being first duly sworn, testified as follows:

18 THE WITNESS: I do.

19 THE CLERK: Have a seat up there. If you'll
20 state your name. Spell your last name for the
21 record.

22 THE WITNESS: Adam Spires, S-P-I-R-E-S.

23 DIRECT EXAMINATION

24 BY MR. MCNAIR:

25 Q. Detective Spires, how are you doing today?

1 A. Good.

2 Q. Will you tell the jury where you were working
3 back in July of 2018?

4 A. Lexington County Sheriff's Department.

5 Q. What was your position at that time?

6 A. Sergeant on patrol.

7 Q. Now, prior to that -- or how long have you been
8 at the sheriff's department?

9 A. Approximately six years.

10 Q. Do you have law -- did you have law enforcement
11 experience prior to that?

12 A. Yes. Five years prior to being at the
13 sheriff's department.

14 Q. Where was that?

15 A. At the west Columbia Police Department.

16 Q. Okay. Now, back on -- we'll get right to the
17 point. Back on July 11th of 2018, did you respond
18 to a shooting on Toole Smith Road in Swansea?

19 A. Yes, sir.

20 Q. And that's in Lexington County?

21 A. Yes, sir, it is.

22 Q. What time did that 911 call come in?

23 A. I believe it was approximately 11:20 p.m.

24 Q. 11:20 p.m.?

25 A. Yes, sir.

1 Q. All right. And what time did you get on scene?

2 A. At approximately 11:31 p.m.

3 Q. 11:31. Now, were you the first person on
4 scene?

5 A. Yes, sir, I was.

6 Q. And can you just describe for us the scene and
7 what you did when you got there?

8 A. It was a fairly rural area, dirt road. There
9 were a few mobile homes nearby but predominantly
10 agricultural/rural area.

11 When I arrived, I observe a white male that was
12 laying in the roadway who appeared at that time to
13 me that he was in bad shape and probably deceased.

14 Q. When you first arrived, did you see any signs
15 of life?

16 A. Not in the beginning. After a couple minutes,
17 I did see him take a breath, which they call an
18 agonal breath, that -- you know, it's common for
19 people that are probably going to become deceased
20 very shortly thereafter. But other than that, I did
21 not see any signs of life.

22 Q. When that happened, were you actually standing
23 by his body?

24 A. Yes, sir.

25 Q. You had walked up to him?

1 A. Yes, sir.

2 Q. How was his body positioned when you found him?

3 A. I remember he was laying there. I could see
4 his face. I believed he had suffered a gunshot
5 wound to the head because his left eye was
6 protruding slightly from his face.

7 Q. Can you describe his face more specifically?
8 Could you tell anything about him? What damage did
9 you observe to his face?

10 A. He had -- his face was pretty messed up. It
11 was covered in blood and had pretty severe
12 structural damage to it.

13 Q. All right. And when you found him, was he face
14 up or face down?

15 A. He was face up.

16 Q. Did you observe anything else about him in
17 regards to his clothing?

18 A. I recall seeing that one of his pockets was
19 turned inside out, and I don't believe we were able
20 to initially identify who he was because he didn't
21 have any identification on him.

22 Q. Okay. And pockets like pulled out of his
23 pants? Is that what you're describing?

24 A. Yes, sir.

25 Q. All right. So did you find anything around his

1 body, such as a wallet or a phone or anything like
2 that?

3 A. No, sir.

4 Q. Keys to the vehicle?

5 A. No, sir.

6 Q. Did you have any way to identify him when you
7 found him?

8 A. No, sir. No clue who he was.

9 Q. What ultimately happened to the victim that
10 night?

11 A. It was fairly quickly EMS arrived on scene, and
12 they transported him to the hospital.

13 Q. Is that because he took a breath like you just
14 described?

15 A. I'm not sure why. That would be my guess, but
16 I don't know for sure.

17 Q. Okay. Now, were you able to photograph the
18 location of the body before it was moved?

19 A. Yes, sir.

20 MR. MCNAIR: I'll show you what's been marked
21 State's Exhibits 7 and 8.

22 (State's Exhibit Numbers 7 and 8 marked for
23 identification.)

24 BY MR. MCNAIR:

25 Q. Do you recognize these photographs?

1 A. Yes, sir.

2 Q. Were these the ones you took that night at the
3 scene?

4 A. Yes, sir.

5 MR. MCNAIR: Your Honor, we'd offer State's
6 Exhibits 7 and 8 into evidence at this time.

7 MS. YONGE: Without objection, your Honor.

8 THE COURT: State's Exhibits 7 and 8 are
9 admitted into evidence.

10 (State's Exhibit Numbers 7 and 8 admitted into
11 evidence.)

12 BY MR. MCNAIR:

13 Q. State's 7. Is that the way the victim was
14 positioned when you arrived?

15 A. Yes, sir, I believe so.

16 Q. How did you come into the scene?

17 A. I turned off of Highway 321. As I was coming
18 along, I recall slowing down because it was said to
19 be a body in the road, didn't want to run over the
20 individual in the road. Is that what you're trying
21 to ask?

22 Q. Yes.

23 A. Okay.

24 Q. Yeah. So once you saw the body, what did you
25 do?

1 A. I stopped my vehicle, went over to check on the
2 individual, and, obviously, I already described what
3 I saw there. Another deputy was right there behind
4 me. And then we roped off the area to preserve the
5 crime scene.

6 Q. Okay. In State's 8 -- do you have a laser
7 pointer up there?

8 A. I do.

9 Q. Can you point out for the jury what you're
10 talking about when you testified to his pockets
11 being inside out?

12 A. Right there you can see it appears his pocket
13 has been pulled inside out on his shorts.

14 Q. Okay. And you didn't locate a wallet, an ID,
15 or a phone?

16 A. No, sir.

17 Q. I believe that's all the questions I have.

18 THE COURT: All right. Cross-examination.

19 MS. YONGE: No questions, your Honor.

20 THE COURT: All right. The witness may step
21 down.

22 MS. FULLER: Your Honor, the State calls John
23 Gietz.

24 JOHN GIETZ

25 being first duly sworn, testified as follows:

1 THE WITNESS: I do.

2 THE CLERK: Have a seat up there. If you'll
3 state your name and spell your last name for the
4 record.

5 THE WITNESS: John Gietz, G-I-E-T-Z.

6 DIRECT EXAMINATION

7 BY MS. FULLER:

8 Q. Where are you currently employed?

9 A. Lexington County Sheriff's Department.

10 Q. How long have you been employed there?

11 A. Ten years.

12 Q. Back in 2018 were you also employed at the
13 Lexington County Sheriff's Department?

14 A. Yes, ma'am.

15 Q. As it relates to this case, did you assist in
16 any way?

17 A. Yes, ma'am.

18 Q. And did that include identifying the deceased
19 body in this case?

20 A. That is correct.

21 Q. Can you walk the jury through what you did to
22 help identify his body?

23 A. I searched our database. We had gotten some
24 pictures sent to us of the deceased. During that
25 time I was able to identify a group of photos on the

1 decedent's arm, which were Roman numerals. We
2 figured out that that was a birthday. We used
3 Google Search to convert the Roman numerals into
4 dates of birth, just cross-referencing those dates
5 of birth with a couple of reports.

6 I had done a previous report in 2017 involving
7 the deceased and the defendant, and everything
8 matched up. So we used that to identify the body.

9 Q. And that previous report in the system was just
10 an information report, correct?

11 A. Yes. Give or take. It was a civil dispute
12 where --

13 MS. YONGE: Objection, your Honor.

14 BY MS. FULLER:

15 Q. No -- no -- not related to this case; it was
16 just an information report?

17 A. Essentially, yes. It was just an information
18 report to put someone on trespass notice.

19 Q. Okay.

20 MS. FULLER: I'm going to show you State's 9.

21 (State's Exhibit Number 9 marked for
22 identification.)

23 BY MS. FULLER:

24 Q. And ask you if you recognize it.

25 A. I do.

1 Q. And is this one of the photographs that you
2 received?

3 A. This is one of the photographs I received.

4 Q. The Roman numerals you described, is that
5 contained in this photograph?

6 A. That is correct.

7 MS. FULLER: I'm going to show defense counsel.

8 At this time, your Honor, the State seeks to
9 introduce into evidence State's 9.

10 THE COURT: State's Exhibit 9 is admitted into
11 evidence.

12 MS. YONGE: Apologies, your Honor. Without
13 objection.

14 THE COURT: Oh. I thought I heard --

15 MS. FULLER: She didn't say it out loud.

16 THE COURT: All right. I must have seen her
17 lips moving.

18 MS. FULLER: You saw her, but it wasn't audible
19 for the record.

20 THE COURT: Fair enough. Without objection,
21 State's Exhibit 9 is admitted into evidence.

22 (State's Exhibit Number 9 admitted into
23 evidence.)

24 THE COURT: Let me ask -- I'm sorry. Can I ask
25 y'all a quick question?

1 (Sidebar conference.)

2 MS. FULLER: May I proceed, your Honor?

3 THE COURT: Yes, ma'am.

4 MS. FULLER: Publishing.

5 (State's Exhibit Number 9 published for his

6 Honor and the jury.)

7 BY MS. FULLER:

8 Q. Looking at State's 9, are these the Roman
9 numerals that you were referring to?

10 A. Yes, ma'am.

11 Q. Can you walk the jury how you were able to
12 actually convert them?

13 A. Just taking the Roman numerals, so you have the
14 V, the dot, and then the I, and then the dot, and
15 then that would be a date of birth, which we were
16 able to figure out was 1996. And then the other one
17 was a IV, a II, and then 1992. So we were able to
18 figure out that Robert All's birthday was the first
19 number presented, and then the second number that's
20 represented there in Roman numerals is Morgan Carr's
21 birthday.

22 Q. And just for the record, Robert All's date of
23 birth, what is it?

24 A. It is [REDACTED]-1996.

25 Q. And then Morgan Carr's?

1 A. Is [REDACTED] of 1992.

2 Q. Once you were able to confirm their date of --
3 the date of births and the identity, what else did
4 you do to actually confirm that the deceased here
5 was Robert All?

6 A. We also went through our internal database and
7 were able to pull him, and he had matching
8 photographs and everything like that. He looked --
9 he had similar identifiers. And then we also did a
10 social media search.

11 Q. And in terms of internal, you're also looking
12 at DMV photos? Did you look --

13 A. That's correct.

14 Q. Okay.

15 A. Yeah.

16 Q. And then open-source Facebook as well?

17 A. Yes.

18 Q. And that's how you were able to confirm his
19 identity?

20 A. Yes, ma'am.

21 Q. And then did you pass that information along to
22 other detectives working in this case?

23 A. Yes, ma'am, I did.

24 Q. And then was contact then made with his family?

25 A. I -- I'm not sure. I didn't make that contact,

1 ma'am.

2 Q. But you passed it on --

3 A. Yes, ma'am.

4 Q. -- for -- the -- once the identification was
5 made?

6 A. Yes, ma'am.

7 MS. FULLER: No further questions.

8 THE COURT: Cross-examination?

9 MS. YONGE: No questions for this witness, your
10 Honor.

11 THE COURT: All right. The witness may step
12 down.

13 MS. FULLER: The State calls Captain Jesse
14 Laintz.

15 JESSE LAINTZ

16 being first duly sworn, testified as follows:

17 THE WITNESS: I do.

18 THE CLERK: Have a seat. State your name and
19 spell your last for the record.

20 THE WITNESS: My name is Jesse Laintz. Last
21 name L-A-I-N-T-Z.

22 DIRECT EXAMINATION

23 BY MS. FULLER:

24 Q. Can you go ahead introduce yourself to the
25 jury? Where are you employed?

1 A. Like I said, my name is Jesse Laintz with the
2 Lexington County Sheriff's Department, been there
3 for 17, coming up on 18, years.

4 At this point in time I'm a captain over
5 investigation units which covers major crimes,
6 narcotics, and it also encompasses our special
7 operations. I'm assistant commander of our SWAT
8 team, a bomb tech for the department, and I've been
9 in investigations for going on probably 14 years
10 now.

11 Q. Back in July of 2018, just jumping in -- just
12 going through some of your actions. Were you
13 involved in the investigation of this case in some
14 capacity?

15 A. Yes, I was.

16 Q. Starting with the defendant in this case, did
17 you have contact with her?

18 A. Yes. I interviewed the defendant in this case.

19 Q. Can you walk the jury through the nature of
20 your interaction with her, and why did you interview
21 her initially in this case?

22 A. So originally we got called out to the scene
23 around midnight, and we were trying to find leads to
24 follow, some people that we could go and talk to.

25 And in doing so, we were able to talk to a -- I

1 believe it was Robert All's -- the mother of his
2 children said that he did have a girlfriend --

3 MS. YONGE: Objection to hearsay, your Honor.

4 THE COURT: This is from someone else -- okay.
5 Sustained.

6 BY MS. FULLER:

7 Q. From there, gathering that information, it led
8 you to Morgan Carr, correct?

9 A. Correct.

10 Q. Did you -- we just heard testimony about Roman
11 numerals. Did you have information at that time as
12 well about her date of birth on the deceased body?

13 A. We did. In a tattoo in Roman numerals.

14 Q. Okay. So at that point you go over, and you
15 speak with Morgan Carr, and the purpose of that
16 generally was to do what?

17 A. It was to talk to her to see what information
18 she had about the victim.

19 Q. At that point did you believe that she was
20 involved in any way in this case?

21 A. No, we did not.

22 Q. So where did you go to speak to her?

23 A. We went to her house or the house in which she
24 was living in. It was [REDACTED] Backman Street, which is,
25 the way the crow flies, about a mile that way.

1 Q. And when you say "that way," that's referring
2 to from the courthouse, correct?

3 A. Yes.

4 Q. And who else lives there?

5 A. There was another roommate that lived there.
6 I'm not sure who else lived there. It wasn't her
7 house. I think that the house belonged to her
8 mother.

9 Q. And are you familiar with her mother's name?

10 A. Last name is Powers. First name I want to say
11 is Suzanne. It starts with an S.

12 Q. Okay. Approximately what time did you arrive
13 at her house to speak with Morgan Carr?

14 A. It was around 6:20, 6:23 in the morning.

15 Q. And just -- I know -- to make it clear, was she
16 actually present when you arrived?

17 A. She was.

18 Q. Did she freely speak with you?

19 A. She did.

20 Q. And go ahead and describe to the jury the
21 nature of your conversation. What did you -- what
22 did you -- what, if anything, did you ask her?

23 A. We asked her if she knew that the victim was
24 Robert All and what their relationship was. She
25 acknowledged they were, at one point, in a

1 relationship and then that she actually saw him
2 earlier that day.

3 Q. And specifically what exactly did she tell you?

4 A. According to my supplemental that she saw
5 Robert around 8:00 or 9:00 p.m. yesterday, which
6 would -- so now it's the 12th that we're talking to
7 her. So that would have been the 11th, the night of
8 the 11th.

9 Q. Did she go ahead and describe where she saw him
10 and the details of what he was doing when she saw
11 him?

12 A. That he came to the house, he was in a silver
13 rental car and that he was getting ready to go to
14 CarMax with one of his friends.

15 Q. Did she indicate whether or not he was supposed
16 to come back?

17 A. She said that he was going to come back and
18 they were going to hang out.

19 Q. Did she indicate anything else after that?

20 A. Our conversation continued into other areas
21 just asking about Robert, but, indicate, I'm not
22 sure exactly --

23 Q. Did she tell you -- did you end up asking her
24 if she knew anything about what happened to Robert
25 or if anybody would be involved in this case?

1 A. We did.

2 Q. What did she say?

3 A. She did not know. She didn't know what
4 happened to him. She wanted to know what happened
5 to him and asked if we could we tell her. We told
6 her that we couldn't, that she would have to call
7 Robert's mother.

8 Q. Okay. Based on your conversation with her, did
9 you want to follow up on any leads that she gave you
10 or anything of that nature?

11 A. So there was one lead of an individual. He --
12 there was a -- Robert might have been going to the
13 44 Truck Stop to meet a friend of his, and we were
14 going to follow up and try to talk to that friend.
15 That would be the next breadcrumb that we would
16 follow, that she would give us, to go talk to that
17 individual to see where Robert could have went after
18 that.

19 Q. And then did you leave her residence at that
20 point?

21 A. We did.

22 Q. So as the result of your conversation roughly
23 6:20, 6:23 that morning, your understanding was that
24 she last saw Robert between 8:00 and 9:00 on July
25 11th; is that correct?

1 A. That is correct.

2 Q. And when he left, he left in a silver rental
3 car to go to CarMax, correct?

4 A. Correct.

5 Q. At that point did she -- did -- what was her
6 emotional state when you were meeting with her?

7 A. So every time that we'd bring up there was
8 something wrong with Robert or something like that,
9 her emotional -- or physical response is
10 appropriate, is what I thought it would be. As, you
11 know, when you talk to somebody, it's a lot of what
12 their body says -- is a lot of the conversation.
13 It's not just the words themselves. Her pitch, her
14 tone, her body reaction to the things that we told
15 her and that she said back to us was -- it was
16 fitting, like she did not know what happened to him.

17 Q. How long have you been in law enforcement?

18 A. 17, going on 18, years.

19 Q. How many people have you interviewed?

20 A. Oh, my goodness. Probably hundreds of
21 thousands.

22 Q. Okay. And your interaction with her 6- --
23 roughly 6:00 a.m. that morning, your testimony is
24 that her emotional reaction was consistent with the
25 words coming out of her mouth?

1 A. They were.

2 Q. At any point in the investigation, did things
3 change for you?

4 A. They did.

5 Q. And when was that?

6 A. We were able to get some communication that
7 happened over social media sites, mainly Facebook,
8 and that communication opened up a lot more doors to
9 us. And I knew at that point in time that what I
10 was being told was not necessarily true.

11 Q. And so would that be later that day?

12 A. The --

13 Q. On the 12th?

14 A. On the 12th, yes.

15 Q. So you leave the conversation essentially
16 following a lead that she gave you, based on the
17 information she gave you, that you indicated the
18 words matched her emotional state only to find out
19 that, based on some messages, that they weren't
20 consistent; is that correct?

21 A. That is correct.

22 Q. As the investigation progressed, can you tell
23 the jury who eventually was charged in this case?

24 A. So there was three people that were actually
25 charged in this case. One being the defendant,

1 another one being Robin Cunningham, and then another
2 individual that goes by Charley or Corey, and his
3 last name, I would have to -- I can look it up.
4 I've got it in my report here.

5 Q. I'll -- it's already been said. So Charley
6 Robinson?

7 A. Yes. Thank you.

8 Q. All right. Just to assist you there.

9 And as it relates to Charley, he's already been
10 convicted in this case, correct?

11 A. He has.

12 Q. And Robin Cunningham, his charges are still
13 pending?

14 A. They are still pending.

15 MS. FULLER: I'm going to show you what's been
16 premarked as State's 10 to assist the jury in this
17 case because there's a lot of names.

18 (State's Exhibit Number 10 marked for
19 identification.)

20 BY MS. FULLER:

21 Q. State's Exhibit 10. And I'm going to ask if
22 you recognize this -- or had an opportunity to
23 review this prior to today?

24 A. Yes, I have.

25 Q. Do you believe that the names and faces will

1 assist the jury throughout the trial as we talk
2 about different people?

3 A. Yes, it will. I'm a face guy. I -- I know
4 faces and names, so it will help, I think.

5 MS. FULLER: Your Honor, at this time the State
6 seeks to introduce into evidence State's Exhibit 10.

7 THE COURT: Objection.

8 MS. YONGE: No objection, your Honor. I
9 apologize.

10 THE COURT: All right. State's Exhibit 10 is
11 admitted into evidence.

12 (State's Exhibit Number 10 admitted into
13 evidence.)

14 MS. FULLER: Publishing.

15 THE COURT: Very well.

16 (State's Exhibit Number 10 published for his
17 Honor and the jury.)

18 BY MS. FULLER:

19 Q. Looking here -- I'm going to refer to it as the
20 name chart on State's 10 -- if you can use the laser
21 pointer and just identify into the record and for
22 the jury who is who.

23 A. So this is Robert All. This is the individual
24 that was shot that night. This is the defendant,
25 Ms. Morgan Carr. This is Charley -- we called him

1 Corey -- Robinson. He's already been sentenced, and
2 this is Robin Cunningham, who is still pending.

3 Q. As it relates to -- Corey was eventually
4 arrested, correct?

5 A. Correct.

6 Q. I know that's already established. But to get
7 to my next point, and without -- you don't have to
8 tell me what he said, but he was interviewed,
9 correct?

10 A. He was interviewed.

11 Q. And following up on that interview, did you
12 eventually locate a weapon in this case that was
13 used?

14 A. Yes. So in the interview process, it was
15 disclosed where a weapon could be. I was able to
16 listen to, and then I went to the location and --
17 twice, and ended up finding it the second day.

18 Q. And were you able to actually find the weapon
19 at the location?

20 A. We were.

21 Q. Do you recall where this location was?

22 A. It was [REDACTED] Fallaw Road. So there was quite
23 the -- a lot of people were looking for Corey
24 after we got arrest warrants on him -- I'm sorry --
25 Mr. Robinson. And they were actually -- we found

1 the vehicle, and we were able to go from where Corey
2 ran from, and we were able to find the pistol from
3 there.

4 Q. And these are on two separate dates, correct?

5 A. Two separate dates, yes.

6 Q. And the day you actually found the weapon was
7 on what day?

8 A. When was it?

9 Q. Does July 14th sound correct?

10 A. It does. Yes. It is -- July 14th is when it
11 happened.

12 Q. And Corey was apprehended the day before,
13 correct?

14 A. He was.

15

16 MS. FULLER: I'm going to show you what's been
17 premarked State's 11 through 15.

18 (State's Exhibit Numbers 11, 12, 13, 14, and 15
19 marked for identification.)

20 BY MS. FULLER:

21 Q. And ask if you recognize State's 11 through 15.

22 A. Yes, ma'am. These are pictures that I took
23 when I located the firearm.

24 Q. And do they appear to be altered in any way?

25 A. No, they do not.

1 Q. Fairly and accurately represent the location of
2 the firearm in the photographs you took?

3 A. Yes, ma'am.

4 Q. Back on July 14th of '18?

5 A. Yes.

6 MS. FULLER: At this time, your Honor, the
7 State seeks to introduce into evidence State's 11
8 through 15.

9 MS. YONGE: Without objection, your Honor.

10 THE COURT: State's Exhibits 11 through 15 are
11 admitted into evidence.

12 (State's Exhibit Numbers 11, 12, 13, 14, and 15
13 admitted into evidence.)

14 MS. FULLER: Publishing.

15 (State's Exhibit Numbers 11, 12, 13, 14, 15
16 published for his Honor and the jury.)

17 BY MS. FULLER:

18 Q. Looking at State's 11, go ahead and -- describe
19 for the jury what they're looking at and where the
20 firearm is.

21 A. So right here is the firearm. It's a
22 subcompact. What a subcompact means is that's a
23 smaller grip and a smaller barrel length, but you
24 can see it right there. There's the back of it.
25 There's the barrel. It's actually in a locked-back

1 position. And this is the handgrip right here.

2 Q. And just for those uneducated about firearms,
3 like myself, what is the locked-back position?

4 A. So locked-back position on a semiautomatic is
5 you have a magazine inserted into it, and there's a
6 lever where you pull it all the way up. You can
7 push it up. And the upper lever stays all the way
8 in the rear position. In another picture we'll show
9 a good example of what it is.

10 Q. Okay. Looking at 12, and just tell me where.

11 A. So you can see that's the locked-back position
12 right there. This is where the magazine is fed, and
13 then you can see a shorter barrel and shorter
14 handgrip.

15 Q. And this was the position of the gun -- this is
16 how the gun was when you found it?

17 A. That is how the gun was located.

18 Q. And then looking at 13?

19 A. That's just a picture of the serial number.

20 Q. And looking at 14?

21 A. So there was actually a magazine that was still
22 inserted inside the firearm, and those are the 45
23 rounds still inside the magazine.

24 Q. When you say "45 rounds," what does that
25 indicate?

1 A. The caliber of the weapon.

2 Q. And I know just --

3 A. Yeah.

4 Q. Taking it -- not taking it for granted.

5 Looking at State's 15, describe what's happened
6 here.

7 A. And that is now where the magazine itself is
8 removed with the rounds in it, and it is removed
9 from the firearm, and it's still in the locked-back
10 position.

11 Q. When you -- I didn't ask you this question in
12 advance. So I'm just going to ask you. Dealing
13 with a 45, how would you compare this to other
14 firearms in terms of size?

15 A. So the bullet itself is significantly bigger.
16 It is one of the larger calibers. So the bullet
17 itself is a much larger caliber.

18 Q. Would you say powerful semiautomatic?

19 A. Very powerful.

20 Q. Thank you for allowing me to break my golden
21 rule, asking questions I don't know the answer to.

22 MS. FULLER: I'm going to show you now what's
23 been premarked as State's 16.

24 (State's Exhibit Number 16 marked for
25 identification.)

1 MS. FULLER: And, your Honor, for the record
2 State's 16 has been -- it's already checked in and
3 safe.

4 BY MS. FULLER:

5 Q. If you go ahead and verify that that's the
6 firearm -- or, actually, do you recognize
7 State's 16?

8 A. So this is the box in which I packaged. It has
9 my signature on it, the address where I found it,
10 and the date, and the case number on top of it.

11 Q. And so is that the same weapon we just looked
12 at in photographs?

13 A. It is.

14 Q. And we'll go ahead --

15 MS. FULLER: At this time, your Honor, the
16 State seeks to introduce into evidence State's 16.

17 THE COURT: You want to come up and look at the
18 box?

19 MS. YONGE: Yeah. I just want to see it. I
20 don't want to touch it.

21 Your Honor, if we may approach.

22 THE COURT: Yes.

23 (Sidebar conference.)

24 MS. FULLER: So the gun is admitted?

25 MS. YONGE: Without objection, your Honor.

1 THE COURT: So admitted, State's Exhibit 16.

2 (State's Exhibit Number 16 admitted into
3 evidence.)

4 MS. FULLER: Thank you.

5 BY MS. FULLER:

6 Q. In terms of this case, you did a number of
7 other things, correct?

8 A. Yes, ma'am.

9 Q. Jumping specifically now -- without -- not
10 asking you what was said, but did you speak with a
11 Theresa Wilson or a/k/a Theresa Hall in this case?

12 A. I did on two different occasions.

13 Q. What was the address of that location? Where
14 did you speak with her?

15 A. It was where she was. It was [REDACTED] Toole Smith
16 Road.

17 Q. Okay.

18

19 MS. FULLER: I'm going to show -- publish
20 State's 3.

21 (State's Exhibit Number 3 published for his
22 Honor and the jury.)

23 BY MS. FULLER:

24 Q. And ask if you can orient the jury on Toole
25 Smith.

1 A. So -- let me -- so I'm not shaking here. This
2 is Toole Smith Road right here. This is Theo Jumper
3 Road right here. The actual scene, what we'd call
4 -- where we discovered the body was over here and
5 [REDACTED] Toole Smith is right there.

6 Q. Okay. And so now looking at State's 4 -- we
7 already had the 911 callers testify to here.
8 Looking at this map, [REDACTED] is this direction that I'm
9 pointing or --

10 A. Yes. It would be significantly over there.
11 You would have to get past the turn from Theo Jumper
12 Road, and it's like two houses down from there.

13 Q. Okay. So I'm going to zoom in on Theo Jumper
14 so everybody can see that.

15 A. So here's the incident location. Here's Theo
16 Jumper. And there's a house that is directly across
17 from that, and then there's one, and then [REDACTED] is
18 right there.

19 Q. So if someone was leaving just beyond Theo
20 Jumper to get to 321, what direction would the car
21 be facing?

22 A. They would have to be going this way.

23 Q. And so the headlights would be facing in front
24 of the car, correct?

25 A. Yes. They would be going southbound.

1 Q. Last thing. I'm going to have you now go ahead
2 and open the box just to confirm the -- that you
3 recognize the firearm inside the box.

4 THE WITNESS: Am I good to open it?

5 MS. FULLER: Court? Judge?

6 THE COURT: Sorry?

7 THE WITNESS: Am I good to open it?

8 THE COURT: Oh. Yes. You can open the box.

9 MS. FULLER: Thank you, your Honor.

10 THE WITNESS: Yes, ma'am, this is the same
11 firearm.

12 BY MS. FULLER:

13 Q. If you can show it to the jury, please.

14 A. (Witness complies.)

15 Q. Thank you.

16 MS. FULLER: I have no further questions at
17 this time.

18 THE COURT: All right. Ladies and gentlemen,
19 let's take a short break. And I'll get you back in
20 here in a few minutes. Please don't discuss the
21 case while you're out.

22 (The jury exits the courtroom at 11:46 a.m.)

23 MS. FULLER: Thank you, your Honor. I guess
24 two things that we discussed up there. One -- I
25 think now is a good time, since we're on break,

1 And let's bring the jury back in.

2 (The jury enters the courtroom at 12:08 p.m.)

3 THE COURT: All right. Ladies and gentlemen,
4 welcome back.

5 We'll pick up with the cross-examination by the
6 defendant.

7 CROSS-EXAMINATION

8 BY MS. YONGE:

9 Q. I can't say good morning. Good afternoon,
10 Captain Laintz.

11 A. Hello.

12 Q. So you stated you arrived at Morgan's house at
13 6:23 in the morning; is that correct?

14 A. That's correct. That's what I have notated, is
15 0623.

16 Q. And when you arrived there, was there a silver
17 rental vehicle there?

18 A. Not that I recall, no.

19 Q. Were there any vehicles there?

20 A. I do recall a vehicle in the driveway. I don't
21 even remember if it was operable. I don't recall.

22 Q. But no silver sedan?

23 A. No.

24 Q. Okay. And Morgan had a chance to give you a
25 statement, correct?

1 A. A verbal statement, yes.

2 Q. Okay. And during the course of that verbal
3 statement, either yes or no, did she indicate that
4 Robert uses methamphetamines?

5 A. She did.

6 Q. Did she also provide a phone number for Robert?

7 A. She did.

8 Q. What is that phone number?

9 A. Give me just a second here. I need to look it
10 up. You want the actual number itself?

11 Q. Yes, please.

12 A. [REDACTED]-6987.

13 Q. Thank you. And I believe you indicated that
14 Corey Robinson was ultimately arrested a little bit
15 later in this case?

16 A. He was.

17 Q. And you spoke with him at some point; is that
18 correct?

19 A. I had a brief conversation with him -- it was
20 nothing about the case -- while we were waiting for
21 the two case officers. So he was arrested, brought
22 up to the sheriff's department, and I sat with him
23 while the two case officers came up to do his
24 interview. So we didn't talk about anything to do
25 with the case at all.

1 Q. Okay. So you didn't have any further
2 conversations with Corey -- Mr. Robinson?

3 A. No.

4 Q. Do you know what ultimately happened to him and
5 his charges in this case?

6 A. I do.

7 Q. And what happened?

8 A. He was sentenced to 40 years.

9 Q. Is that after he pled guilty?

10 A. He did plead guilty.

11 MS. YONGE: Thank you. No further questions.

12 THE COURT: Redirect?

13 MS. FULLER: Just briefly.

14 REDIRECT EXAMINATION

15 BY MS. FULLER:

16 Q. When you were speaking with Morgan, did you
17 tell her what happened to Robert?

18 A. We did not.

19 Q. Okay. So in that conversation you didn't tell
20 her that Robert was dead?

21 A. No, we did not. We actually told her to -- if
22 she knew who his mother was, to call his mom and get
23 that information from there.

24 Q. And as it relates to Corey, he decided to plead
25 guilty straight up to murder, correct?

1 A. He did.

2 MS. FULLER: No further questions.

3 THE COURT: Any recross?

4 MS. YONGE: No, your Honor.

5 THE COURT: All right. The witness may step
6 down.

7 Counsel, scheduling real quick.

8 (Sidebar conference.)

9 THE COURT: All right. Ladies and gentlemen,
10 we're going to break for lunch at this time. We're
11 going to get back on the record at 1:45. Okay?
12 Enjoy your lunch; refresh yourselves. Please don't
13 discuss the case. I'd like you back in the jury
14 room by 1:40. Okay? So we can get started right at
15 1:45. We'll do our afternoon testimony and move on
16 from there. So have a nice lunch. Don't discuss
17 the case or do any sort of independent research of
18 the case or anyone involved in the case. Have a
19 nice lunch.

20 (The jury exits the courtroom at 12:13 p.m.)

21 THE COURT: All right. We'll be in recess for
22 90 minutes.

23 (Luncheon recess 12:13 p.m. - 1:45 p.m.)

24 THE COURT: All right. Good afternoon. Is the
25 State ready to call their next witness?

1 MS. FULLER: Yes, your Honor.

2 THE COURT: Is the defense ready to proceed?

3 MS. YONGE: Yes, your Honor.

4 THE COURT: Let's bring them back in.

5 (The jury enters the courtroom at 1:49 p.m.)

6 THE COURT: All right. Ms. Foreman, ladies and
7 gentlemen of the jury, welcome back. I hope you had
8 a nice lunch. We're going to pick up where we left
9 off with the next witness for the State's case in
10 chief.

11 MS. FULLER: Thank you, your Honor. The State
12 calls Cameron Sherban.

13

14 CAMERON SHERBAN

15 being first duly sworn, testified as follows:

16 THE WITNESS: I swear.

17 THE CLERK: Have a seat up there. State your
18 name and spell your last name for the record.

19 THE WITNESS: My name is Cameron Sherban,
20 S-H-E-R-B-A-N.

21 DIRECT EXAMINATION

22 BY MS. FULLER:

23 Q. And go ahead and introduce yourself to the
24 jury. Where are you employed?

25 A. I am employed at the Lexington County Sheriff's

1 Department as a senior investigator in the Major
2 Crimes Unit, specifically in Special Victim's Unit.

3 Q. And how long have you been in law enforcement?

4 A. I've been in law enforcement about 12 years.

5 Q. And how long have you been at the Lexington
6 County Sheriff's Department?

7 A. All 12 of those years were at Lexington County
8 Sheriff's Department. I started on the road, for a
9 few years. I was SRO for three years at
10 Brookland-Cayce High School. And I've been in Major
11 Crimes for five years now.

12 Q. Back in July of 2018, were you in Major Crimes?

13 A. Yes, I was.

14 Q. And as it relates to this case, did you have an
15 opportunity to obtain a statement from Morgan Carr?

16 A. Yes, I did.

17 Q. And that's the defendant sitting at the table
18 here?

19 A. Yes, it is.

20 Q. What date did you obtain this statement?

21 A. That statement was obtained on the 12th of
22 July 2018.

23 Q. And the statement I'm referring to, is this a
24 written statement?

25 A. Yes, it is. It's a written statement.

1 Q. And what time was that statement obtained?

2 A. The time it started was 7:20 p.m.

3 Q. And so this is July 12th at 7:20 p.m., correct?

4 A. Yes. That's correct.

5 Q. And where were you when you obtained this
6 statement?

7 A. When the statement started, I was sitting in
8 the rear passenger side of the vehicle of my
9 sergeant, Sergeant Adam Creech, who was interviewing
10 her, but I was sitting in the back, was part of the
11 interview and sat for the duration of the written
12 statement.

13 Q. In what location?

14 A. At [REDACTED] Backman Street in Lexington.

15 Q. Whose residence is that?

16 A. I believe that's Susan Powers -- well, it's --
17 Morgan Carr stays there.

18 Q. And you mentioned Susan Powers. Who is that?

19 A. That is Morgan's mother.

20 Q. And on this day did you provide -- or on this
21 statement is Miranda provided to the defendant?

22 A. Yes, it is. Miranda statement is actually on
23 our suspect statement -- our suspect -- excuse me --
24 our statement forms.

25 Q. And so before we get there, what was the

1 purpose of speaking with Morgan Carr that day?

2 A. We had some information saying that Morgan was
3 in some kind of relationship with the deceased, with
4 the victim in this case, and so law enforcement had
5 spoken with her earlier in the day, and then we had
6 some more information, needed to go back out and
7 just try to talk to her again about some of the
8 findings they were finding throughout the day.

9 Q. You indicated a Sergeant Creech. Sergeant
10 Creech interviewed her as well?

11 A. That is correct. He's my sergeant at the
12 sheriff's department.

13 Q. That was prior to you obtaining that written
14 statement, correct?

15 A. That is correct. He had the interview. And
16 then as the interview was -- the actual verbal
17 interview was ending, we asked for her to write a
18 statement.

19 Q. What was the point of obtaining a written
20 statement?

21 A. So during this interview she had given -- she
22 had given one story to law enforcement early in the
23 morning, gave a different story to us when we first
24 got on scene, and then provided -- after getting
25 more information and kind of confronting her with

1 it, she then had put herself in the vehicle, and so
2 we wanted to get a statement. So every time we had
3 gotten a verbal statement from her, it was a little
4 different, so we wanted to get a written statement.
5 It's a general law enforcement practice in these
6 cases to get a written statement from people
7 involved in the incident.

8 MS. FULLER: I'm going to show you what's been
9 marked for ID as State's 1.

10 (State's Exhibit Number 1 marked for
11 identification.)

12 MS. FULLER: And I apologize, your Honor. This
13 morning I didn't ask for permission to approach
14 witnesses and move about the courtroom.

15 THE COURT: To both counsel, y'all are free to
16 move --

17 MS. FULLER: Thank you.

18 THE COURT: -- to approach witnesses as you see
19 fit.

20 BY MS. FULLER:

21 Q. I'm going to hand you State's 1 and ask if you
22 recognize it.

23 A. Yes, I do. This is the statement that was
24 written by Morgan Carr.

25 Q. Does it appear to be altered in any way?

1 A. It is not altered from when we received it.

2 Q. And this is a copy of the original statement,
3 correct?

4 A. Yes. That's correct.

5 Q. And the original is in the evidence -- or in
6 the property of the sheriff's department, correct?

7 A. Yes.

8 Q. How do you recognize this as the statement of
9 Morgan Carr?

10 A. I recognize it because the date and time are on
11 there. The place is on there. Her name is on
12 there. And I remember Sergeant Creech signing it
13 and witnessing it as the one starting it. My name
14 is also on there as one present.

15 MS. FULLER: At this time, your Honor, the
16 State seeks to introduce into evidence State's
17 Exhibit 1.

18 THE COURT: Subject to previous objection.

19 MS. YONGE: Yes, your Honor.

20 THE COURT: Right. Defendant -- excuse me.
21 State's Exhibit 1 is admitted into evidence subject
22 to objection.

23 (State's Exhibit Number 1 admitted into
24 evidence.)

25 MS. FULLER: Thank you, your Honor. Permission

1 to publish.

2 THE COURT: Yes, ma'am.

3 (State's Exhibit Number 1 published for his
4 Honor and the jury.)

5 BY MS. FULLER:

6 Q. Looking now at State's 1 -- there should be a
7 laser pointer still up there. Is there one?

8 A. Yes, ma'am.

9 Q. Let me know when you're ready. I'm sorry. I
10 didn't mean to catch you mid-drink.

11 A. No. I have it.

12 Q. Okay. Looking at the top of this form, can you
13 go ahead and walk the jury through what they're
14 looking at? And tell them if this -- whether or not
15 this is a standard statement form.

16 A. Yes. This is a standard statement from the
17 Lexington County Sheriff's Department. It has it
18 their -- it has the sheriff's department logo on
19 there -- our logo has changed since then, but that
20 would have been just the standard logo at the
21 time -- the date that it was done, the place --
22 that's where we are at -- and the time it started is
23 right here, of course.

24 Her name is written there. That's in actually
25 her writing, putting her age, her date of birth,

1 just giving her -- the general demographics, what
2 she completed in school, and that's to just help us
3 understand that they understand what they're doing,
4 they can read and write, those kind of things.

5 Down below here we will have contact numbers
6 for them. Morgan put her home phone number and then
7 Susan Powers as an additional contact.

8 This is Sergeant Creech's name, and then he
9 also wrote my name here because I was sitting in as
10 she was writing this statement. We identified
11 ourselves as deputies of the Lexington County
12 Sheriff's Department.

13 Q. And so with this, she knew exactly who she was
14 speaking to, correct?

15 A. Yes.

16 Q. At any point did she express confusion over who
17 she was speaking to?

18 A. No, she did not.

19 Q. When she wrote this statement, did she
20 voluntarily write that statement?

21 A. Yes, she did.

22 Q. Did you have to force her or anything of that
23 nature?

24 A. No. We never had to force her to write a
25 statement.

1 Q. And at this point she was not in custody,
2 correct?

3 A. That is correct.

4 Q. Prior to this she wasn't even a suspect,
5 correct?

6 A. That's correct.

7 Q. Moving down here to this middle portion, can
8 you go ahead and walk through -- we talk about
9 Miranda. What is Miranda?

10 A. Miranda is rights are provided to people when
11 they are in -- generally when they are in law
12 enforcement custody. But in some cases -- because
13 originally she was giving us one statement and then
14 another and then she's putting herself in the car at
15 one point, we gave this to her knowing that there's
16 a possibility -- meaning Sergeant Creech mentioned
17 that a couple of times -- there's still a
18 possibility that charges could come. We didn't --
19 we didn't have any right then. We weren't -- she
20 wasn't under arrest. But we didn't want her going
21 into the statement, writing the statement and then
22 thinking that she was tricked into writing the
23 statement, so we gave her her rights.

24 Q. And so -- just so it's clear, Miranda wasn't
25 required at this point, but you still, out of an

1 abundance of caution, provided it to her?

2 A. Yes. In this case, this was more of a
3 cautionary thing. In case she gives us a statement
4 at some point that would incriminate her, we wanted
5 to be sure that she understood her rights before she
6 did.

7 Q. And can you publish into the record the Miranda
8 warnings provided to her, and indicate as well how
9 she acknowledged she understood them.

10 A. Yes. So we have 1, 2, 3 -- five statements,
11 and then I'll have a final statement here at the
12 bottom here as well that I will read to you. It's a
13 little easier for me to see from right here.

14 "I have the right to remain silent." And then
15 she initialed MC. "Anything that I say can and will
16 be used against me in the court of law." She
17 initials it MC. "I have the right to talk to a
18 lawyer" and have -- "for advice before asked any
19 questions and have him or her present with me during
20 questioning." Her initials, MC. "If I have no
21 money for lawyer's fees, the court will appoint one
22 to represent me without cost to me if I wish." Her
23 initial, MC. "If I decide to answer question" --
24 "If I decide to answer questions now without a
25 lawyer present, I will still" -- at any -- "have the

1 right to stop answering questions at any time. I
2 also have the right to stop answering questions at
3 any time until I talk to a lawyer." Her initials,
4 MC. And then a final statement, "I have read the
5 statement of my rights, and I understand" -- my --
6 "what my rights are." Her initials, MC. And then
7 she makes the following statement.

8 That last statement is just kind of an overall
9 "I understand what I've just initialed, and I'm
10 going to go ahead and still do a statement."

11 Q. And when she wrote -- did she go ahead and
12 complete a statement?

13 A. Yes, she did.

14 Q. How many pages?

15 A. There are three pages to this statement.

16 Q. The written portion accounting for statement,
17 whose handwriting is that?

18 A. This is her handwriting. She wrote it.

19 Q. Did you direct her to write anything?

20 A. I did not direct her to write anything.

21 Q. And so all the words written there are her
22 words?

23 A. That is correct.

24 Q. Did you ask her questions while she was writing
25 the statement?

1 A. I didn't ask her any questions during the
2 statement. She asked me a couple of questions
3 unrelated to the statement itself. I didn't really
4 even answer those.

5 Q. So as it related to the contents of what's
6 written, those are her words. Is it safe to say she
7 had quiet time to write this statement?

8 A. Yes. She did. It was -- I mean, you can hear
9 some kids in the background in the recording, but, I
10 mean, it was just the -- there was no noise, nobody
11 talking, nobody else in the way.

12 Q. And it's just her writing the statement,
13 correct?

14 A. That's correct.

15 Q. Now going down to the statement portion here,
16 and if you can see where I'm pointing, right here I
17 asked you whose handwriting -- wrote this. What I'm
18 pointing at, this is all Morgan Carr's, the
19 defendant's, handwriting, correct?

20 A. That's correct. It's all hers.

21 Q. Starting from the first line, we're going to go
22 ahead now and publish the entire statement into the
23 record.

24 A. Okay.

25 "Robert came to my home at [REDACTED] Backman Street,

1 Lexington County, South Carolina 29072, after he
2 left CarMax with his roommate/friend Jordan. He
3 texted me and said he was outside and asked if I
4 would come outside to talk to him, so I did. We
5 were talking for about ten minutes.

6 "Then Corey came out of the house and asked Rob
7 for his lighter torch. He lit a cigarette and
8 returned it. Before walking inside, Corey asked Rob
9 for a ride to a friend's house. I knew Rob was
10 intimidated by Corey, so I asked Rob if he" --

11 Do you want me to -- you want to put up the
12 second statement?

13 Q. I shall. I apologize. That happens when you
14 move too fast. Okay.

15 And up top it says page 2 of 3, correct?

16 A. Yes, ma'am. It's page 2 of 3:

17 -- "if he wanted to ride with him so he'd be
18 more comfortable. He just shrugged his shoulders,
19 so I decide to be with Robert and got into the
20 passenger seat. Robert was driving. Corey got into
21 the backseat behind him."

22 Just to show you, that scribbled-out mark
23 there, it does have her initials beside it.
24 Generally in a written statement, if somebody
25 slashes something out or corrects something like

1 that, we have them write their initials to show that
2 they were the ones that did that, we did not do
3 that.

4 Next paragraph:

5 "We went to Corey's friend's house. I found my
6 stolen 2005 Kia Sedona UX. It was sitting in the
7 spot where we were going to get high and just hang
8 out. When we pulled up to the gate, Corey told Rob
9 to give him the car while he had the pistol to the
10 back of his head. Rob said no and told him he
11 wasn't getting the car.

12 "I sat in the seat in shock not knowing what to
13 do or say. Rob looked at me and said are you really
14 going to let this happen? I told him I didn't know
15 what to do. 'Just give him the car, and I will take
16 full responsibility. I'll stay with the car and
17 make sure it's returned.'

18 "Rob convinced Corey into allowing Rob to drive
19 to 44 Truck Stop and he would get out and let Corey
20 take the car, no problems.

21 "When we pulled out of the driveway, we turned
22 right. Rob drove approximately 30 to 40 yards.
23 Then Corey put the pistol to Rob's head. Rob
24 slammed on the brakes and gets out of the car with
25 Corey.

1 "They mumble for a few seconds. Then I hear
2 two loud pops, shots. I watched Rob fall to the
3 ground, and I go into shock, and I go numb."

4 That's the end of page 2.

5 Page 3 of 3:

6 "I see Rob laying on the ground, and I hear his
7 horrific screaming. Corey goes through his pockets
8 to get the key fob to the car. He asked me to help
9 him but I can't move. I don't get out of the car at
10 all. Corey gets back into the car and closes the
11 door, fires two more shots. Then silence.

12 "Corey storms off leaving" -- Robert -- "Rob in
13 the road. I'm crying and begging him to turn around
14 and I needed to go be with Robert. Robert was my
15 world. I have no knowledge of anything -- I have no
16 knowledge of anything was going to happen. No harm
17 was supposed to be made, especially to this extent.

18 "I love Robert with all of my heart. He did
19 not deserve this. He was an amazing man. He loved
20 everyone, my kids, me, his son Liam. Everyone loved
21 him. We both made mistakes.

22 "I've gotten into the wrong crowd and
23 experimented with meth. But we were both trying to
24 clear all that up and get back on the straight path
25 together.

1 "Corey, Charley Robinson III, shot and murdered
2 the love of my life, Robert William All, Jr. Then
3 Corey brought me back to me residence. Corey left
4 the house around 4:00 a.m. in the car, no contact or
5 communication since."

6 And all three pages are signed by her at the
7 bottom.

8 Q. You knew that was going to be my next question.
9 So right here, that signature, is that hers?

10 A. Yes, it is.

11 Q. And going back to page 2 -- page 2 that's her
12 signature as well?

13 A. Yes, that is her signature.

14 Q. And then looking at page 1, that's her
15 signature as well?

16 A. Yes, it is.

17 Q. Now looking at this statement here, just a
18 couple of questions. Down here she indicated that
19 Corey asked Rob for a ride to a friend's house. Is
20 that her words?

21 A. Yes, it is.

22 Q. "I knew Rob was intimidated, so I asked Rob if
23 he wanted me to go." Is that correct?

24 A. That is correct.

25 Q. And that's her words, correct?

1 A. Yes.

2 Q. Now looking at this paragraph here, the next
3 one, I found my car -- my 2005 Kia Sedona. Those
4 are her words, correct?

5 A. Yes, they are.

6 Q. And she indicated that it was sitting in the
7 spot where we were going to go -- going to get high;
8 is that correct?

9 A. That is correct.

10 Q. And so in this paragraph, she indicated that
11 they were going there and that was the purpose of
12 why they were going there?

13 A. Yes.

14 Q. And that's your understanding of what she wrote
15 there?

16 A. That is correct.

17 Q. And just so it's clear here, "When we pulled
18 into the gate," is this where she's indicating the
19 gun was first pulled out?

20 A. Yes.

21 Q. And this last part down here on the page 3,
22 there seems to be -- the way the statement is
23 written, it's broken up kind of. Was there any
24 discussion going on here, or was this just how she
25 chose to write the statement?

1 A. This is how she chose to write the statement.

2 Q. So this last portion here, was this also
3 written by her in a natural flow, or the portion
4 about Corey bringing her back to her house, is that
5 prompted by a question that you asked?

6 A. There -- that wasn't -- I would have put the
7 question on there. I didn't ask any questions on
8 this. We -- normally if we write -- if there's a
9 question that we ask, we'll actually put a little Q
10 and write, ourselves, the question that we're asking
11 just so it's documented what question we're also
12 asking, and then we put an answer underneath that
13 for them. And that was not done here, so I did not.

14 Q. So despite that there's lines skipped
15 throughout, that was not based on being asked a
16 question, correct?

17 A. That is correct.

18 Q. And so this last line where she says Corey left
19 her around 4:00 and she has no contact or
20 communication since, that was something she
21 voluntarily wrote in the statement?

22 A. Yes.

23 Q. On page 2 in the middle paragraph -- as soon as
24 it focuses, I'll ask you a question. Okay.

25 Right here where I'm pointing, "Rob looked at

1 me and said" -- in quotes -- "'Are you really going
2 to let this happen?'"

3 In terms of the quotations, is that something
4 that you prompted her to do?

5 A. No. I did not.

6 Q. And so this is a quote she's writing and she's
7 indicating that Rob made that statement to her while
8 this was happening?

9 A. Yes. That's correct.

10 Q. And I know I've asked it 4,000 different ways.
11 I just want it to be abundantly clear. Everything
12 written there was voluntarily made, correct?

13 A. Yes.

14 Q. And it was unprompted by Q and A taking place
15 while she was writing that statement?

16 A. That is correct.

17 Q. In that written statement, did you note -- or
18 notice that she indicated that Robin Cunningham was
19 in the vehicle?

20 A. She did not write that in the statement.

21 Q. And since a lot of names have been thrown out,
22 I just want to orient the jury again using our name
23 chart. The testimony that the three people were
24 charged. And so when I asked about Robin
25 Cunningham, is this who you understand -- you see

1 the name Robin Cunningham. That's who I'm
2 indicating, correct?

3 A. Yes.

4 Q. And he's another individual charged in this
5 case?

6 A. That's correct.

7 Q. And in this written statement, she did not
8 mention his name, correct?

9 A. She does not. She calls Robert All "Rob," I
10 think, a couple of times in here. That's -- but
11 she's referring to him as Rob.

12 Q. And so when she indicates Rob, she's talking
13 about the deceased in this case?

14 A. That is correct.

15 MS. FULLER: Beg the Court's indulgence. I
16 think that's all I have.

17 No further questions at this time.

18 THE COURT: Cross-examination?

19 MS. YONGE: If it may please the Court.

20 THE COURT: Yes, ma'am.

21 CROSS-EXAMINATION

22 BY MS. YONGE:

23 Q. Good afternoon, Detective Sherban. How are
24 you?

25 A. I'm good. Thank you.

1 Q. What time did you -- or I guess what date and
2 time was the statement taken?

3 A. The date was July 12th, 2018, and the statement
4 was started at 7:20 p.m.

5 Q. Okay. And do you know if, at this time, Corey
6 was in custody?

7 A. I do not recall if he was in custody at that
8 time.

9 Q. You don't recall. Okay. When you were -- what
10 time did you arrive at Ms. Carr's house?

11 A. I'm not sure. I believe it was sometime
12 after 5:00 because I remember it was -- I was either
13 about to leave -- Sergeant Creech asked me to go
14 with him on that. So it was fairly close to about
15 5:00.

16 Q. And when you arrived there, was there a silver
17 sedan or a white sedan in the -- at the residence?

18 A. I know there was a car. I do not remember what
19 the color was.

20 Q. Do you know -- the vehicle that is the subject
21 of this investigation, do you know if that vehicle
22 was present?

23 A. I don't believe it was, not the one that they
24 were talking about that they were riding in the
25 night before.

1 Q. Okay. That's the one I was asking about.

2 A. Yeah. No, it was not.

3 Q. And then I only have one other question. The
4 photos that we were looking at earlier, those are
5 driver's license photos, correct?

6 A. I'm not sure. I don't know where they got
7 those photos.

8 Q. Okay.

9 A. I couldn't tell you.

10 Q. Okay. Thank you.

11 MS. YONGE: No further questions.

12 THE COURT: Redirect?

13 MS. FULLER: Nothing, your Honor.

14 THE COURT: All right. The witness may step
15 down.

16 MS. FULLER: Your Honor, permission to recall
17 this witness later in the trial?

18 THE COURT: Subject to recall.

19 MS. FULLER: Thank you, your Honor.

20 MR. MCNAIR: Your Honor, the State calls
21 Theresa Wilson.

22 THE COURT: Very well.

23 THERESA WILSON

24 being first duly sworn, testified as follows:

25 THE WITNESS: I do.

1 THE CLERK: Have a seat up there. If you'll
2 state your name and spell your last name for the
3 record.

4 THE WITNESS: Okay. My name is Theresa Wilson,
5 T-H-E-R-E-S-A, W-I-L-S-O-N.

6 DIRECT EXAMINATION

7 BY MR. MCNAIR:

8 Q. Ms. Wilson, you do not want to be here today;
9 is that correct?

10 A. That is very correct.

11 Q. We have compelled you to be here, correct?

12 A. Yes.

13 Q. And you currently are not living at home, are
14 you?

15 A. No.

16 Q. Where are you living?

17 A. At Goodman Correctional Institution.

18 Q. That the department of corrections?

19 A. Yes, sir.

20 Q. And why are you in there?

21 A. For trafficking.

22 Q. Trafficking? How much time are you doing?

23 A. Ten years.

24 Q. How much time do you have left?

25 A. I've got four years left.

1 Q. Okay. Now, where were you living back in July
2 of 2018?

3 A. Toole Smith Road, [REDACTED], I think.

4 Q. [REDACTED] Toole Smith Road?

5 A. Uh-huh.

6 Q. Who all lived there with you?

7 A. Well, I stayed there and Ernest Jeffers and --
8 we called her "Maw." She stayed there too.

9 Q. All right. Now, did you know a guy named Corey
10 Robinson?

11 A. Yes, sir.

12 Q. How did you know Corey?

13 A. In and out around the -- I've known him for a
14 couple years. You know what I'm saying? I got a
15 dog from him not too long ago. But, you know, I
16 sell meth -- I sold meth, and that's how I met him
17 originally.

18 Q. Okay. So back in July of 2018 you had known
19 him for a few years?

20 A. Yes, sir.

21 Q. Did you know Morgan Carr?

22 A. No.

23 Q. Did you ever meet Morgan Carr?

24 A. Yes. I met her with him.

25 Q. What was their relationship, do you know?

1 A. That was her -- they were boyfriend and
2 girlfriend, from my understanding.

3 Q. All right. Did you know a guy named Robert
4 All?

5 A. No.

6 Q. Did you know a guy named Robin Cunningham?

7 A. No.

8 Q. Do you recall a night -- the night of July
9 11th, 2018, do you recall seeing Morgan Carr and
10 Corey Robinson that night?

11 A. Yes, sir.

12 Q. And where did you see them?

13 A. Toole Smith Road.

14 Q. [REDACTED] Toole Smith Road?

15 A. Yes, sir.

16 Q. Who were they with?

17 A. Well, the car pulled up in the yard, and I
18 thought it was kind of awkward that there was three
19 guys and one girl in the car. And I thought it was
20 kind of weird because she was in the front seat. I
21 didn't understand why Corey was in the backseat.

22 Q. When you say "she," who are you referring to?

23 A. Morgan. I called her the "tattoo girl" because
24 that's what I remember her as.

25 Q. Okay. You call her "tattoo girl"?

1 A. Yeah. But her name is Morgan.

2 Q. She was in the front seat of this vehicle?

3 A. Uh-huh.

4 Q. Do you know who was driving it?

5 A. No, sir.

6 Q. But it was a male?

7 A. Uh-huh.

8 Q. And Corey was where?

9 A. In the backseat behind him.

10 Q. Behind the driver?

11 A. Uh-huh.

12 Q. And there was another male in the vehicle?

13 A. Uh-huh.

14 Q. And he was sitting behind Morgan?

15 A. Yes, sir.

16 Q. All right. Do you recall what type of vehicle
17 it was?

18 A. No. It was a small four-door car, I think.

19 Q. What happened once they got to Toole Smith
20 Road?

21 A. Well, I started flipping out because I thought
22 they were coming to jump on my boyfriend at the time
23 because they wanted the van back.

24 Q. Whose van?

25 A. Her -- it turned out her mom's van. Her and

1 Corey had brought it over to the house, and we had
2 gotten it. And were using it to go back and forth
3 to fix my truck.

4 Q. So Morgan's mom's van was at Toole Smith Road?

5 A. Uh-huh.

6 Q. And you testified that she and Corey had
7 brought it there on a prior date?

8 A. Uh-huh.

9 Q. Not this night but sometime prior?

10 A. Yeah. It could have been earlier that day. I
11 can't recall because it's been a long time and I
12 just really, really can't.

13 Q. Okay. But sometime prior to this night, they
14 had brought Morgan's mom's van there?

15 A. Uh-huh. We had been driving the van for like a
16 day or so.

17 Q. And why did they -- why did y'all have the van?
18 Why did they leave the van there?

19 A. Well, as I recall, we gave them some drugs, and
20 we needed the van to go and fix my truck.

21 Q. Did y'all steal the van?

22 A. No. We did not steal the van. We had the keys
23 and everything.

24 Q. So was the van just like payment for drugs? Is
25 that what it was?

1 A. Yeah. Basically. So we could go fix our -- my
2 truck.

3 Q. Okay. So you gave them drugs, and then they
4 left the van, for y'all to drive, at Toole Smith
5 Road?

6 A. Yes.

7 Q. Now, when they pulled up on this night, did
8 anybody get out of the vehicle?

9 A. Corey did.

10 Q. Corey got out?

11 A. Corey got out first. Yeah.

12 Q. And where were y'all when he got out of the
13 vehicle?

14 A. Well, my boyfriend was sitting in the van in
15 the yard because I remember the van doors being
16 open. And I recall I started flipping out because I
17 thought that they -- because it was weird that they
18 pulled up in the yard. And I had my son. My son
19 was at the house. And I started flipping out
20 because I thought they were going to jump on my
21 boyfriend.

22 Q. Okay. So they weren't there to hang out and do
23 drugs with y'all?

24 A. I mean, probably not. Well, when I -- when --
25 we told them my son was here and I didn't appreciate

1 them bringing that stuff.

2 Q. Okay.

3 A. Yeah.

4 Q. So Corey got out first. Did Morgan ever get
5 out?

6 A. Yes. She got out right before they left.

7 Q. Did you end up -- and did she come up and speak
8 to you?

9 A. Yes. She come up and got Corey, like touched
10 him on the arm and said --

11 MS. YONGE: Objection to any hearsay.

12 MR. MCNAIR: This is the statement of the
13 defendant, your Honor.

14 THE COURT: The question I believe was for a
15 statement of the defendant. Is that -- did I not
16 hear that correctly?

17 MR. MCNAIR: That's exactly what I asked.

18 MS. YONGE: If I may briefly, your Honor. I
19 apologize.

20 Objection to any hearsay regarding
21 Mr. Robinson's response.

22 THE COURT: Okay. To the extent the question
23 asked what the defendant said --

24 MR. MCNAIR: Yes, sir?

25 THE COURT: Proceed.

1 MR. MCNAIR: All right.

2 BY MR. MCNAIR:

3 Q. So you were speaking to Corey, and then you
4 said Morgan came up.

5 A. Uh-huh.

6 Q. What did she do?

7 A. She said, "Let's go." She told him, "Let's
8 go," and she looked at me and said "We'll be right
9 back with the car." And that's the last thing -- I
10 remember them getting in the car and them leaving.

11 Q. And what car was she referring to?

12 A. I mean, in my opinion, I feel like it was the
13 car they were driving, but I don't know.

14 Q. Was there any other car there but for her mom's
15 van?

16 A. No.

17 Q. Okay.

18 A. Because I --

19 Q. And what was your understanding of why she
20 would be coming back with that car?

21 MS. YONGE: Objection, your Honor; speculation.

22 THE COURT: Rephrase the question, Mr. McNair.

23 BY MR. MCNAIR:

24 Q. She told you she was coming back with that
25 vehicle. For what purpose? Did she tell you why?

1 A. No. I'm -- I assume to get the van back.

2 Q. You were under the impression she wanted the
3 van back; is that correct?

4 A. Yes.

5 Q. Now, did you watch Corey and Morgan -- let me
6 start with this: How did Corey appear that night?

7 A. He looked real nervous and scared, and he was
8 sweating really bad, and I remember looking at him
9 and asking him has he been smoking crack, you know.
10 "You been smoking crack or something, boy?" you
11 know. Because he looked nervous and scared to me.

12 Q. Okay. How did Morgan appear to you?

13 A. She was fine. She got out of the car and come
14 over -- walked over there to the van where we were
15 and touched his arm, and she looked at us, and she
16 said I'll be back with the -- "We'll be back with
17 the car."

18 Q. Did she appear to be scared?

19 A. No.

20 Q. Now, when you watched the two of them interact,
21 who appeared to be in charge or the decision-maker
22 of --

23 A. I mean, she got out of the car to come get him
24 to tell him "Let's go."

25 Q. Okay. At that point did they leave your house?

1 A. Uh-huh.

2 Q. What's the next thing you recall hearing or
3 seeing?

4 A. Gunshots. I thought they were being funny like
5 firing the gun because I just -- in my opinion, I
6 felt like -- I felt threatened when they come over
7 because I felt they were going to jump on my
8 boyfriend, and I wasn't going to let that happen.

9 Q. So that was shortly after leaving your
10 residence that you heard the gunshots?

11 A. Uh-huh.

12 Q. Now, while they were at your house, did you see
13 Corey with a gun?

14 A. No.

15 Q. Did you see him point a gun at anybody?

16 A. No.

17 Q. Now, in order for you to give the van back that
18 night, what would it have taken?

19 A. Probably another vehicle.

20 Q. Okay. Were you going to give the van back that
21 night?

22 A. Was I? No. We weren't through using it.

23 Q. Okay. And did you ever see Corey threaten
24 Morgan in any way in your presence?

25 A. No.

1 MR. MCNAIR: Nothing further. Thank you.

2 THE COURT: Cross-examination?

3 MS. YONGE: If it may please the Court.

4 THE COURT: Yes, ma'am.

5 MS. YONGE: Beg the Court's indulgence. Okay.

6 CROSS-EXAMINATION

7 BY MS. YONGE:

8 Q. Good afternoon, Ms. Wilson.

9 A. Hi.

10 Q. So the solicitor mentioned that you're
11 currently serving time for trafficking. Is that
12 trafficking meth?

13 A. Yes, ma'am.

14 Q. Okay. And you -- out of the people involved in
15 this, the only person that you had sold before was
16 Corey -- sold to before was Corey; is that --

17 A. He was the only one I knew.

18 Q. He was the only one you knew?

19 A. Yeah.

20 Q. Okay.

21 A. Personally.

22 Q. And who is your boyfriend? You've mentioned
23 your boyfriend a couple of times. What's his name?

24 A. His name was Mark Hooks.

25 Q. Mark Hooks?

1 A. Uh-huh.

2 Q. Okay. And are y'all still together?

3 A. Oh, no.

4 Q. So do you recall giving a statement to the
5 police the night that it happened?

6 A. I recall telling them that no one come to my
7 house, but apparently when the police pulled them
8 over or somehow or another they all told the police
9 that they were at my house. I had lied to the
10 police originally because I wanted no part in it.
11 But someone that was in that car told the police
12 where they were coming from. So the police had took
13 my statement -- the first time I lied -- and then
14 come back and asked me why I lied.

15 Q. Okay. So to break it down, you originally told
16 the police no one had been at your house.

17 A. Yeah.

18 Q. But then the police came back, and your
19 understanding is that someone else had told them
20 that they were -- someone else involved had told
21 them that they were at your house?

22 A. Yeah.

23 Q. And so they came back to ask you more
24 questions?

25 A. Yeah. They come back and asked me why I lied.

1 Q. Okay. And why didn't you want to be involved?

2 A. Because it wasn't my business.

3 Q. Okay. So you gave a statement to the police at
4 that time. And then since then, on April 17th of
5 this year, did you have an opportunity to speak with
6 the solicitors?

7 A. Uh-huh.

8 Q. And did you speak to them while you were at --
9 I believe you said you were -- where are you?

10 A. Goodman.

11 Q. I'm sorry?

12 A. Goodman.

13 Q. You're at Goodman. Did you speak with them at
14 Goodman?

15 A. Uh-huh.

16 THE COURT: Just to...

17 BY MS. YONGE:

18 Q. Oh. And for the record, is that a "yes"?

19 A. Yes.

20 Q. I apologize. It looks the same when you read
21 it on the transcript.

22 A. Sorry.

23 Q. So do you recall answering a question regarding
24 why you would have the van and why you would -- why
25 people would take cars and, in response, that you

1 said that it's "just a meth thing"?

2 A. Yeah. It is.

3 Q. What do you mean by that?

4 A. People rent their cars out all the time for
5 their habits.

6 Q. Okay.

7 A. You know, you give them a little bit of drugs,
8 and you can get their car for however long.

9 Q. So you're essentially renting cars for drugs?

10 A. Yes.

11 Q. And so is this the first time you had -- you
12 had had this exchange with someone for meth? That
13 you had given them meth to use their car for a bit?

14 A. That's not the first time.

15 Q. It's not the first time. Okay. How often
16 would you say you do that?

17 A. I don't know. As often as I needed it.

18 Q. Okay. But this is a fairly common practice?

19 A. Yeah.

20 Q. To your knowledge, in your circle at the time?

21 A. Yeah, it was.

22 Q. Okay.

23 MS. YONGE: Beg the Court's indulgence.

24 No further questions.

25 Ms. Wilson, thank you.

1 THE COURT: Redirect?

2 REDIRECT EXAMINATION

3 BY MR. MCNAIR:

4 Q. Ms. Wilson, so you gave them this vehicle in
5 exchange for drugs -- or they gave you this -- they
6 gave you this vehicle in exchange for drugs?

7 A. Yes, sir.

8 Q. Had they paid up yet? Was it time to give the
9 van back?

10 A. No, sir.

11 Q. You still had more time to use the van?

12 A. Yes, sir.

13 Q. And you weren't going to give it up that night?

14 A. We really didn't want to. That's why we were
15 so defensive when a car full of guys pulled up in
16 the yard.

17 Q. Unless they gave you another vehicle?

18 A. Yeah.

19 MS. YONGE: Thank you.

20 THE COURT: Recross?

21 MS. YONGE: No further questions, your Honor.

22 THE COURT: All right. The witness is excused.

23 Next witness?

24 MR. ESPOSITO: Your Honor, the State calls Ben
25 Booth.

1 BENJAMIN BOOTH

2 being first duly sworn, testified as follows:

3 THE WITNESS: Yes, ma'am, I do.

4 THE CLERK: Have a seat up there and state your
5 name and spell your last name for the record.

6 THE WITNESS: Yes, ma'am.

7 Benjamin Booth, B-O-O-T-H.

8 DIRECT EXAMINATION

9 BY MR. ESPOSITO:

10 Q. Can you go ahead and introduce yourself to the
11 jury?

12 A. I'm Deputy Booth with Lexington County
13 Sheriff's Department.

14 Q. How long have you been with the Sheriff's
15 Department?

16 A. Little over 11 years.

17 Q. And what are your duties there?

18 A. Currently I'm Lexington High School school
19 resource officer.

20 Q. Do you remember what you were doing around July
21 of 2018?

22 A. Working patrol in the south region.

23 Q. Where is the south region?

24 A. South region is Pelion, Gaston, Swansea, and
25 Dixiana.

1 Q. Now, can you tell us how you got involved in
2 this case?

3 A. I can. We had been working on road saturation,
4 and at this day in particular, several units,
5 supervisors, fugitive task force, other units, were
6 heading to a certain location on Sims Road, and they
7 were surrounding it to effect an arrest.

8 Q. Do you know who they were trying to arrest at
9 that point?

10 A. I do. It was Charley Don Robinson.

11 Q. Do you know where they were trying to arrest
12 him?

13 A. Specifically? Yes. It was [REDACTED] Sims Road.

14 Q. And so what was your role in that?

15 A. Initially it was perimeter unit in case he were
16 to run again because multiple times he had run
17 before; I believe twice. I was perimeter. They
18 were going to the location. We were -- just in case
19 he ran somewhere, we would already have perimeters
20 set up.

21 Q. Do you know if they were able to make an arrest
22 at that point?

23 A. They were.

24 Q. Do you know who arrested him from the sheriff's
25 department?

1 A. There was -- there were multiple units but
2 Detective Moore -- John Moore.

3 Q. And so at that point Corey Robinson was taken
4 into custody?

5 A. Correct. And it was called over the radio.

6 Q. Do you know if he was searched at that point?

7 A. He was.

8 Q. What, if anything, did they find?

9 A. I was told that they found two phones and a
10 bookbag.

11 Q. Do you know what happened to those phones and
12 the bookbag?

13 A. I do.

14 Q. What happened to them?

15 A. I responded to the scene because I was a caged
16 unit. I have a marked patrol car with a cage in the
17 backseat. So I responded to the scene to see if
18 they needed any assistance, transportation or scene
19 security, while they were continuing the
20 investigation or doing what they needed to do.

21 And I was asked to transport. I then
22 transported -- well, I took custody, changed
23 handcuffs over to my handcuffs from the officer's
24 handcuffs. And then I was handed his bookbag. He
25 said he had two cell phones. When he was searched,

1 they were placed on the ground. I asked Detective
2 Moore about that. He brought them to me. And then
3 I transported him to headquarters.

4 Q. So it was your job to transport Corey Robinson
5 into -- to the jail?

6 A. Correct. And all the stuff on him was -- for
7 me to put it into evidence.

8 Q. Okay. And so you itemized all of that into
9 evidence?

10 A. Correct.

11 Q. Now, you mentioned that you took a number of
12 things from his bag. Did you say that there was a
13 cell phone?

14 A. I did.

15 Q. Would you recognize that cell phone if I showed
16 it to you?

17 A. I should.

18 MR. ESPOSITO: Your Honor, I'm approaching the
19 witness with State's Exhibit 18.

20 (State's Exhibit Number 18 marked for
21 identification.)

22 THE COURT: Very well.

23 BY MR. ESPOSITO:

24 Q. Do you recognize that, Deputy?

25 A. The envelope itself?

1 Q. Yeah. You can go ahead and open it.

2 A. Okay. I didn't know if I was allowed to.

3 Yes, sir. That's my case number, the date, and
4 my initials on the Samsung phone.

5 Q. What is it?

6 A. It's a Samsung cellular phone with a cracked
7 screen.

8 Q. Is that the one that Corey Robinson had at the
9 time he was arrested?

10 A. Yes, sir.

11 Q. Has it been changed or modified in any way?

12 A. Not from the looks of it, no, sir.

13 MR. ESPOSITO: Your Honor, state offers State's
14 Exhibit 18 into evidence for identification
15 purposes.

16 THE COURT: You're offering it into evidence --
17 yeah.

18 No objection to it being admitted, correct?

19 MS. YONGE: No objection.

20 THE COURT: The phone itself.

21 MS. FULLER: Just -- it's just for ID.

22 MS. YONGE: No objection to the ID, your Honor.

23 THE COURT: Okay. So it's only ID?

24 MR. ESPOSITO: Yes, your Honor, just for
25 identification.

1 THE COURT: The record will reflect it's marked
2 for identification purposes only.

3 (State's Exhibit No. 18 marked for
4 identification.)

5 MR. ESPOSITO: May I retrieve the exhibit?

6 THE COURT: Yes, sir.

7 BY MR. ESPOSITO:

8 Q. And just, again, Deputy, what date was that
9 that you took the cell phone into your custody?

10 A. July 13th, 2018.

11 MR. ESPOSITO: Your Honor, I have no further
12 questions.

13 Please answer any questions that the defense
14 has for you, Deputy.

15 THE WITNESS: Yes, sir.

16 THE COURT: Cross-examination?

17 CROSS-EXAMINATION

18 BY MS. YONGE:

19 Q. Good afternoon. How are you?

20 A. Okay.

21 Q. Just one question: And so to be clear,
22 July 13th, 2018, this is the day that you transport
23 Corey Robinson to the sheriff's department because
24 he has finally been apprehended; is that correct?

25 A. Correct.

1 Q. Okay. Thank you.

2 MS. YONGE: No further questions, your Honor.

3 THE COURT: Any redirect?

4 MR. ESPOSITO: No, your Honor.

5 THE COURT: All right. The witness may step
6 down.

7 Next witness?

8 MS. FULLER: Your Honor, may we approach?

9 THE COURT: Yes, ma'am.

10 (Sidebar conference.)

11 THE COURT: We've reached a point where we need
12 to break for the day. We'll start with witnesses
13 at 9:00 a.m. tomorrow. I'd like you to be in the
14 jury room at 8:45, and we will continue to push on
15 through this trial tomorrow. Okay?

16 Please don't discuss the case with anyone
17 tonight or do any independent research. You've now
18 heard evidence in the case, so don't talk about it
19 to anyone else, and don't do research on your own.

20 We'll see you tomorrow morning, 8:45 in the
21 jury room. Thank you.

22 (The jury exits the courtroom at 2:37 p.m.)

23 THE COURT: All right. Anything else for the
24 record today?

25 MS. YONGE: Nothing from the defense, your

1 Honor.

2 THE COURT: Obviously, we never know how long
3 witnesses are going to take. I hate to leave time
4 on the table, but it is what it is for the day.

5 MS. FULLER: We truly apologize. We'll have a
6 full deck tomorrow.

7 THE COURT: It happens. And I'd rather have --
8 I'd rather not get to somebody than get to everybody
9 two hours early.

10 All right. We'll see y'all in the morning.
11 Anything else?

12 MS. YONGE: No, your Honor. Thank you.

13 (Wednesday, April 26, 2023.)

14 THE COURT: Anything before we move on to our
15 next witness?

16 MS. YONGE: Nothing from the defense, your
17 Honor.

18 THE COURT: Is the State ready to proceed?

19 MS. FULLER: The State is ready, your Honor.

20 THE COURT: All right. We have all our jury,
21 obviously. So let's bring them in.

22 (The jury enters the courtroom at 9:10 a.m.)

23 THE COURT: All right, Ms. Foreman, ladies and
24 gentlemen of the jury, welcome back. I hope y'all
25 had a nice evening. Appreciate everyone being here

1 on time this morning.

2 We're just going to pick up where we left off
3 yesterday with the next witness in the State's case
4 in chief.

5 MS. FULLER: Thank you, your Honor. Good
6 morning.

7 The State calls Dr. Janice Ross.

8 JANICE ROSS, M.D.

9 being first duly sworn, testified as follows:

10 THE WITNESS: I do.

11 THE CLERK: Have a seat up there. If you'll
12 state your name and spell your last name for the
13 record.

14 THE WITNESS: Janice Edwards Ross, R-O-S-S.

15 DIRECT EXAMINATION

16 BY MS. FULLER:

17 Q. Dr. Ross, can you introduce yourself to the
18 jury? What is -- what do you do for a living?

19 A. I'm a forensic pathologist, which means I've
20 been through four years of college, four years of
21 medical school, and at least five years of training
22 in the field of pathology, which trains us to run
23 laboratories, to perform autopsies, to identify
24 cancers and different diseases by using the
25 microscope and using the laboratory work.

1 A forensic pathologist is further trained to --
2 excuse me -- to identify patterns of injury, such as
3 gunshot wounds, stab wounds, accidents, and to form
4 a cause of death and a manner of death.

5 The cause of death is just what it means, what
6 caused the death. The manner of death is how that
7 cause of death came about, whether it was natural,
8 suicide, accident, or homicide.

9 Q. And, Dr. Ross, where are you currently
10 employed?

11 A. Currently I'm working in Charleston, South
12 Carolina for the Coroners Department.

13 Q. Are you retired?

14 A. No.

15 Q. Prior to that where were you employed?

16 A. In Newberry, South Carolina. We did autopsies
17 for several counties in the morgue at Newberry
18 County Memorial Hospital.

19 Q. And you performed numerous autopsies for
20 Lexington County as well?

21 A. Yes.

22 Q. Approximately how many autopsies have you
23 performed over your career?

24 A. Over 15,000.

25 Q. Have you testified in court before as an expert

1 in this field?

2 A. Yes.

3 Q. Approximately how many times?

4 A. Over 300 times.

5 MS. FULLER: Your Honor, at this time the State
6 seeks to introduce Dr. Janice Ross as an expert in
7 the field of forensic pathology.

8 MR. WILLIAMS: Without objection, your Honor.

9 THE COURT: All right. Ladies and gentlemen, a
10 person testifying cannot give opinion testimony but
11 testifies to what a person either saw, heard, or
12 sensed by smell or something of that nature.

13 However, there's an exception when someone is
14 qualified because of knowledge, education, or
15 experience, and they're permitted to give their
16 opinions in certain areas if the Court qualifies
17 them that way. This witness will be qualified in
18 the area of forensic pathology, can give opinion
19 testimony in that area. That does not mean you must
20 accept the opinion, but it's evidence for you to use
21 in any way you see fit.

22 MS. FULLER: Thank you, your Honor.

23 BY MS. FULLER:

24 Q. Dr. Ross, as it relates to this case, did you
25 perform an autopsy on Robert All?

1 A. Yes.

2 Q. When did you perform this autopsy?

3 A. On July 13th, 2018.

4 Q. Where was this autopsy conducted?

5 A. In the morgue at Newberry County Memorial

6 Hospital.

7 Q. And when you performed this autopsy, can you
8 walk the jury through your method and how you
9 performed this autopsy?

10 A. Yes. First, the patient comes in a body bag.
11 And we open the body bag, take photographs of the
12 victim. If they're clothed -- in this case there
13 was no clothing on him, and take photographs front
14 and back.

15 And because there were obvious gunshot wounds,
16 we did full-body X-rays to see if there's any metal
17 still left in the patient. Then we do a full
18 autopsy looking at each organ of the body.

19 Q. Okay. As it relates to Robert All, were you
20 able to determine a cause of death in this case?

21 A. Yes.

22 Q. And what was the cause of death?

23 A. Laceration of the brain due to gunshot wound to
24 the head.

25 Q. And how many gunshot wounds did you discover?

1 A. Four.

2 Q. Did you discover any other injuries as it
3 relates to Robert All?

4 A. No.

5 Q. In preparation -- well, including -- when you
6 perform an autopsy, do you generate a report?

7 A. Yes.

8 Q. Does that report include also a body diagram?

9 A. Yes.

10 MS. FULLER: I'm going to show you now what's
11 been premarked as State's Exhibit 44.

12 (State's Exhibit Number 44 marked for
13 identification.)

14 BY MS. FULLER:

15 Q. And ask if you recognize it.

16 A. Yes.

17 Q. What is this?

18 A. This is a diagram of the front and back of a
19 person -- of a male indicating entrance wounds,
20 which are in red, and exit wounds, which are in
21 blue.

22 Q. Okay. And this is the injuries that you
23 determined as it relates to this case, Robert All,
24 correct?

25 A. Yes.

1 MS. FULLER: Your Honor, at this time the State
2 seeks to introduce into evidence State's Exhibit 44.

3 MR. WILLIAMS: We're good. We're good.

4 Without objection, your Honor.

5 THE COURT: All right. State's Exhibit 44 is
6 admitted into evidence.

7 (State's Exhibit Number 44 admitted into
8 evidence.)

9 MS. FULLER: Publishing.

10 THE COURT: Yes, ma'am.

11 (State's Exhibit Number 44 published for his
12 Honor and the jury.)

13 BY MS. FULLER:

14 Q. Looking now at State's 44, Dr. Ross -- and I
15 believe going through them one by one will assist
16 the jury as we go through your report. Now, on this
17 diagram you notate the Gunshot Wounds 1 through 4;
18 is that correct?

19 A. Yes.

20 Q. Does that indicate the order of shots?

21 A. No. We just use that as an organization
22 purpose. We indicate bullet wounds from the top to
23 the bottom and from front to the back.

24 Q. And so now just in terms of what you identified
25 as Gunshot Wound Number 1 for purposes of just

1 identifying it, can you explain to the jury what
2 your results were in terms of Gunshot Wound 1?

3 A. Yes. The entrance wound was just above the
4 right ear. It went to the front, to the left, then
5 came -- it fragmented, and part of the bullet came
6 out just below the left eye, and part came out to
7 the left lip, and there was a fragment of bullets in
8 the tongue that we found.

9 Q. As it relates to that head shot there, a
10 responding officer noted the left eye was
11 protruding. Is that consistent with what you
12 determined at the autopsy?

13 A. Yes.

14 Q. In terms of the injury causing that?

15 A. Yes. A bullet would lacerate brain tissue as
16 well as the tissue around the eye and the blood
17 vessels.

18 Q. And just so it's clear, you described the
19 bullet path. Can you explain to the jury one thing
20 about bullets. Do bullets travel in a certain
21 direction?

22 A. Bullets go straight.

23 Q. And in this case you describe the path going --
24 is that correct? From right to left here?

25 A. From right to left, back to front, and slightly

1 upward -- downwards. Sorry.

2 MS. FULLER: Your Honor, I'm just -- an
3 inquiring of the jury, make sure that they can see
4 through. Always awkward, the spot I'm standing.

5 THE COURT: Can everyone see?

6 THE JURY: (Nonverbal response.)

7 MS. FULLER: Okay. Thank you, your Honor.

8 BY MS. FULLER:

9 Q. And in this case were you able to determine if
10 there was any soot or stippling?

11 A. There was not. Soot and stippling indicate
12 range -- can indicate range of how far the muzzle of
13 the gun was from the person. When you shoot a gun,
14 a bullet comes out, plus soot, and plus powder. But
15 the soot and powder only go maybe up to 2 feet, and
16 anything after that would just be the bullet.

17 Q. And so in this case, since you determined that
18 there was no soot, no stippling, what does that
19 indicate?

20 A. That it was a distant shot.

21 Q. And when you say "distant," can you approximate
22 how many feet?

23 A. No.

24 Q. Okay. Is it --

25 A. Well, it's more than -- more than 2 feet, but

1 it could be further than that.

2 Q. Okay. So it's going to be at least -- the
3 muzzle of the firearm or the barrel of the firearm
4 would be at least 2 feet away when that gunshot
5 wound to the head was sustained, correct?

6 A. Yes.

7 Q. Now looking now at what you've identified as
8 Gunshot Wound Number 2, can you identify that on the
9 diagram for the jury?

10 A. That's in the left back -- left back towards
11 the side, and it goes left to right, back to front
12 and comes out just below -- in the right chest. And
13 when it's going through the body, it goes through --
14 lacerates the liver and spleen and some other blood
15 vessels. So it caused some bleeding inside the
16 abdominal cavity.

17 Q. Just so it's clear, Gunshot Wound Number 2 was
18 also a shot to the back, correct?

19 A. Yes.

20 Q. And you indicated it traveled left to right
21 through the body?

22 A. Yes.

23 Q. Looking now at Gunshot Wound Number 3, can you
24 identify that for the jury?

25 A. Yes. This is Number 3. It went, maybe,

1 slightly to the right and from back to front, and it
2 fragmented but it -- no part of the bullet came out
3 of him. So we've collected fragments of that
4 bullet. We collected the bullet, and it was in
5 fragments.

6 Q. Okay. And that was also a shot to the back,
7 correct?

8 A. Yes.

9 Q. Now looking at Gunshot Wound Number 4, can you
10 identify that for the jury as well?

11 A. Yes. It's in the upper left buttock. It goes
12 back to front. It also goes slightly upward, and a
13 part of it comes out of the left abdomen. There
14 were also some fragments found inside the body.

15 Q. Okay. So taking all four gunshot wounds
16 together as a whole, what, if anything, that
17 indicates regarding the position of Robert All at
18 the time he sustained this -- the gunshot wounds?

19 A. Well, they all went into the back, basically,
20 going back to front. Some -- the one in the head
21 went right to left. And the one -- couple in the
22 back went left to right. So he's turned around or
23 else he's -- could be standing up, could be on the
24 ground.

25 But the head shot would cause unconsciousness

1 immediately, which means he would have fallen to the
2 ground at that point.

3 Q. Okay. And so at the very least, the head shot
4 would have caused him to go down, correct?

5 A. Correct.

6 Q. But the other three maybe could have caused him
7 to go down, but there's no way to tell from the
8 autopsy; is that correct?

9 A. Well, the other three didn't cause immediate
10 inability to talk or walk. They potentially could
11 have eventually caused bleeding, the patient to
12 bleed out. But the head wound was the one that
13 caused him to just collapse.

14 Q. And based on these injuries, what were his
15 chances of survival if he sustained them while in
16 the operating room?

17 A. I'm sorry. What?

18 Q. What were Robert All's chances of survival if
19 he sustained these injuries while in the operating
20 room?

21 A. With the head -- head wound, it would be a
22 small percent -- a small chance.

23 Q. There was indication that he took some type of
24 breath. He appeared that he was deceased at the
25 scene but then he took a breath, so EMS transported

1 him, and then he was later pronounced deceased.

2 What, if anything, would account for that?

3 A. Well, we've all heard of a last breath. The
4 lungs -- the lung and heart are controlled by the
5 brainstem, which is the base of the brain. The
6 bullet did not go through that part of the brain but
7 it -- with the laceration of the brain, it would
8 swell enough to eventually cause that part of the
9 brain to stop working.

10 Q. In your report you note which injuries would
11 have been fatal and the others potentially fatal.
12 Based on your testimony today, is that the first
13 three shots, three -- 2, 3 and 4 -- I apologize --
14 you indicated they were potentially fatal and what
15 was the purpose of reporting it that way?

16 A. Well, the -- if he had not gotten medical care
17 quickly, he -- those injuries could have caused
18 bleeding from blood vessels internally.

19 Q. And then you indicated that the head shot was
20 definitely a fatal shot, correct?

21 A. Yes. Yes.

22 Q. Now, I know this is an obvious question, but
23 just so it's clear in the record, looking at all
24 four shots, were any of those shots -- actually,
25 before I ask that question, I'm going to ask you

1 this question: How are you able to determine the
2 entry and exit wound?

3 A. The entrance wounds are mostly circular
4 depending -- entrance wounds are circular in the
5 body. The exit wounds are more slip-like. When
6 you're talking about the head -- well, with the --
7 with a distant wound, it would be the same.

8 But you can also see in the skull some
9 beveling, what we call beveling. So as it goes
10 through the skull, the outside of the skull, the
11 hole in the outside of the skull was smaller than
12 the inside of the skull. So it just kind of causes
13 a V-shape.

14 And then as it exits the skull, in the inside
15 of the skull, would -- hole would be smaller than
16 the outside of the skull.

17 Q. And so for all of these wounds that you
18 identified, you used -- you were able to determine
19 that all of them were from the back, correct?

20 A. Yes.

21 Q. And there was testimony that he was found faced
22 up, and that goes into the question that I was
23 asking. In this laying -- a photograph that's
24 already in, in State's 7, law enforcement was able
25 to obtain this photograph prior to treatment and

1 removal. If he was found with his body faced up,
2 can you tell the jury whether or not this position
3 is consistent with how he received the injuries?

4 A. No, it is not consistent.

5 Q. And you indicated that Gunshot Wound 2, 3
6 and 4, he could have still been moving, potentially?

7 A. Yes.

8 Q. But now, when you take into account Gunshot
9 Wound Number 1, you indicated that he would not have
10 been moving, correct?

11 A. He would be unconscious, so he wouldn't move,
12 and he wouldn't speak.

13 Q. So if his body was -- if the body is in a
14 different position than when he sustained the
15 injury, what, if anything, would that indicate about
16 how the body was moved?

17 A. Well, it suggests that the body was turned
18 over.

19 Q. Okay. And would he have been able to turn his
20 body over?

21 A. Not after the head wound, no.

22 Q. And you indicated that for Gunshot Wound
23 Number 2, 3, and 4 he could have still been
24 speaking; is that correct?

25 A. Yes.

1 Q. Could he still have been screaming?

2 A. Yes.

3 Q. In terms of Gunshot Wound Number 1, could he
4 still be speaking?

5 A. No.

6 Q. Could he still be screaming?

7 A. No.

8 Q. So if -- we talked about the body being found
9 with him facing up. If that's the position he was
10 found in -- and I know it's kind of clear. I just
11 want it clear for the record.

12 If he was shot while someone was driving away,
13 any of these wounds, is that consistent with how his
14 body was found?

15 A. Not face up, no.

16 Q. Okay. The testimony has been that his face --
17 the jury won't see this. So the testimony was that
18 his face was covered in blood. You indicated in
19 your testimony that some blood would have come out.
20 What would account for his face to have been covered
21 in blood?

22 A. Most likely a gravity because these wounds are
23 small and -- but by gravity, some blood would come
24 out, especially from the eye because the eye has a
25 high -- a blood vessel going through it that is

1 under high pressure.

2 Q. In terms of gravity, what would that suggest in
3 terms of body positioning, whether it's up or down?

4 A. Well, you'd see some pooling of blood under the
5 face if he was, you know, face down.

6 Q. And so if he's face down on a dirt road, you
7 would see pooling of blood on the ground or around
8 him, correct?

9 A. Yes.

10 MS. FULLER: No further questions at this time.

11 THE COURT: Cross-examination?

12 MR. WILLIAMS: May it please the Court?

13 THE COURT: Yes, sir.

14 MS. FULLER: Oh. I apologize, your Honor.

15 MR. WILLIAMS: We have no objection if she
16 wants to reopen to introduce this.

17 THE COURT: Very well.

18 MS. FULLER: Approaching now to show you what's
19 been premarked as State's 46.

20 (State's Exhibit Number 46 marked for
21 identification.)

22 BY MS. FULLER:

23 Q. We can go ahead and open it to see if you
24 recognize the contents. Dr. Ross, if you can take a
25 moment and tell me if you recognize those items.

1 A. Yes. These are the fragments that we put in
2 small plastic bags, label them with position, and
3 then I initial the bags.

4 So one would be -- from the right would be
5 Gunshot Wound Number 3, the right psoas muscles --
6 it's called, the muscle inside the back. One is
7 from that fragment from the tongue, and one is the
8 fragments from the other psoas muscle.

9 Q. And these would be the fragments you described
10 earlier and what you collected during autopsy,
11 correct?

12 MS. FULLER: And beg the Court's indulgence?

13 At this time, your Honor, the State seeks to
14 introduce into evidence collectively the items
15 recovered from autopsy as State's 46.

16 MR. WILLIAMS: Without objection, your Honor.

17 THE COURT: State's Exhibit 46 admitted into
18 evidence.

19 (State's Exhibit Number 46 admitted into
20 evidence.)

21 MS. FULLER: No further questions. Thank you.

22 THE COURT: All right. MR Williams?

23 MR. WILLIAMS: May it please the Court?

24 THE COURT: Yes, sir.

25 CROSS-EXAMINATION

1 BY MR. WILLIAMS:

2 Q. How are you, Dr. Ross?

3 A. Fine. How are you?

4 Q. We're still working, aren't we?

5 A. Yes.

6 Q. I tell you that every time I see you.

7 So you were involved -- and I think you were
8 indicating the number of homicides that you had been
9 involved in. How many was it? You think it's been
10 over years. In your testimony, it's been years.

11 A. Well, probably about 10 percent of my cases, so
12 1500.

13 Q. Okay. And basically your job is to determine
14 the manner of death, and you've gone through some
15 testimony about the wounds and how you think the
16 wounds happened to this gentleman. When you go
17 through the process, the first things you do --
18 correct me if I'm wrong -- is you would weigh the
19 body and see what the body weighs?

20 A. Unfortunately, in Newberry we had to estimate
21 the weight because we didn't have a scale, but we
22 measured the height.

23 Q. What was your estimate of the weight of this
24 gentleman?

25 A. 175 pounds.

1 Q. Okay. And aside from that, you took pictures
2 of the body. And I don't intend to go into all
3 that. But you would take pictures so that you could
4 identify, perhaps, any identifying marks that would
5 tell you who he was?

6 A. Correct.

7 Q. And the other reason you would do it would be
8 to show, I guess, maybe, the evidence of where the
9 bullet actually went in or the bullets actually went
10 in?

11 A. Yes.

12 Q. Now, aside from that, do you do any examination
13 or preserve evidence for the purpose of determining
14 whether or not any other possibilities were a
15 causation and/or influenced, such as draining the
16 fluids of the various organs and determine what is
17 the content of the fluids and things of that nature?

18 MS. FULLER: Your Honor, may we approach
19 briefly?

20 (Sidebar conference.)

21 BY MR. WILLIAMS:

22 Q. So, Dr. Ross, basically what I was asking, I
23 think, that you would preserve fluids that were
24 inside the body for purposes of determining any
25 number of things. I watch Endeavor all the time;

1 so -- I bet you do too. So one of the things that
2 you would have to prove is that, perhaps, maybe,
3 what other influences his body was going through at
4 the time besides just being -- the bullets going
5 through him?

6 A. Yes. We -- first of all, before we do any --
7 remove any organ, we draw blood from a closed
8 vessel, get a pure sample, and then we draw urine,
9 if there is any, and some fluid from the eye. Then,
10 with each organ, we look at them. We weigh them,
11 and the weight can identify whether or not there's
12 been some, for instance, heart failure in the past
13 or something like that. Then we look at each organ
14 for any kind of natural disease, any hardening of
15 the arteries or cancer; so -- to rule out any other
16 disease processes.

17 But with the blood we send it to the laboratory
18 for drug analysis.

19 Q. And as part of that, the place you would send
20 it to would be the South Carolina Law Enforcement
21 Division, and you would have that analyzed? Do you
22 have a copy of this report with you?

23 A. I do.

24 Q. And it's part and parcel of your function in
25 determining what the cause of death is; is that

1 correct?

2 A. It's -- it is documentation of cause of death
3 and/or contribution of death.

4 MR. WILLIAMS: May I approach the witness, your
5 Honor?

6 THE COURT: Yes. Yes, sir.

7 BY MR. WILLIAMS:

8 Q. Can I ask you to look at that and tell me if
9 that is a copy of the report that you received from
10 SLED showing what types of, perhaps, drugs were in
11 him at the time?

12 A. Yes.

13 MR. WILLIAMS: Your Honor, we would move,
14 first, to introduce this into the record.

15 THE COURT: Mr. Williams?

16 MR. WILLIAMS: Yes?

17 THE COURT: Just a moment.

18 (Sidebar conference.)

19 BY MR. WILLIAMS:

20 Q. Well, let me ask you this: In your
21 determination of what influences that were affecting
22 this body besides the bullet wounds, what other
23 determination could you determine based on all the
24 information that you had? Such as whether or not he
25 was under the influence of any types of drugs?

1 A. He did have methamphetamine onboard, yes.

2 Q. Now, I'm a little slow in terms -- I watched
3 how you went through the 1, 2, 3, 4 talking about
4 the bullets that hit the body. And you first
5 testified that -- that you go from top to bottom,
6 right?

7 A. Correct.

8 Q. And then you would go front to back?

9 A. Correct.

10 Q. And you said that Number 1 was entitled to be
11 called Number 1 because it was the head?

12 A. Correct.

13 Q. In your testimony you indicated that you could
14 make a determination in regards to what the order of
15 the -- or could you make a determination in regards
16 to what the order of the bullets were that struck
17 his body?

18 A. No, I could not.

19 Q. So you couldn't make that testimony -- or you
20 couldn't give us testimony as to whether or not the
21 Number 1 shot was the first shot or if it was the
22 Number 4 shot. Because all you can say is that
23 there were four shots that hit the body, correct?

24 A. That's right.

25 Q. Now, there was a reference in regards to

1 location, and you could tell merely by looking at
2 the hole in the body because basically the hole is
3 always smaller on the outside of the body where the
4 bullet entrance hit -- goes in and then it gets
5 larger once you start leaving the body; is that
6 correct?

7 A. In most instances they are, yes.

8 Q. And that's because of the force of the bullet,
9 isn't it?

10 A. Yes.

11 Q. And that's why when it goes in the middle of
12 the body, it doesn't necessarily cause as much
13 damage as on the outside sometimes; is that correct?
14 Or does it depend on the caliber?

15 A. It depends on a lot of things.

16 Q. That's right. What does it depend on?

17 A. The caliber and the -- what organs it might go
18 through.

19 Q. That's right. Because there's interference in
20 the body also.

21 Those items which have been introduced into
22 evidence, which are the bullet fragments, once you
23 pull those out of the body, you would send it to
24 SLED to be analyzed, wouldn't you?

25 A. Yes.

1 Q. And then that examination would include whether
2 or not it's the same types of bullets, whether it
3 come from, perhaps, the same gun, and things of that
4 nature; isn't that correct?

5 A. Yes. If they can -- if the fragments were big
6 enough. I'm not a ballistics expert.

7 Q. I gotcha.

8 Can I ask you to tell me, when you took
9 pictures of the body, did you take a -- is this --
10 let me ask you to take this picture and tell me if
11 this is you in the picture.

12 A. No, it is not.

13 Q. Is that one of your helpers?

14 A. No. Because we have a -- we always -- when we
15 take a picture, we put the autopsy number underneath
16 the picture.

17 Q. All right. Who would have taken those pictures
18 if there's a picture of him?

19 A. The law enforcement -- let's see. Andy Taylor
20 was there from the coroner's office and Brenda
21 Snelgrove from the sheriff's department.

22 Q. Are you capable of looking at this picture and
23 telling us whether or not that this is a picture of
24 his arm?

25 A. Yes. I described that tattoo in my report --

1 Q. And that tattoo says what?

2 MS. FULLER: Objection, your Honor. We're --
3 can I see what we're -- I don't know what the
4 witness is looking at or why we're there.

5 MR. WILLIAMS: Just that.

6 (Sidebar conference.)

7 BY MR. WILLIAMS:

8 Q. So your answer is, yes, it is one that was
9 described?

10 A. Yes.

11 Q. Now, when you get the body, when it is
12 delivered to the -- did he go to Newberry?

13 A. Yes.

14 Q. It had already been where? To the Lexington
15 hospital or something like that?

16 A. Well, the -- it would have been put in a body
17 bag at the scene and I guess -- I think they store
18 their patients in the cooler in -- in Lexington
19 until it's transported to me.

20 Q. So basically the body is in the same shape that
21 it was in as soon as law enforcement, EMS took it
22 and then it was delivered to you; is that correct?
23 It's maintained --

24 A. In the same --

25 Q. I'm sorry. I cut you off.

1 A. In the same shape, but there may be blood
2 smeared from drainage inside the body bag.

3 Q. I gotcha. You remember you were asked about
4 this particular picture right here?

5 A. Yes.

6 Q. All right. And this is not the first time
7 you've seen this picture, is it?

8 A. It is the first time I've seen it, today.

9 Q. You do recognize that as being the body that
10 you examined, do you not?

11 A. It's hard to see, actually.

12 Q. Okay. Fair enough.

13 If it is the body, then that's why you would --
14 why you made the statement that it -- that it's not
15 consistent with the way the bullets went in the
16 body. Is that what you testified to?

17 A. Yes.

18 Q. So the indication is that the bullets would
19 have gone in the back of the body and then after
20 they were in the back of the body they'd have to go
21 out the front or remain in the body?

22 A. Correct.

23 Q. And if they're not in the body, then they would
24 be in the dirt or wherever it was?

25 A. Yes.

1 Q. So you also testified that whatever the --
2 we'll call it a head shot, not meaning that way, but
3 whatever the last Number 1 bullet was, that was the
4 one that would have killed him, correct?

5 A. Yes. Well, that would have caused immediate
6 unconsciousness.

7 Q. And once that happened, then there would be no
8 movement, correct?

9 A. Correct.

10 Q. And what you were testifying to was that this
11 body is not consistent in that the wounds would have
12 had to have occurred to the back of him?

13 A. Correct.

14 Q. Would that still be true if he was falling
15 after the last shot?

16 A. Well, the head wound behind the right ear -- so
17 if he were lying on his back -- and the last wound
18 was the head wound, he would have to have his head
19 turned way over.

20 Q. Okay. Can you tell how far his head is turned?

21 A. I cannot from that picture. It doesn't look
22 like it.

23 Q. Let me ask you something else. Can you make a
24 determination from looking at this photograph
25 whether or not this is a paved road or a dirt road?

1 A. A dirt road.

2 Q. All right. Does it appear to be hard dirt, or
3 does it appear to be sandy soil?

4 A. It appears to be sandy, but it could be just
5 dried mud. I don't...

6 Q. I gotcha. So is there any -- if there were
7 evidence of movement of the body, then it would have
8 to be in some sort of picture that was documented
9 that night from whoever the crime scene people were,
10 wouldn't there?

11 A. Yes. The important thing would be where there
12 was pooling of blood.

13 Q. Right. Well, the blood is going to be on the
14 ground because it doesn't go up, right?

15 A. Yes.

16 Q. Now --

17 MR. WILLIAMS: Beg the Court's indulgence.

18 BY MR. WILLIAMS:

19 Q. All right. Just two more questions. I'm going
20 to show you this picture and see if you can -- I
21 think you've already testified that you have it --
22 you have at least a picture of that particular
23 tattoo in your records?

24 A. Yes.

25 MR. WILLIAMS: Your Honor, we would move to

1 mark this as Defendant's Exhibit 1 for ID purposes
2 only.

3 MS. FULLER: I have no objection to it coming
4 in, your Honor.

5 THE COURT: All right. Defense Exhibit 1.

6 (Defense Exhibit Number 1 marked for
7 identification.)

8 MR. WILLIAMS: Beg the Court's indulgence.
9 Okay. Thank you, your Honor. We would like that
10 placed into evidence.

11 THE COURT: All right Defendant's Exhibit 1
12 admitted in to evidence.

13 (Defense Exhibit Number 1 admitted into
14 evidence.)

15 BY MR. WILLIAMS:

16 Q. Early on you testified that you x-ray the body?

17 A. Yes.

18 Q. And what you're x-raying the body for is to
19 make a determination as to whether or not there are
20 broken bones and whether or not there is metal in it
21 and what have you, right?

22 A. Yes.

23 Q. And there was no indication of any broken bones
24 whatsoever; is that correct?

25 A. Just the skull.

1 Q. Just the skull but no evidence of any other
2 parts of the body with broken bones?

3 A. One rib -- one rib was fractured by Gunshot
4 Wound Number 2.

5 Q. Okay. Anything else?

6 A. Two ribs actually. I'm sorry. Yes.

7 Q. That's okay. So you had two ribs which were
8 fractured by the bullet, right?

9 A. Yes.

10 Q. And you had the skull which evidenced damage as
11 a result of the gunshot wound?

12 A. Correct.

13 Q. There was no indication of anything else to
14 have struck the body other than the bullets that
15 we're talking about?

16 A. Correct.

17 MR. WILLIAMS: Your Honor, that's all the
18 questions I have.

19 THE COURT: Redirect?

20 MS. FULLER: Just briefly.

21 REDIRECT EXAMINATION

22 BY MS. FULLER:

23 Q. Dr. Ross, just so it's clear, Robert All
24 sustained four gunshot wounds to the back, correct?

25 A. Correct.

1 Q. And if he was found on his back after the
2 shooting, could any of those shots come from
3 underneath the road?

4 A. No.

5 Q. And so when he was shot, his back was to the
6 firearm, correct?

7 A. Correct.

8 Q. And if he was found faced up -- and your
9 testimony on direct was that, because of the head
10 wound, he couldn't move his own body, correct?

11 A. Correct.

12 Q. Someone else had to roll his body over,
13 correct?

14 A. Correct.

15 Q. In terms of the tox report, did that in any way
16 cause his gunshot wounds?

17 A. No.

18 Q. And the cause and manner of death again?

19 A. Laceration of the brain due to the gunshot
20 wound to the head. Manner of death, homicide.

21 MS. FULLER: No further questions.

22 MR. WILLIAMS: No questions on recross, your
23 Honor.

24 THE COURT: All right. The witness is excused.

25 MS. FULLER: The State calls Jamie Johnson.

1 Is that okay, your Honor?

2 THE COURT: I just said witness is excused.

3 Sure. Next witness.

4 JAMIE JOHNSON

5 being first duly sworn, testified as follows:

6 THE WITNESS: I do.

7 THE CLERK: Have a seat up there. If you'll
8 state your name and spell your last name for the
9 record.

10 THE WITNESS: Jamie Johnson, J-O-H-N-S-O-N.

11 DIRECT EXAMINATION

12 BY MS. FULLER:

13 Q. We're going to start by introducing yourself to
14 the jury. Where are you employed?

15 A. Currently employed with the South Carolina
16 Attorney General's Office.

17 Q. And back in 2018 where were you employed?

18 A. With the Lexington County Sheriff's Department.

19 Q. In what capacity?

20 A. I was a crime scene investigator.

21 Q. How long did you serve as a crime scene
22 investigator?

23 A. Approximately three years.

24 Q. And can you describe to the jury what exactly
25 is a crime scene investigator?

1 A. Sure. We would receive requests, either during
2 the workday or in an on-call capacity after hours,
3 and respond to scenes throughout Lexington County.

4 Q. And does that involve processing shooting
5 incidents as well?

6 A. It does.

7 Q. And approximately how many crime scenes have
8 you processed in your career and/or items of
9 evidence?

10 A. I would say approximately 400 crime scenes and
11 hundreds of items of evidence.

12 Q. And when you process a crime scene, do you work
13 by yourself, or do you guys work in teams?

14 A. It really depends. Normally for a large scene
15 at the sheriff's department it would be at least two
16 people present, but also for some smaller crime
17 scenes, it may just be you processing by yourself.

18 Q. As it relates to this case in July 2018, do you
19 recall responding to three different locations to
20 process the evidence or to process the crime scene?

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

22 Q. Starting first with Toole Smith Road, where
23 this incident occurred, did you respond there?

24 A. Yes, I did.

25 Q. And we have photographs from there, as well as

1 a report. That day who were you working with?

2 A. That day it was just myself from Crime Scene on
3 Toole Smith Road.

4 Q. So the photograph that we have, those are the
5 ones, you would have taken them yourself?

6 A. That's right.

7 Q. And looking at your report, what time did you
8 receive the call?

9 A. I was notified at approximately 2354 hours,
10 which is 11:54 p.m.

11 Q. What time did you arrive on scene?

12 A. My arrival time is approximately 12:56 a.m.
13 which is going to be on July 12th.

14 Q. And what time did you leave the scene?

15 A. That was approximately 4:50 a.m., again, on
16 the 12th.

17 Q. So you were there for four hours?

18 A. That's correct.

19 Q. And what were you doing for those four hours?

20 A. Normally the process for responding to a crime
21 scene is you're notified. You arrive on scene. You
22 meet with somebody who has information, and they
23 kind of lay out the scene for you. You do an
24 initial walkthrough of your crime scene to see where
25 it's located, what types of evidence you already

1 observe, what types of processing you think you're
2 going to do.

3 You start by taking photographs. You take
4 those through the duration of your crime scene
5 processing. You collect items of evidence. And
6 then you do a final walkthrough with somebody. And
7 that's kind of in a nutshell the quick and dirty
8 crime scene processing.

9 Q. Looking at page 2 of your report for Toole
10 Smith Road, you describe the scene environment,
11 correct?

12 A. That's correct.

13 Q. How did you describe the scene environment?

14 A. I have listed dark, no ambient light, which is
15 going to be light that's already present at a scene.
16 So no ambient light. A dirt/sand road. And I was
17 notified that the road had been scraped the day
18 before.

19 Q. The location of the victim in this case, how do
20 you describe that?

21 A. I was notified over the telephone, when I was
22 first called, that there was no victim at the scene.
23 He'd already been transported to the hospital.

24 Q. Okay. I'm going to show you as it relates to
25 Toole Smith Road -- first I want to make sure the

1 jury knows exactly where we are. They've already
2 seen this, State's 3 and 4 -- and then I'll show you
3 the photographs.

4 Looking at 3, the overview of the area, you
5 note that as Highway 321 going to Toole Smith Road.
6 Do you recall that?

7 A. I do.

8 Q. And then looking at 4, a closer view of Toole
9 Smith Road, correct?

10 A. That's correct.

11 Q. And that's where you went to process the scene,
12 correct?

13 A. Yes.

14 MS. FULLER: I'm going to show you a crime
15 scene diagram and ask if you recognize it --
16 State's 17.

17 (State's Exhibit Number 17 marked for
18 identification.)

19 BY MS. FULLER:

20 Q. And ask you if you recognize it.

21 A. I do.

22 Q. How do you recognize this?

23 A. This is a crime scene sketch that I prepared.
24 It has my name on it and my initials as well.

25 Q. Does it appear to be altered in any way?

1 A. It does not.

2 MS. FULLER: At this time, your Honor, the
3 State seeks to introduce into evidence State's 17.

4 MS. YONGE: Without objection, your Honor.

5 THE COURT: State's Exhibit 17 is admitted into
6 evidence.

7 (State's Exhibit Number 17 admitted into
8 evidence.)

9 MS. FULLER: Publishing.

10 THE COURT: Very well.

11 (State's Exhibit Number 17 published for his
12 Honor and the jury.)

13 BY MS. FULLER:

14 Q. Go ahead and describe to the jury -- what is
15 the purpose of doing a crime scene diagram?

16 A. It's just a visual representation of what we
17 see on scene at that moment in time. For this
18 particular one, there's going to be several placards
19 or markers that are designated in yellow. Those are
20 going to be items of evidence that were marked on
21 Toole Smith Road.

22 We also have some reference points which are
23 listed as RP 1 and 2 in the diagram which are going
24 to be the points from which measurements were taken.

25 Q. When did you actually generate this diagram?

1 A. This was actually generated September 13th,
2 2018.

3 Q. And did you generate this after the fact based
4 on your notes?

5 A. Based on my notes and the photographs, yes.

6 Q. While you were processing the scene, this being
7 a sandy dirt road, did you have to use a metal
8 detector out there that day?

9 A. We did.

10 Q. Who assisted you with that?

11 A. It would be Jesse Laintz.

12 Q. And so in doing so were you able to find
13 out any -- locate any other items of evidence?

14 A. We were. In addition to what we had already
15 located on Toole Smith Road utilizing the metal
16 detector, we were able to find a fired projectile or
17 a bullet.

18 Q. All right. We'll walk through all the evidence
19 with the photos now. I'm going to show you
20 State's 19 through 26.

21 (State's Exhibit Numbers 19, 20, 21, 22, 23,
22 24, 25, 26 marked for identification.)

23 BY MS. FULLER:

24 Q. And ask if you recognize them.

25 A. Yes, I do.

1 Q. How do you recognize them?

2 A. These are all photographs that I took on that
3 night/day in question on Toole Smith Road.

4 Q. And then just so it's clear for the record,
5 when you say "night," it's because it became after
6 midnight by the time you were processing, but it
7 happened on late-night hours on the 11th, correct?

8 A. That's correct. I was notified on the 11th,
9 generated on the 12th.

10 Q. Gotcha. And do these photographs appear to be
11 altered in any way?

12 A. They do not. They are an accurate
13 representation of the scene.

14 Q. You've testified in court before?

15 A. Yes, I have.

16 MS. FULLER: At this time, your Honor, the
17 State seeks to introduce into evidence State's 19
18 through 26.

19 MS. YONGE: No objection, your Honor.

20 THE COURT: State's Exhibits 19 through 26 are
21 admitted into evidence.

22 (State's Exhibit Numbers 19, 20, 21, 22, 23,
23 24, 25, 26 admitted into evidence.)

24 BY MS. FULLER:

25 Q. Looking at State's 17 -- just so it's clear for

1 the jury, it's stapled. There's a second page.

2 Just so the jury is aware when they get this, what
3 exactly is on the second page of the diagram?

4 A. The second page -- excuse me -- still lists the
5 same identifying information. It does include
6 measurements, which are approximate. It lists RP 1
7 and RP 2, which stands for reference points, which
8 are where the measurements were taken from. And at
9 the bottom of that is also a legend that indicates
10 which markers are designated on the first page.

11 Q. And so all of that associates with the crime
12 scene diagram, correct?

13 A. It does.

14 Q. Walking us through these photographs. Looking
15 at State's 19, can you go ahead and orient the jury?

16 A. This is --

17 Q. And just let me know when I should put the
18 diagram back up. Okay?

19 A. This is Toole Smith Road as I arrived. As I
20 said before, there was no ambient light, so that is
21 why the photograph looks so dark. These are the
22 accurate conditions upon arrival.

23 Q. So the light source here -- and it kind of --
24 up there is a little different, so I was going to
25 show the jury in front as well. The light source

1 here, what is the light source in this photograph?

2 A. It's just the external flash that's attached to
3 my camera which is only going maybe -- maybe 20
4 feet.

5 Q. And then there's some lights distant in the
6 photograph. What is that?

7 A. Can I -- let me see it up close. Those are
8 going to be headlights from a marked Lexington
9 County unit.

10 Q. And so when you were out there, there were no
11 streetlights, correct?

12 A. That's correct.

13 Q. What about lights -- you know, some people have
14 front porch lights. Were any of that illuminating
15 in the street?

16 A. Nothing -- nothing that was close enough for us
17 to use for photograph purposes or for searching.

18 Q. Now going through the rest of the photographs,
19 just continue to orient the jury. Looking at
20 State's 20 here, what's depicted in here?

21 A. This is going to be just kind of a cluster of
22 several items of evidence, which is going to be on
23 the right-hand side of the photo. This is still
24 Toole Smith Road. On the left-hand portion, you can
25 see a little bit of a driveway. It's going to be

1 maybe a dirt or sand driveway. And off the picture
2 on the left, there's going to be a residence.

3 Q. So you did note that the road was recently
4 scraped; however, there are a lot of footprints --
5 actually, there are a lot of defects in the sand.
6 What are those?

7 A. That's going to be a lot of foot traffic from
8 people rendering aid. It's going to be a lot of
9 tire impressions from vehicles. Since the victim
10 was still located in the road, there's that first
11 initial rendering aid that needs to happen. We need
12 to get him transported to the hospital, and so
13 they're not worried at that point in time about
14 evidence destruction; they're trying to save a life.

15 Q. Okay. And so at this point, this photograph
16 was taken after what you would refer to as -- not
17 saying evidence destruction but after first
18 responders went on the scene and treated the
19 patient -- treated Robert All in this case?

20 A. That's correct.

21 Q. Looking at State's 21, if you could orient the
22 jury.

23 A. We're still going to be on Toole Smith Road.
24 That is going to be some crime scene tape in the
25 background, and I believe that's going to be a

1 mailbox that's on the left-hand side of the photo.

2 Q. So looking at 22, is that the mailbox?

3 A. It is. That's a mailbox for the residence
4 at 171 Toole Smith Road. This is also used as a
5 reference point to take measurements of items of
6 evidence.

7 Q. And then looking at 24, where is that?

8 A. Several more mailboxes that were just located
9 across the street, I believe, from 171.

10 Q. Okay. Looking now at State's 23, can you
11 describe to the jury what's contained in this
12 photograph?

13 A. This is going to be some, I guess,
14 paraphernalia, you would call it, from emergency
15 medical services, EMS, rendering aid. There's also
16 some areas of suspected blood in the sand. In the
17 approximate center of the photograph is a camouflage
18 and orange Crocs shoe and also a Costa visor hat.

19 Q. Now, going to State's 25, what's taking place
20 now? We see markers in the photographs.

21 A. Correct. So, initially, when you are
22 responding to a crime scene, you always want to take
23 photographs in situ, which means as is. So nothing
24 is touched. Overall, midrange, and close-up
25 photographs are taken of your items of evidence.

1 After that's done, you place either yellow placards
2 or markers. Those words are used interchangeably.
3 And you place those near the items of evidence, and
4 you retake your overall, midrange, and close-up
5 photos.

6 So that's just demonstrating several items have
7 been marked with the yellow placards and the
8 photographs have been taken again.

9 Q. Looking at Marker 2, what is located at
10 Marker 2?

11 A. Marker 2 is a cartridge case with a headstamp
12 JAG 45 auto plus P.

13 Q. Okay. Now looking at State's Exhibit 26, I'm
14 going to ask you to orient the jury using 25. Okay?
15 So looking at 26 and then go back to 25. Where is
16 that located?

17 And if you could use the laser pointer that's
18 up there. Should be able to find one. Is it up
19 there?

20 A. Yes. Okay. So we have -- this is going to be
21 Marker 1 which is going to be marking a tire
22 impression. There were two sets -- or two different
23 tire impressions, both are marked with Marker 1.

24 Marker 2, which we just spoke about, is going
25 to be the cartridge case which is head stamped JAG

1 45 auto plus P. That is going to be in the bottom
2 of your photo.

3 And then in the next exhibit is going to be a
4 close-up of, I believe, this cluster of items that's
5 in the rear of the photo.

6 Q. So now looking at State's 26, is Items 6 and 7
7 in the rear of 25?

8 A. Correct.

9 Q. And so now looking here at 26, there is -- what
10 is this that I'm pointing at?

11 A. That is going to be an area of suspected blood
12 that is saturated into the sand of Toole Smith Road.

13 Q. Okay. Prior to trial were you able to look at
14 some photos from first responding officers?

15 A. I was.

16 Q. Okay. And looking at State's 8 -- I'm going to
17 show you here because it's going to lose its effect
18 on there.

19 Do you see the same or similar pool of blood in
20 this diagram -- I mean in this photograph?

21 A. I do.

22 Q. And where is that here?

23 A. In this picture it looks like it's going to
24 the -- I would say bottom left of his head, near his
25 left shoulder.

1 MS. FULLER: Permission for the witness to step
2 down and point out for the jury.

3 THE COURT: Very well.

4 BY MS. FULLER:

5 Q. And same question here, if you could point out
6 for this side of the jury where is the same blood
7 that's seen in your crime scene photo and first
8 responding officers'?

9 A. It's going to be right here by his -- by his
10 left shoulder.

11 (Reporter interruption.)

12 THE COURT: Yeah. We'll need you to make sure
13 that you can speak up where the court reporter can
14 hear what you're explaining.

15 THE WITNESS: Sure.

16 So this suspected pool of blood -- or pool of
17 suspected blood that she's referring to is going to
18 be on the ground near his left shoulder in the
19 picture.

20 BY MS. FULLER:

21 Q. And so in looking at the picture, it's going to
22 be also to the left of his head, correct?

23 A. That's correct.

24 Q. And then if you could just point out the same
25 for this side of the jury.

1 (Reporter interruption.)

2 THE WITNESS: This is the pool that we're
3 talking about right here. It's the same one that's
4 been spoken of.

5 BY MS. FULLER:

6 Q. Just to ensure that everyone else on the jury
7 sees -- and keep your voice up too.

8 A. This one right here.

9 Q. Thank you.

10 So now as it relates to Markers 6 and 7, can
11 you point them out again for the jury and tell me
12 what is identified at Marker 6?

13 A. Marker 6 is going to be another cartridge case.
14 This one has a different headstamp. This one is
15 Sig 45 auto.

16 Q. Now at Marker 6 -- it's hard to see in that
17 photograph -- where is the actual item of evidence?

18 A. The cartridge case is actually somewhat
19 embedded into the sand kind of on the side of the
20 road in the embankment. There's a little bit that
21 is visual, but the majority of it is kind of
22 impacted into the sand.

23 Q. So prior to actually removing it out of the --
24 completely out of the sand, making it visible, you
25 photographed it in place, correct?

1 A. That's correct.

2 Q. And now looking at Item 7, now Item 7, is that
3 the one that you described using the metal detector
4 to locate?

5 A. That's correct. Marker 7 is a fired projectile
6 or a bullet that has been fired, and that was not
7 able to be seen at first. A metal detector was
8 used, and it was located in the sand.

9 Q. Okay. I'm going to show you a bag of
10 evidence -- I'm going to show you a prepackaged bag
11 of evidence and ask if you open it -- or if you
12 recognize the exterior and then we can go into it.

13 A. I do.

14 Q. And how do you recognize it?

15 A. It has the case number for the Lexington County
16 Sheriff's Department case as well as barcode
17 stickers for Item 1, cartridge case; Item 2,
18 cartridge case; and Item 3, a fired projectile.

19 Q. And you see your initials or -- anywhere on
20 there, or how do you recognize it to be the items
21 that you collected in this case? And we can go
22 ahead and open the packaging. Do you have some
23 gloves on you, or do you need gloves?

24 A. I do actually have gloves.

25 Located inside that manilla envelope is a

1 sealed plastic bag, has blue evidence tape on the
2 top. It has been sealed with my initials and the
3 date 7/14/18, and there are three smaller manilla
4 envelopes inside.

5 Q. Okay. And then we'll go ahead and open those,
6 and we will get those marked.

7 So do you recognize those as the items you
8 collected?

9 A. Yes, I do.

10 MS. FULLER: So, your Honor, we will, once I
11 get it marked, introduce State's Exhibits 47, 48, 49
12 into evidence as the two casings and one fired
13 projectile that she just described collecting. And
14 I'll let you know which one as soon as I...

15 THE COURT: 47, 48, and 49.

16 (State's Exhibit Numbers 47, 48, 49 marked for
17 identification.)

18 MS. YONGE: Your Honor, may I approach to see
19 them too? In the interest of time.

20 THE COURT: That would be fine.

21 MS. YONGE: Thank you.

22 BY MS. FULLER:

23 Q. Showing you now what's been marked as State's
24 Exhibit 47. I'm going to ask you if you recognize
25 it?

1 A. I do. State's Exhibit 47 is one cartridge case
2 that's stamped Jag 45 auto plus P from Marker 2.
3 The envelope bears my initials and the date as well
4 as the Lexington County Sheriff's Department case
5 number.

6 Q. And do you also see another item number on
7 there?

8 A. I do.

9 Q. Whose item number is that?

10 A. It says L 18-11032 I 12, which stands for
11 Item 12. That's going to be a SLED lab number and
12 SLED item number as well as firearms examiner's
13 initials.

14 MS. FULLER: So State's Exhibit 47 for the
15 record is associated with SLED Item 12.

16 BY MS. FULLER:

17 Q. I'm now showing you State's Exhibit 48.

18 A. State's Exhibit 48 is one cartridge case
19 headstamped SIG 45 Auto from Marker 6. It bears the
20 Lexington County Sheriff's Department case number as
21 well as my initials and the date.

22 Q. Okay. And you see also, similarly, the SLED
23 number?

24 A. I do. L 18-032 I 13, which stands for Item 13,
25 and the firearms examiner's initials.

1 MS. FULLER: At this time, your Honor, that's
2 State's -- for the record State's Exhibit 48 is
3 associated with SLED Item 13.

4 BY MS. FULLER:

5 Q. And then showing you State's Exhibit 49.

6 A. State's Exhibit 49 is one fired projectile from
7 Marker 7. It also bears the case number from the
8 Lexington County Sheriff's Department, has my
9 initials and the date on it, and, again, bears
10 L 18-11032 I 14, which stands for Item, 14, and the
11 firearms examiner's initials.

12 MS. FULLER: At this time, your Honor, that's
13 State's 49 which is identified also as SLED Item 14.
14 So State seeks to introduce into evidence State's
15 Exhibits 47, 48, and 49.

16 MS. YONGE: Without objection, your Honor.

17 THE COURT: All right. State's Exhibit 47, 48,
18 and 49 admitted into evidence.

19 (State's Exhibit Numbers 47, 48, 49 admitted
20 into evidence.)

21 BY MS. FULLER:

22 Q. Looking at 47, so the jury can see what you
23 were talking about as it relates to items, can you
24 point out with the laser what you were reading so
25 they can associate themselves?

1 A. So this is going to be the actual cartridge
2 case itself. This tiny little envelope, coin
3 envelope, is just the packaging for it. It shows
4 one cartridge case headstamped. It's going to be my
5 initials here. The date is going to be here. And
6 the time that it was collected is right below it.

7 This information over here is the SLED lab
8 number, the item number, and the examiner's
9 initials.

10 Q. Okay. And then I won't have you go through
11 that again, but that's similarly labeled for
12 State's 48?

13 A. That's correct. One cartridge case
14 headstamped Sig 45 auto for Marker 6. The bottom
15 left-hand corner are my initials, the date, the time
16 that it was collected, and the approximate bottom
17 middle is the SLED number, the item number, and
18 examiner initials.

19 Q. Okay. And then that same information that you
20 just described is also contained and labeled on
21 State's 49, correct?

22 A. That's correct. It has one fired projectile
23 for Marker 7.

24 Q. And that's the fired projectile there, correct?

25 A. That is it.

1 Q. Okay. While you were on scene prior to
2 clearing -- in your report, it looks like you left
3 the scene at 4:50. At that point did you receive
4 information on who the deceased was?

5 A. I did. Just prior to leaving the scene, I had
6 been informed by Lieutenant Laintz that the victim
7 had been positively identified via his tattoos and
8 that he had been identified as Robert William
9 All, Jr.

10 Q. Okay. Now let's move on to the next scene that
11 you went to in this case. And what scene was that?

12 A. The secondary scene is at [REDACTED] Fallaw Road,
13 which is in the Gaston area of Lexington County.

14 Q. Okay. I'm going to show you what's been
15 premarked as State's 27?

16 (State's Exhibit Number 27 marked for
17 identification.)

18 BY MS. FULLER:

19 Q. And ask if you recognize it.

20 A. I do.

21 Q. How do you recognize it?

22 A. This is a diagram or map that I prepared. This
23 just shows the address of [REDACTED] Fallaw Road. It has
24 my initials and then Lexington County Sheriff's
25 Department case number on it.

1 Q. How far was this from the initial location,
2 crime scene?

3 A. I'm unsure of the exact distance. It was
4 relatively close, maybe.

5 MS. FULLER: At this time, your Honor, the
6 State seeks to introduce into evidence State's
7 Exhibit 27.

8 MS. YONGE: Without objection, your Honor.

9 THE COURT: State Exhibit 27 admitted into
10 evidence.

11 (State's Exhibit Number 27 admitted into
12 evidence.)

13 BY MS. FULLER:

14 Q. And then just to orient the jury, is this the
15 address up here in Gaston, the secondary crime scene
16 that you went to?

17 A. That's correct.

18 Q. And while there, what was located?

19 A. The initial call to me was that they had found
20 the vehicle that the victim was using, from the road
21 outside of this residence.

22 Q. Okay. And what time did you arrive at this
23 location?

24 A. My arrival time is approximately 1653 hours
25 or 4:53 p.m. This is on July 12th.

1 Q. And how long were you there?

2 A. I was there for approximately four hours.

3 Q. I'm going to show you now State's 28
4 through 31.

5 (State's Exhibit Numbers 28, 29, 30, 31 marked
6 for identification.)

7 BY MS. FULLER:

8 Q. And ask if you recognize them.

9 A. I do.

10 Q. And how do you recognize them?

11 A. These were photographs that were taken while we
12 were on scene at [REDACTED] Fallaw Road.

13 Q. Do they appear to be altered in any way?

14 A. They do not.

15 Q. They fairly and accurately represent the
16 items -- the images that you -- the items that
17 you're capturing in the images?

18 A. They do.

19 MS. FULLER: At this time, your Honor, the
20 State seeks to introduce into evidence State's 28
21 through 31.

22 At this time, your Honor, the State seeks to
23 introduce into evidence State's 28 through 31.

24 MS. YONGE: Apologies, your Honor. Without
25 objection.

1 THE COURT: State's Exhibit 28 through 31
2 admitted into evidence.

3 (State's Exhibit Numbers 28, 29, 30, 31
4 admitted into evidence.)

5 BY MS. FULLER:

6 Q. Looking now at State's 28, what is depicted in
7 this photograph?

8 A. This is going to be a 2018 Nissan Altima with a
9 Florida license plate. This is what I was advised
10 was the vehicle the victim had been driving.

11 Q. And just prior to this vehicle being located,
12 who was driving this vehicle? Were you advised?

13 A. I don't believe so.

14 Q. Okay. So looking at your report on page 2 --

15 A. Oh, yes, I see. My apologies.

16 Q. No, you're fine.

17 A. I had initially been advised that an individual
18 named Charley Robinson had been seen in the vehicle.

19 Q. And then in quotes you have "Corey," correct?

20 A. Correct.

21 Q. And that he ran from the vehicle at this
22 residence?

23 A. Yes.

24 Q. Looking now at State's 29, it's the same
25 vehicle, just a different angle?

1 A. That's correct.

2 Q. And then that's the other side of the vehicle,
3 correct?

4 A. Yes.

5 Q. And what color is this vehicle?

6 A. I would say silver in color or gray.

7 Q. Now 31. What is this?

8 A. This is going to be a PayPal card, which in the
9 bottom left-hand corner has the victim's name
10 printed on it.

11 Q. And is that why you photographed this item?

12 A. That's correct.

13 Q. It was located at the secondary location,
14 correct?

15 A. It was.

16 Q. Now -- and I may have asked already. What time
17 did you leave this secondary crime scene?

18 A. I left at approximately 2059 hours, which is
19 going to be about 8:59 p.m.

20 Q. So approximately another four hours there,
21 correct?

22 A. That's correct.

23 Q. And doing some of the similar things that you
24 described doing, correct?

25 A. Uh-huh. It would be all of -- the same general

1 processes. Every crime scene is different, but the
2 methodology that you use to go through the steps
3 that you use are the same.

4 Q. And now the jury is only seeing a few
5 photographs, but you took hundreds, correct?

6 A. Oh, yes. Hundreds.

7 Q. And we'd be here how long if we went through
8 all of them?

9 A. Probably hours.

10 Q. Okay. All right. So now let's move on to the
11 third secondary location. What was the address?

12 A. The third scene, the address for this is going
13 to be [REDACTED] Backman Street in Lexington.

14 Q. And what was the purpose of going there?

15 A. Well, we were on scene at the secondary
16 location, [REDACTED] Fallaw Road. We had been notified
17 that there was an additional residence that needed
18 to be photographed and searched and was related to
19 this incident. So that was the reason that we
20 responded to this third location.

21 Q. And then on page 2 of your report, when you
22 arrived, who was the individual that resided there,
23 based on your report?

24 A. I was advised that there was a female living at
25 the residence by the name of Morgan Carr.

1 Q. What was her relationship to the people in this
2 case?

3 A. At the time I was provided that she was the
4 ex-girlfriend of the victim and the current
5 girlfriend of Charley Robinson a/k/a Corey.

6 Q. Was a search warrant obtained to search this
7 residence?

8 A. It was.

9 Q. And did you have to stand by for that? Or by
10 the time you arrived, it was in hand? You had a
11 search warrant to go into?

12 A. We did. We had a search warrant to go inside.

13 Q. What time did you arrive at this location?

14 A. My arrival time is July 12th. It is
15 approximately 2127 hours, which is 9:27 p.m.

16 Q. What time did you leave this residence?

17 A. Approximately 2235 hours, which is 10:35 p.m.

18 Q. Okay. I'm going to show you now what's been
19 premarked State's 32.

20 (State's Exhibit Number 32 marked for
21 identification.)

22 BY MS. FULLER:

23 Q. And ask if you recognize it.

24 A. I do.

25 Q. And how do you recognize this?

1 A. This is a third diagram I have prepared which
2 just shows the location, kind of like an over --
3 bird's-eye-view or an overhead view of [REDACTED] Backman
4 Street in relation to East Main Street or One near
5 the Old Mill area.

6 Q. Where is that in relation to here? Where we
7 are right now?

8 A. If you go -- farther up East Main Street on
9 this side of the diagram is going to be currently
10 where we are.

11 Q. How far is that from here?

12 A. From here?

13 Q. Yes.

14 A. It's right around the corner, actually.

15 MS. FULLER: At this time, your Honor, the
16 State seeks to introduce into evidence State's
17 Exhibit 32.

18 MS. YONGE: Without objection, your Honor.

19 THE COURT: State Exhibit 32 is admitted in
20 evidence.

21 (State's Exhibit Number 32 admitted into
22 evidence.)

23 BY MS. FULLER:

24 Q. And if you could just point out East Main
25 Street on here as well as what direction the

1 courthouse physically is on this map.

2 A. Sure. So on the upper left-hand corner, which
3 is kind of hard to see, the road is labeled as East
4 Main Street or One, and if you were to keep
5 traveling in this direction, which would be off the
6 map, on the lower right-hand side is going to be
7 where we are, and labeled in the right-hand side of
8 the diagram, it's going to be the actual address or
9 [REDACTED] Backman.

10 Q. Okay. So as it relates to -- this location, is
11 this here in Lexington? And the other two are in
12 Gaston and Swansea, correct?

13 A. That's correct.

14 Q. I'm going to show you now what's marked 33
15 through 43.

16 (State's Exhibit Numbers 33, 34, 35, 36, 37,
17 38, 39, 40, 41, 42, 43 marked for identification.)

18 BY MS. FULLER:

19 Q. And ask if you recognize them.

20 A. Yes, I do.

21 Q. Thank you. Do these images appear to be
22 altered in any way?

23 A. They do not. And they fairly and accurately
24 represent the scene as we saw it that night.

25 Q. Thank you. I was trying to think of the

1 phrase, and I couldn't remember for a second.

2 MS. FULLER: At this time, your Honor, the
3 State seeks to introduce into evidence 33
4 through 43.

5 MS. YONGE: Without objection, your Honor.

6 THE COURT: State Exhibit 33 through 43
7 admitted in evidence.

8 (State's Exhibit Numbers 33, 34, 35, 36, 37,
9 38, 39, 40, 41, 42, 43 admitted into evidence.)
10 BY MS. FULLER:

11 Q. Now I just want you to walk the jury through --
12 what was the purpose of even searching this
13 residence?

14 A. I had been told, again, while at the secondary
15 scene, which was [REDACTED] Fallaw Road, that this
16 residence was related to the incident, specifically
17 by Miles Rawl, who was a sergeant at the sheriff's
18 department at the time.

19 Q. And were you -- what were you looking for?

20 A. We didn't have anything in particular.
21 Essentially we were told that this was related and
22 it needed to be documented and searched for any
23 items that appeared to be related.

24 Q. And so by the time you get there at 9:27 p.m.,
25 you weren't informed that you or law enforcement

1 were aware of any items as it relates to this case
2 would actually be in the home, correct?

3 A. That's correct.

4 Q. Just that it was connected through Morgan Carr
5 and that it should be searched in the event that
6 there's items related, correct?

7 A. That's correct.

8 Q. Going through the house, if you'll just walk
9 the jury through how you entered the home and
10 searched the home, looking at 33.

11 A. Sure. So State's Exhibit 33 is going to be an
12 overall photograph of the front of the residence,
13 ████ Backman.

14 Q. And now 34?

15 A. State's Exhibit 34 is the actual front door to
16 the residence; however, this was not where we made
17 entry into the residence. It was made through the
18 garage.

19 Q. Do you know why you entered into -- through the
20 garage? Looking at 35.

21 A. I'm guessing it was because the garage had some
22 easier access to get through.

23 Q. And looking at 36, that's still the front of
24 the house?

25 A. Still the front of the house.

1 Q. And now walk us through 37 in the next series
2 of photographs. Whose room are we looking at here?

3 A. So this is going to be almost immediately upon
4 entering. Again, this is just overall photographs
5 that are taken of every -- every house we enter,
6 every scene we go to, there's always a series of
7 photographs that are taken.

8 This is just depicting us entering into the
9 residence, and it looks like that's going to be some
10 art supplies on the right-hand side of the
11 picture -- excuse me -- and a living room area
12 through the door.

13 Q. Okay. And in that room is a living room --
14 or -- oh, in the -- where you entered the house or?

15 A. Yeah. That's correct.

16 Q. And now looking at 38, where are we now?

17 A. We are, I believe, in the same area. There's
18 going to be a bedroom located inside the residence
19 that has evidence of interest.

20 Q. Okay. And whose room is that?

21 A. At that time we were told that Morgan Carr had
22 been using that room.

23 Q. Okay. Now looking at State's 39, can you
24 orient where State's 39 is in that room? Using that
25 laser.

1 A. Do you mind -- can I see the one that -- the --

2 Q. Actually, I probably put them out of order.

3 Looking at State's 40.

4 A. Okay.

5 Q. And then 39.

6 A. Okay. So State's 40, this image here is going
7 to be just an overall photograph of the room. As
8 you can see, there's a lot of items in there. All
9 these items were photographed in photographs, and
10 this room was looked through as well for any
11 particular items of evidence of interest.

12 Your next image, which is State's 39, I
13 believe.

14 Q. Yes. Yes.

15 A. Is going to be a red tool chest that was
16 located inside the room.

17 Q. And can you point to that in State's 40?

18 A. Sure. That's going to be right here.

19 Q. And then going back out to State's 38, when
20 you're at the doorway of the room, where is that
21 item in the room?

22 A. I believe -- I believe it's over here -- sorry.
23 I'm having a hard -- trouble seeing that.

24 Q. It's kind of dark up there. Sorry.

25 A. It's okay. You're fine.

1 Q. And then going back to 40, I guess as
2 reference, is the couch here?

3 A. Uh-huh.

4 Q. It's to the side of the couch?

5 A. Yes. It's going to be right next to this
6 closet -- closet area.

7 Q. Okay. Now looking at 41, what is taking place
8 here?

9 A. So this is one of the drawers that we have
10 pulled out in the red tool chest and we've taken --
11 again, this is as is; nothing has been disturbed
12 inside the drawer yet. And the item that we were
13 looking at is going to be this right here.

14 Q. And what is that?

15 A. That is a driver's license that is face down.

16 Q. And it was face down when you found it?

17 A. It was.

18 Q. And now looking at State's 42?

19 A. So this, the drawer has been pulled out
20 farther, and we have now turned the driver's license
21 over to see who it belongs to.

22 Q. And now looking at State's 43?

23 A. This is going to be a close-up of the same
24 driver's license showing that it belongs to the
25 victim.

1 Q. Can you publish the victim's name on the ID --
2 on the driver's license?

3 A. It is going to be William All, Jr.

4 Q. Or I guess it's blurry here.

5 A. Robert All, Jr.

6 Q. Robert William All, Jr.?

7 A. Yes.

8 Q. Okay. And this was found face down in Morgan
9 Carr's room, correct?

10 A. That's correct.

11 Q. In the tool kit?

12 A. Yes.

13 MS. FULLER: Be the Court's indulgence.

14 No further questions at this time.

15 MS. YONGE: May it please the Court?

16 THE COURT: Did y'all want to approach real
17 quick?

18 (Sidebar conference.)

19 MS. YONGE: If it may please the Court?

20 THE COURT: Yes, ma'am.

21 CROSS-EXAMINATION

22 BY MS. YONGE:

23 Q. Good morning -- CSI Johnson?

24 A. Yes. Good morning.

25 Q. Good morning. Going back to the first scene

1 that you conducted a search warrant on, how many
2 cartridge cases did you find at that scene?

3 A. Two cartridge cases.

4 Q. Two cartridge cases. Okay. And then going to
5 the second scene, you found the vehicle that -- did
6 you find the victim's vehicle at the second scene?

7 A. Yes.

8 Q. Okay. And I believe there was some testimony
9 that you had been informed that the -- Corey
10 Robinson had run from the vehicle and was still
11 being sought at that time?

12 A. That is correct.

13 Q. What date was that on?

14 A. That would have been on July 12th.

15 Q. At approximately what time were you there?

16 A. I was notified to respond at
17 approximately 3:58 p.m., and I arrived on scene at
18 approximately 4:53 p.m.

19 Q. So this is about half a day after the victim
20 had been found; is that correct?

21 A. That's correct.

22 Q. Okay. And was anyone else in the car -- were
23 you informed on anyone else being in the car with
24 Corey?

25 A. I don't believe so, no.

1 Q. Can I get you to look at your report on page 2?

2 A. Sure. I have in my report I was informed that
3 the victim had been driving and that Corey --
4 Charley Robinson a/k/a Corey was seen running from
5 the vehicle.

6 Q. And -- and I apologize. Had anyone -- had you
7 been informed that anyone had removed anything from
8 the vehicle?

9 A. Yes.

10 Q. And if you would just tell us from your report
11 what you were informed.

12 A. Sure. I was told, after I arrived on scene,
13 that there was a female who was seen removing items
14 from the vehicle and then going back to the location
15 of [REDACTED] Fallaw Road -- there's a lot of buildings on
16 that property, some sheds, some -- portion of the --
17 a residence that's also under construction -- that
18 she was seen going back in the direction of that
19 residence.

20 Q. What was the name of that female?

21 A. That -- Whitney Asmer.

22 Q. So not Morgan Carr?

23 A. No.

24 Q. Okay. Then did you -- did you collect any
25 evidence from the vehicle itself at the scene?

1 A. I did.

2 Q. Was any of it DNA evidence?

3 A. It was.

4 Q. Can you tell the jury what you collected from
5 the vehicle with regards to DNA evidence, please?

6 A. Sure. So DNA swabs, specifically for DNA
7 touch, which is after you touch an item you may or
8 may not leave behind some hard DNA. We can come
9 behind you after that and swab and send those off
10 for analysis to see if there was a DNA profile that
11 was developed.

12 There were four sets of swabs that were taken
13 from the vehicle, and they would be from each of the
14 door handles on that vehicle.

15 Q. And did you later have an opportunity to
16 conduct a search warrant on the inside of the
17 vehicle?

18 A. We did, yes.

19 Q. Did you take any additional DNA evidence from
20 that?

21 A. We did.

22 So there was some minor processing that was
23 done of the vehicle while it was outside of [REDACTED]
24 Fallaw Road. At a later date the entirety of the
25 vehicle was processed just in a more contained

1 environment, and that was at Lexington County
2 Sheriff's Department headquarters.

3 Q. And do you happen to know -- and I don't know
4 if you would know this or not, but do you happen to
5 know if any DNA profiles were able to be developed
6 from any of the DNA evidence you collected?

7 A. I don't know if those items were sent or if
8 there is any results from those.

9 Q. Okay. And then, finally, going to the third
10 scene, which is [REDACTED] Backman Road, I believe.

11 A. Correct.

12 Q. Do you happen to know how far that is from
13 where the victim was found?

14 A. Off the top of my head, I do not.

15 Q. Okay. But the victim was found in Swansea, and
16 Backman Road is essentially downtown Lexington; is
17 that correct?

18 A. That's correct.

19 MS. YONGE: Thank you, your Honor. No further
20 questions.

21 THE COURT: Any redirect?

22 MS. FULLER: No, your Honor.

23 THE COURT: All right. The witness may step
24 down.

25 Counsel?

1 (The jury enters the courtroom at 11:20 a.m.)

2 THE COURT: All right. Ladies and gentlemen,
3 welcome back. We'll continue on with the next
4 witness in the State's case in chief.

5 MR. ESPOSITO: Your Honor, the State calls
6 Tracy Thrower to the stand.

7 THE COURT: Very well.

8 TRACY THROWER,
9 being first duly sworn, testified as follows:

10 THE WITNESS: I do.

11 THE CLERK: Have a seat up there. If you'll
12 state your name and spell your last name for the
13 record.

14 THE WITNESS: Tracy Thrower, T-H-R-O-W-E-R.

15 DIRECT EXAMINATION

16 BY MR. ESPOSITO:

17 Q. Can you please introduce yourself to the jury?

18 A. My name is Tracy Thrower, and I was employed
19 for 25 years -- or 24 years for the South Carolina
20 Law Enforcement Division.

21 Q. Are you still employed by SLED?

22 A. I am recently retired.

23 Q. So what did you do when you worked at SLED?

24 A. I spent my entire career in the firearm and
25 toolmark department examining firearms,

1 firearm-related evidence, tools and toolmark-related
2 evidence.

3 Q. What was your rank when you worked at SLED?

4 A. When I retired, I was lieutenant or the
5 supervisor of the department.

6 Q. What was your position there?

7 A. A firearm and toolmark examiner.

8 Q. Now, what kind of experience and training did
9 you have to get to become a firearms examiner?

10 A. SLED used an apprenticeship type of training.
11 It was an approximate -- approximately a three-year
12 course of instruction, under court-qualified firearm
13 and toolmark examiners, where I was required to
14 perform extensive reading, extensive studying. I
15 was given oral examinations, written examinations,
16 practical examinations.

17 I sat side by side with other firearm examiners
18 looking through training eyepieces so that I could
19 see the same -- I could see what the examiner was
20 looking at through their microscope and they could
21 describe to me and point to things so that I could
22 see what markings that they were looking at. They
23 could explain the significance of those markings,
24 which markings were reliable, which markings were
25 not.

1 Upon completion of that training, I was given a
2 comprehensive final examination, and upon passing
3 that examination, I was allowed to start working
4 cases on my own.

5 Q. Did you do that for your entire time at SLED?

6 A. Correct.

7 Q. How many firearms would you say that you have
8 analyzed over the course of your career?

9 A. It would have to be tens of thousands.

10 Q. How many bullets or shell casings have you
11 analyzed?

12 A. That would have to be in the hundreds of
13 thousands.

14 Q. Have you testified in court before?

15 A. Yes, sir, I have.

16 Q. Have you given expert testimony before?

17 A. Yes, sir, I have.

18 Q. Would that be in the field of firearm
19 identification?

20 A. Correct.

21 MR. ESPOSITO: Your Honor, at this time the
22 State offers Lieutenant Tracy Thrower as an expert
23 in firearm identification.

24 MS. YONGE: Without objection, your Honor.

25 THE COURT: All right. Ladies and gentlemen,

1 this witness will be qualified in the area of
2 firearm identification and to give opinion testimony
3 in that area. It doesn't mean you have to accept
4 the opinion, but it's evidence for you to use in any
5 way you see fit.

6 BY MR. ESPOSITO:

7 Q. So can you tell us, Lieutenant, what exactly is
8 firearm identification? How does it work?

9 A. Firearm identification is a discipline of
10 forensic science in which an examiner looks at fired
11 projectiles or bullets, fired cartridge cases, and
12 tries to determine if they were fired by a
13 particular firearm. Simply, the way that this is
14 done, we have a comparison microscope which is
15 simply -- it's like two microscopes that sit
16 side-by-side, and they are connected visually
17 through an optical bridge so that, when I look in my
18 eyepieces, I could see both objects side by side
19 simply with a dividing line between the two.

20 So if I have a bullet projectile or cartridge
21 case, I will put that on the side of the microscope.
22 If I have a firearm, I will test-fire the firearm,
23 get that test specimen, that test-fired bullet,
24 place it on the other side. I place them side by
25 side, and in doing so, I can orient them. I can

1 compare any kind of scratches or striations, any
2 sort of impressions. I can rotate them and see how
3 much similarity or dissimilarity I may find.

4 Q. So, Lieutenant, what kinds of things from a
5 firearm are you looking for to match it to a
6 specific bullet or shell casing?

7 A. For the bullet, we are looking at the rifling
8 impressions. Inside the barrel of a firearm there
9 is -- I'm sorry. Words are hard today.

10 Q. That's all right, Lieutenant. Can you explain
11 what is rifling in a barrel?

12 A. Rifling is a series of helical grooves that
13 spin as they go down the barrel of a firearm. The
14 reason that they are there is they cause the bullet
15 to spin or rotate as it travels from the firearm to
16 the target. The purpose of this rotation is it
17 causes the projectile to have stability in flight,
18 accuracy, and to travel farther.

19 Rifling is made up of lands and grooves. Lands
20 are simply the raised portions between the grooves
21 that are cut away.

22 Q. Are there different types of rifling?

23 A. There are. There's three -- currently three
24 major types of rifling.

25 One is conventional rifling. It has

1 essentially squared-off edges. If you were to take
2 the bore and lay it out flat, it would look like a
3 jack-o'-lantern because it has 90-degree edges,
4 roughly.

5 Polygonal rifling looks more like a sine wave
6 or an ocean wave. It's smooth. You can't tell
7 where a lands begins and groove ends because it's
8 just this constant smooth wave up and down.

9 And then they have one called the Glock
10 Marksmanship Barrel, which is kind of a mixture of
11 both. It's got the polygonal-style rifling, but on
12 the edges it has almost like railroad tracks going
13 down the edges to mark the edges of the lands and
14 grooves.

15 Q. Okay. So if you're looking at two guns that
16 have the same type of rifling, how can you figure
17 out which one fired a particular bullet?

18 A. We have to look at the individual markings.
19 The individual -- the scratches that are left on the
20 outside of the bullet from the bullet having passed
21 through the barrel of a firearm.

22 When we have a firearm, we can actually look
23 down inside the barrel, and we can try to determine
24 what the method of manufacture was. If it's a type
25 of rifling that we trust -- excuse me -- then we can

1 use those markings that are there. We also prefer
2 to look at more fine or tiny markings. We prefer to
3 stay away from large gross markings.

4 Large gross markings are ones that would have
5 been caused by a larger defect in the cutting tool
6 that was used to make the rifling.

7 A large defect in a cutting tool is more prone
8 to last from barrel to barrel to barrel and made
9 consecutively one after another.

10 Very fine defects in that cutting tool are ones
11 that are more likely to rapidly change and be
12 different between barrels made consecutively in a
13 row.

14 Q. Did you do that type of analysis in this case?

15 A. Yes, sir, I did.

16 Q. Did you receive a number of items in this case?

17 A. Yes, sir, I did.

18 Q. Would you recognize them if I showed them to
19 you?

20 A. I believe so, yes, sir.

21 MR. ESPOSITO: Your Honor, I'm showing the
22 witness what's in evidence as State's Exhibit
23 16, 48, and 49.

24 THE COURT: Very well.

25 BY MR. ESPOSITO:

1 Q. Now, Lieutenant, I want to start with the
2 firearm that you analyzed in this case. Do you
3 remember what firearm you analyzed?

4 A. Yes, sir.

5 Q. What was it?

6 A. It was a Glock pistol.

7 Q. And can you go ahead and take it out of the box
8 there? Do you have those gloves that I handed you?

9 Now, Lieutenant, do you think it would help the
10 jury to have that firearm to explain how this
11 particular firearm operated?

12 A. Yes, sir, I do believe it would help them.

13 Q. So can you just explain to the members of the
14 jury how this particular firearm would operate when
15 someone pulled the trigger?

16 A. First of all, ladies and gentlemen of the jury,
17 I just verified the firearm is unloaded. It is safe
18 for me to handle. One, you see the cable padlock
19 through it. I also looked in the rear of the
20 chamber and checked physically in the chamber. This
21 gun is unloaded.

22 This firearm, simply the way that it works is
23 you place ammunition in the magazine. There's a
24 spring-loaded follower that pushes the ammunition
25 up. You place the magazine into the magazine well.

1 You pull the slide to the rear and let it go
2 forward.

3 As the slide goes forward, the piece of
4 ammunition that is at the top of the magazine, the
5 rear of the slide catches the top of that cartridge
6 and pulls it out of the magazine and up into the
7 barrel of the firearm. The slide then goes fully
8 forward, and the firearm is now loaded; it is ready
9 to fire.

10 During this process also, as the slide came
11 forward, the trigger mechanism and the sear and the
12 firing pin are put back into operating condition.

13 This firearm has what they call a trigger
14 safety. There's a little lever right here in the
15 very bottom that, when the slide is fully forward
16 and the trigger resets, this little lever pops
17 forward. Unless that lever is pulled -- or unless
18 that lever is depressed, the trigger cannot be
19 pulled to the rear; therefore, it's a trigger
20 safety.

21 As you pull the trigger, the operating bar
22 pulls back on the -- there's a cam in here that has
23 the sear on it. It pulls -- and it also touches the
24 rear of the firing pin. As you pull the trigger,
25 this mechanism actually cocks the firing pin and

1 then slides down and out of the way releasing the
2 firing pin. The firing pin, which is under spring
3 tension, then shoots forward striking the rear of
4 the cartridge case, namely the primer or the
5 ignition component of a cartridge.

6 The primer fires. Sparks and gases from the
7 firing -- or from the primer go into the combustion
8 chamber of the cartridge igniting the gun powder.
9 The gun powder burns -- starts to burn and swells
10 with gases. Those gases then push the bullet down
11 the barrel and towards the target. All these gases
12 have -- basic physics -- equal but opposite reaction
13 and push the slide of the gun back to the rear.

14 In doing so, there's a hook on the side called
15 the extractor which grabs the rear of the cartridge
16 case, pulls the fired cartridge case out of the
17 chamber striking another lever on the other side
18 called the ejector. The ejector then flings the
19 fired cartridge case out of the ejection port
20 typically landing on the ground somewhere nearby.
21 The slide comes all the way to the rear. There's a
22 spring that stops it from moving any farther, and
23 then it simply goes forward again resetting the
24 trigger, resetting the firing pin and the sear and
25 grabbing the next cartridge in the magazine and

1 loading it in the chamber.

2 You release the trigger. The trigger is reset.

3 You pull the trigger again, it will fire again. And

4 this continues as long as there is ammunition in the

5 magazine and as long as the shooter continues

6 pulling and releasing the trigger.

7 Q. So did you test the bullet casings in this case
8 to determine if they came out of that firearm?

9 A. Yes, sir, I did.

10 MR. ESPOSITO: Your Honor, I'm going to --
11 approaching to retrieve State's 47, 48, and 49 and
12 publishing those one at a time. We'll start
13 with 47. That is SLED Item 12.

14 (State's Exhibit Number 47 published for his
15 Honor and the jury.)

16 BY MR. ESPOSITO:

17 Q. Now, Lieutenant, did you look at this shell
18 casing to determine if it came from the Glock in
19 this case?

20 A. Yes, sir, I did.

21 Q. And did you determine if it came from that
22 Glock?

23 A. Yes, sir, I did.

24 Q. How were you able to determine that?

25 A. I placed State's Exhibits 47 on the left-hand

1 side of my comparison microscope. I took one of the
2 cartridge cases that I test-fired in the pistol. I
3 placed it on the right side of the comparison
4 microscope, and as I looked through the comparison
5 microscope, I visually examined the breech face and
6 firing pin areas, and I found significant amount of
7 corresponding marks of value in both the breech face
8 markings and in the firing pin impressions, and I
9 was able to conclude that State's Exhibit 47 was
10 fired by this Glock pistol.

11 Q. And how sure are you, Lieutenant?

12 A. I'm very sure.

13 MR. ESPOSITO: All right. Publishing
14 State's 48. That's SLED Item 13.

15 (State's Exhibit Number 48 published for his
16 Honor and the jury.)

17 BY MR. ESPOSITO:

18 Q. Did you determine if this casing was fired from
19 that firearm?

20 A. Yes, sir.

21 Q. Did you do the same analysis?

22 A. Same analysis, yes, sir. And it was my opinion
23 that State's Exhibit 48 was also fired by the Glock
24 pistol.

25 Q. Now I want to show you some of the bullet

1 fragments in this case. This is marked as State's
2 Exhibit 46. Now, you analyzed the bullet fragments
3 in this case, right?

4 A. Yes, sir, I did.

5 Q. Now, we'll go through them. Those were SLED
6 Items 15, 17, and 18, right?

7 A. Yes, sir.

8 Q. Do you remember if you were able -- we'll start
9 with the ones -- we'll start with SLED 15. Those
10 were the fragments that were found in the right side
11 of the victim's back. Do you remember analyzing
12 those?

13 A. Yes, sir, I do.

14 Q. And were you able to determine if those
15 fragments came from that firearm?

16 A. I was not able to determine that.

17 Q. Why not?

18 A. These were tiny fragments, very small
19 fragments. The bullet fragments I analyzed ranged
20 anywhere from around 1.8 grains up to about 10.2
21 grains, I believe.

22 To let you know what a grain is, it's the unit
23 of measurement that we use. 7,000 grains equals 1
24 pound. So typically the projectile of this Glock
25 pistol would fire; those bullets weigh about 230

1 grains, so we're talking 2 to 10 grains out of a
2 230-grain bullet. It's a very small portion.

3 These bullet fragments were also -- if you look
4 at a bullet, there's a cylindrical portion that
5 actually comes into contact with the rifling, and
6 then there's the rounded portion called a ogive that
7 goes from cylinder portion up to the nose.

8 These were mostly that rounded portion that
9 never came into contact with the barrel. So on a
10 very small fragment to begin with, the amount of
11 rifling that was on these bullets was very, very
12 small.

13 Q. What about SLED Item 17, the fragment that came
14 from the victim's tongue? Were you able to make any
15 conclusions about that fragment?

16 A. Specifically -- let me refer to my notes real
17 quick. Essentially that it was unsuitable for
18 identification with other firearms-related evidence.

19 Q. Was that the same reasons as the last
20 fragments?

21 A. Yes, sir.

22 Q. And what about SLED Item 18, the fragments that
23 were found on the left side of the victim's back?
24 Were you able to make any conclusions for those
25 fragments?

1 A. Essentially it was -- it was also unsuitable
2 for identification, which means I would never be
3 able to match it to a particular gun. However,
4 there was a small amount of rifling marks present on
5 that item. Enough to say it was consistent with the
6 type of rifling on the Glock pistol, but that's all
7 I could say. It could have been fired by that gun.
8 I just can't tell.

9 Q. So, Lieutenant, is it possible that those
10 fragments did come from that firearm?

11 A. They could have come from this firearm or any
12 other Glock 45 caliber pistol.

13 Q. Okay. Now, last I want to talk about the fully
14 intact bullet that was found, State's 49. Did you
15 examine this bullet?

16 A. Yes, sir, I did.

17 Q. And were you able to make any conclusions about
18 what firearm fired this bullet?

19 A. This bullet, although largely intact, was
20 heavily abraded on the outside as if it was probably
21 shot into dirt or some other abrasive material.
22 Basically, it was heavily scratched almost like it
23 was fired through sandpaper. So the markings that
24 the -- the microscopic markings that I would need to
25 match a bullet to a particular gun simply either

1 were not there because they were damaged and removed
2 from whatever it was fired into, or it may have been
3 from a gun that just did not mark well to begin
4 with.

5 However, the general rifling characteristics
6 what we -- the type of rifling, polygonal rifling,
7 45 auto caliber direction of twist, which means if
8 it goes clockwise down the barrel or if it spins
9 counterclockwise, all these general rifling
10 characteristics were consistent with the Glock
11 pistol. It's just the individual characteristics
12 weren't there for me to do further comparison.

13 Q. And, Lieutenant, would that be consistent with
14 if I were to tell you that this bullet was found in
15 a dirt road?

16 A. That would be consistent, yes, sir.

17 MR. ESPOSITO: Your Honor, I have no further
18 questions.

19 THE COURT: Cross-examination?

20 MS. YONGE: No questions for this witness, your
21 Honor.

22 THE COURT: Very well. The witness may step
23 down. Thank you.

24 MR. ESPOSITO: Your Honor, may I retrieve the
25 exhibits?

1 THE COURT: Certainly.

2 All right. Next witness?

3 MR. MCNAIR: Your Honor, the State calls Jordan
4 Eversfield.

5 JORDAN EVERSFIELD,
6 being first duly sworn, testified as follows:

7 THE WITNESS: I swear.

8 THE CLERK: Have a seat up there. If you'll
9 state your name and spell your last name for the
10 record.

11 THE WITNESS: Jordan Eversfield,
12 E-V-E-R-S-F-I-E-L-d.

13 DIRECT EXAMINATION

14 BY MR. MCNAIR:

15 Q. Jordan, how are you doing today?

16 A. Not too bad. How are you?

17 Q. Pretty good. Tell the jury a little bit about
18 yourself. Where did you grow up?

19 A. I grew up in Irmo, South Carolina.

20 Q. Did you go to Irmo High School?

21 A. Yes, sir. Graduated in 2013.

22 Q. All right. Do you have a wife or children?

23 A. I do not anymore, but I do have a five-year-old
24 child.

25 Q. Are you currently working?

1 A. Yes, sir.

2 Q. Where do you work?

3 A. I work at Fairway Lawns.

4 Q. How long have you worked there?

5 A. Four and a half years.

6 Q. Did you know Robert All?

7 A. I did, yes, sir.

8 Q. How long did you know Robert?

9 A. I've known Robert since elementary school. I
10 grew up with him. I went to high school, middle
11 school, and elementary school with him.

12 Q. How would you describe your relationship with
13 Robert?

14 A. Very, very close.

15 Q. Were y'all best friends?

16 A. Absolutely.

17 Q. Now, I guess at some point in 2017, did Robert
18 move into your house?

19 A. Yes, sir, he did.

20 Q. Who was living with you at that time?

21 A. My ex-wife now but wife and child and wife's
22 brother.

23 Q. Okay. And was he living with you up until the
24 time of his death?

25 A. That's correct.

1 Q. How long do you think he stayed with you in
2 total?

3 A. Close to a year.

4 Q. About a year?

5 A. Yes, sir.

6 Q. Was Robert dating Morgan Carr at the time he
7 moved in your house?

8 A. No, sir. They were not dating. They were
9 speaking, but they were not dating.

10 Q. Did they start dating sometime after he moved
11 into your house?

12 A. They had talked about possibly getting back
13 together, but it was never an official thing.

14 Q. So you're saying that they were broken up --

15 A. Correct.

16 Q. -- when he first moved to your house?

17 A. Yes, sir.

18 Q. But they had been in a relationship prior to
19 that?

20 A. Yes, sir.

21 Q. But when he moved in, they were not together?

22 A. Correct. Yes, sir.

23 Q. But at some point after that, did they get back
24 together?

25 A. I'm not 100 percent sure on that.

1 Q. How would you describe their relationship?

2 A. Off and on. Never something fully as a real
3 relationship. But, you know, it was off and on
4 consistently.

5 Q. Did you meet Morgan Carr?

6 A. I did, yes, sir.

7 Q. He would bring her over to your house from time
8 to time?

9 A. Not to my house, no. But I met her one or two
10 times in the event of, you know, when I started
11 talking to Robert again.

12 Q. Okay. Now, at the time of Robert's death, was
13 he in a relationship with Morgan Carr?

14 A. No. No, sir.

15 Q. Do you know when they had broken up in relation
16 to when he died?

17 A. I don't know when they had officially broken
18 up. I know that he moved into my house to get away
19 from her and to basically try to start over.

20 MS. YONGE: Your Honor, at this point we're
21 going to object to any additional speculation.

22 THE COURT: Well, we'll see what the question
23 says. Additional but...

24 MS. YONGE: Well, we object to that as
25 speculation, your Honor.

1 THE COURT: All right. All right. Well,
2 overruled.

3 Move along.

4 BY MR. MCNAIR:

5 Q. Now, you had known Robert since childhood,
6 correct?

7 A. Correct.

8 Q. You went to high school with him?

9 A. Yes, sir.

10 Q. You had a relationship with him after high
11 school into adulthood?

12 A. Yes, sir.

13 Q. Prior to Morgan Carr, did you know of Robert
14 All to use meth?

15 A. Absolutely not.

16 Q. And prior to his death, was he trying to
17 improve himself?

18 A. Absolutely.

19 Q. Now let's talk how Robert -- his mode of
20 transportation. When he initially moved in with
21 you, did he have a vehicle?

22 A. He did. He had a white Durango.

23 Q. What ended up happening to that vehicle?

24 A. I believe it got totaled.

25 Q. Did he get another vehicle after that?

1 A. No, sir, he did not.

2 Q. How would he get around, then?

3 A. He used my personal vehicle.

4 Q. How would that work?

5 A. My wife would go to work -- or she would take
6 me to work, and then they would use the car when
7 they needed it, and he would use it when he needed
8 it, around the times that we didn't need the car.

9 Q. So y'all shared a vehicle?

10 A. Correct.

11 Q. And when you didn't need it, he could use it?

12 A. Yes, sir.

13 Q. What vehicles did you have that Robert All
14 would use after his Durango was totaled?

15 A. It was a Jeep Compass and also -- or an Altima.

16 Q. So at one point you had a Jeep Compass?

17 A. Correct. It was a rental.

18 Q. It was a rental car? How long do you think you
19 had the Jeep Compass for?

20 A. Not longer than I'd say a month and a half.

21 Q. And Robert would drive that vehicle?

22 A. Correct.

23 Q. And then after that, you got a Nissan Altima?

24 A. Correct.

25 Q. Was that a rental car as well?

1 A. Yes, sir. We were in the process of buying
2 another vehicle.

3 Q. And Robert would drive that one too?

4 A. Which one?

5 Q. The Nissan Altima.

6 A. Correct.

7 Q. How long, prior to his death, had you had that
8 Nissan Altima?

9 A. Few weeks.

10 Q. I'm going to show you State's Exhibit 29. Is
11 that the Nissan Altima?

12 A. Yes, sir.

13 Q. Was that a 2018 Nissan Altima?

14 A. Correct. Yes, sir.

15 Q. Let's talk about the last time you saw Robert.
16 Do you recall that day?

17 A. Yes, sir.

18 Q. What day was that?

19 A. It was July 11th.

20 Q. Is that the day that you later learned he had
21 been killed?

22 A. That was the morning of the day after that,
23 yes, sir, at 3:30 in the morning.

24 Q. Let's talk about July 11th, though.

25 A. Okay.

1 Q. Where were you when you saw Robert for the last
2 time?

3 A. CarMax.

4 Q. What were y'all doing that day?

5 A. Me and my ex-wife were purchasing a vehicle.

6 Q. Okay. And did you ultimately purchase a
7 vehicle that day?

8 A. Yes, sir -- we before got the vehicle and
9 Robert -- before we even got home, Robert, at the
10 dealership, had told me he needed to take care of
11 something and asked me if he could use the vehicle,
12 and I said yes because we were purchasing another
13 vehicle, and he told me he would meet me later at
14 the house.

15 Q. And he left in the 2018 Nissan Altima?

16 A. Correct.

17 Q. Do you know about what time of day that was?

18 A. It was I would say probably about 4:00 or 5:00
19 in the afternoon at CarMax.

20 Q. Do you know where he was going?

21 A. I do not, no, sir. He never specified.

22 Q. When did you ultimately learn about his death?

23 A. At 3:30 in the morning from a coroner knocking
24 on my door.

25 Q. That would have been the next day, July 12th?

1 A. Yes. The morning of.

2 Q. Do you recall law enforcement showing you
3 anything at that time?

4 A. They asked me to identify tattoos on his body
5 to identify him.

6 Q. Do you recall what those tattoos were?

7 A. One was a bull and one was a piston.

8 Q. All right. And did you recognize those
9 tattoos?

10 A. Correct. Yes, sir.

11 Q. Did you provide them with a name Robert All?

12 A. Yes, sir, I did.

13 Q. Just to make sure this is clear, during the
14 period of time you had the Jeep, Robert All would
15 drive that vehicle as well?

16 A. Correct.

17 MR. MCNAIR: That's all the questions I believe
18 I have. Thank you.

19 THE COURT: Cross-examination?

20 MS. YONGE: May it please the Court?

21 THE COURT: Yes, ma'am.

22 CROSS-EXAMINATION

23 BY MS. YONGE:

24 Q. Let's see. It's still morning. Good morning,
25 Mr.- -- is it Eversfield?

1 A. Yes. It's Eversfield.

2 Q. Okay. All right. Just very briefly, you just
3 mentioned that you ID'd Mr. All according to some
4 tattoos he had.

5 A. Uh-huh.

6 Q. And let's see. Looking at State's 9, is that
7 one of Mr. All's tattoos?

8 A. Yes, that is.

9 Q. Do you have any knowledge as to what that means
10 or what it stands for?

11 A. I do not, no, ma'am.

12 Q. Okay. And then looking at Defendant's
13 Exhibit 1, is that one of Robert All's tattoos?

14 A. That is.

15 Q. And do you have any knowledge as to what that
16 means or what that stands for?

17 A. I do not, no, ma'am.

18 Q. Are those the initials MC on his arm?

19 A. Yes, that is.

20 Q. But you don't know what it stands for?

21 A. I'm assuming Morgan Carr.

22 Q. But you can't say for certain?

23 A. Absolutely. No, ma'am.

24 Q. Mr. Eversfield, do you recall speaking with the
25 police at any point in time and giving a written

1 statement?

2 A. I did not give a written statement, no, ma'am.

3 MS. YONGE: Your Honor, may I approach the
4 witness?

5 THE COURT: Certainly.

6 BY MS. YONGE:

7 Q. And it might be that I'm phrasing it as a
8 statement. Can you take a look at that and tell me
9 if you recognize it?

10 A. Okay. Yes, ma'am. I do. Sorry.

11 Q. Well, did you answer in a written form some
12 questions from the police?

13 A. Yes, I did.

14 MS. YONGE: Your Honor, may I approach the
15 witness?

16 THE COURT: Yes.

17 BY MS. YONGE:

18 Q. And I apologize. It's probably because I
19 called it a statement.

20 Mr. Eversfield, do you recall what you said
21 when you were asked if you know of anyone who would
22 want to hurt Robert?

23 A. I most likely said no because I don't know
24 anybody that would want to hurt him.

25 Q. And, indeed, if I told you that the written

1 statement says, "No, do not know of anyone who would
2 want to hurt him," him being Robert, would you agree
3 with me that that's what it says?

4 A. Yes, ma'am.

5 Q. Thank you, Mr. Eversfield.

6 A. Absolutely.

7 MS. YONGE: No further questions.

8 THE COURT: Redirect?

9 MR. MCNAIR: No, sir, your Honor.

10 THE COURT: All right. The witness may step
11 down.

12 MR. MCNAIR: Your Honor, the State calls Meghan
13 Carter.

14 MEGHAN CARTER,
15 being first duly sworn, testified as follows:

16 THE WITNESS: Yes.

17 THE CLERK: Have a seat up there. If you'll
18 state your name and spell your last name for the
19 record.

20 THE WITNESS: Meghan Carter, last name
21 C-A-R-T-E-R.

22 DIRECT EXAMINATION

23 BY MR. MCNAIR:

24 Q. Meghan, is it fair to say that you do not want
25 to be here today?

1 A. Right.

2 Q. You're here because we subpoenaed you, correct?

3 A. Right.

4 Q. Now, apparently you're currently not living at
5 home, are you?

6 A. Huh-uh.

7 Q. Where are you staying right now?

8 THE COURT: And, also, if the witness would
9 just try to answer the questions without a "uh-huh"
10 or "huh-uh."

11 THE WITNESS: Oh.

12 (Reporter admonition.)

13 THE COURT: Get a little closer to the
14 microphone as well.

15 BY MR. MCNAIR:

16 Q. Where are you staying right now?

17 A. Right now I'm staying at a friend's house.

18 Q. No. Currently?

19 A. Currently? Oh. Lexington County.

20 Q. Lexington County Detention Center?

21 A. Yes, sir.

22 Q. Do you have pending charges in Lexington
23 County?

24 A. Yes, sir.

25 Q. What are those?

1 A. Probation violation and a drug charge.

2 Q. Okay.

3 A. Bench warrant.

4 Q. Prior to being incarcerated, where were you
5 living?

6 A. At a friend's house.

7 Q. Where's that?

8 A. In Aiken County.

9 Q. Aiken County?

10 A. Uh-huh.

11 Q. Okay. Let's get right to the point. Do you
12 know Morgan Carr?

13 A. Yes, sir.

14 Q. Did you know Corey Robinson?

15 A. Yes, sir.

16 Q. Did you know Robert All?

17 A. Yes, sir.

18 Q. How did you know Morgan Carr?

19 A. She did tattoos, and she was friends with my
20 boyfriend at the time, mutual friends.

21 Q. Now, back in July of 2018, were you living with
22 her at some point?

23 A. Yes, sir.

24 Q. Where were you staying?

25 A. In the living room, really, in her house -- in

1 her mom's house.

2 Q. It was her mom's house?

3 A. Yes, sir.

4 Q. Was her mom there at that time?

5 A. No, sir. She was out of town.

6 Q. She was out of town?

7 A. Yes, sir.

8 Q. Now, how long do you think you stayed there?

9 A. Probably one to two, weeks, couple weeks.

10 Q. Were you there at the time of Robert All's
11 death?

12 A. Yes, sir.

13 Q. So you had been staying there about a week or
14 two prior; is that correct?

15 A. Yes, sir.

16 Q. Did anybody else stay there with y'all?

17 A. My boyfriend at the time Jeremy Owens, and
18 Corey stayed there. She stayed there.

19 Q. Corey was her boyfriend?

20 A. Yes, sir.

21 Q. Okay.

22 A. One.

23 Q. And do you know when her mom was coming home?

24 A. No, sir. It was shortly after he -- that
25 happened to Robert but...

1 Q. Her mom was coming home shortly after Robert
2 got killed?

3 A. Yeah. It was shortly after, yeah. I remember
4 us having to try to clean the house. It was...

5 Q. All right. Can you pull that microphone a
6 little closer to you and just probably -- just speak
7 into it if you can.

8 THE COURT: Can everyone on the jury hear the
9 witness?

10 MS. YONGE: Not clearly, but yes.

11 THE COURT: Okay. Well, then that's a -- if
12 you'll speak up a little bit more. Thank you.

13 THE WITNESS: Sorry.

14 BY MR. MCNAIR:

15 Q. So you weren't there while her -- while Morgan
16 Carr's mom was there?

17 A. No, sir.

18 Q. It was just a period of time before Robert
19 All's death when her mom was out of town?

20 A. Yes, sir.

21 Q. And you testified that she was supposed to be
22 coming back into town shortly after Robert All's
23 death?

24 A. Yes, sir.

25 Q. Now, did you learn that Robert All had been

1 killed?

2 A. Yes, sir.

3 Q. How did you learn that?

4 A. When I showed up at her house that morning.

5 Q. Okay.

6 A. She told me that he was killed in a drug deal
7 gone bad.

8 Q. Okay. Were you just at her house, or were you
9 somewhere else?

10 A. I was somewhere else trying to collect my
11 things.

12 Q. And how did you come to go to her house? Did
13 somebody --

14 A. She was calling me.

15 Q. Who called you?

16 A. Morgan.

17 Q. What did she tell you?

18 A. She said it was an emergency, to come there
19 quick, something bad had happened, and she was
20 crying hysterically.

21 Q. Were you with anybody else at the time?

22 A. Yeah. I was with my boyfriend at the time --

23 Q. And did y'all --

24 A. And the man driving.

25 Q. Pardon?

1 A. And the man driving the car.

2 Q. So you were with two other people?

3 A. Uh-huh. Yeah. I was with a couple of people.

4 Q. And then she called you?

5 A. Uh-huh.

6 Q. And did you go to her house?

7 A. Yes, sir.

8 Q. And what did you see when you got to her house?

9 A. She was on the lawn crying hysterically, a
10 mess.

11 Q. Was she with anybody else at that time?

12 A. No. Not then. She was just out there by
13 herself on the front lawn.

14 Q. Did you ask her what had happened?

15 A. Yes, sir.

16 Q. What did she say?

17 A. She said a drug deal gone bad with Robert,
18 Robert was killed.

19 Q. Did she tell you where she was when this drug
20 deal gone bad happened?

21 A. No, sir. She couldn't really talk much more
22 than the crying part.

23 Q. Was it your understanding that she was present
24 when this drug deal went bad, or was she somewhere
25 else?

1 A. Huh-uh. I had no idea. I didn't know if she
2 was there or gone or what, at the time. From the
3 messages, she was claiming that she was home the
4 whole time but...

5 Q. It was your understanding that she was home at
6 the time this happened to Robert?

7 A. Yes, sir.

8 Q. Now, the guys that you went there with, did
9 they stay there, or did they leave at some point?

10 A. They left.

11 Q. At some point was it just you and Morgan in the
12 house?

13 A. Yes, sir.

14 Q. What did you observe about her demeanor or
15 attitude at that time, after those other people had
16 left?

17 A. She was -- she would get on the phone and talk
18 about doing tattoo work to, you know, one of our
19 friends and saying she would put on one of her
20 little outfits. Whoever got there quicker -- you
21 know, the sooner they got there, then, whatever,
22 they could pick out what she wore when she did the
23 tattoo, and she was fine acting.

24 And then she'd get on the phone with her kids
25 or her mom and it was not -- she was crying again

1 and all hysterical talking about Robert being dead.

2 Q. How was she communicating with these people?

3 A. About the tattoos? She was all bubbly and
4 like -- like nothing had happened.

5 Q. I presume these were guys?

6 A. Yeah. Yes, sir.

7 Q. Was it just one guy or more than one?

8 A. I mean, it was a couple --

9 MS. YONGE: Objection, your Honor; calls for
10 speculation.

11 THE COURT: Well, you can ask another question,
12 Mr. McNair. I mean, you could be a little more
13 specific.

14 BY MR. MCNAIR:

15 Q. Is she communicating with these people in front
16 of you?

17 A. Yes, sir.

18 Q. Is it on the phone? Is it on Facetime --

19 A. Facetime.

20 Q. Facetime. Okay. So is she communicating with
21 one guy or more than one guy?

22 A. More than one.

23 Q. And it was about?

24 A. Tattoo work and putting on a skimpy outfit.

25 Q. So she's flirting with them, essentially,

1 right?

2 A. Yes, sir.

3 Q. So just to summarize what you just testified
4 to, when you initially pulled up, you described her
5 as crying hysterical in front of you and these other
6 people.

7 A. Yes, sir.

8 Q. Okay. But then after these other people left,
9 you said she got on Facetime with the guys and her
10 demeanor changed, correct?

11 A. Yes, sir.

12 Q. And then at some point, you said -- you just
13 testified she got on the phone with her mom?

14 A. Yeah. With her mom or her kids; mainly her
15 kids. I remember her talking to her kids.

16 Q. And how was she acting when she was talking to
17 her mom?

18 A. She was upset talking about Robert.

19 Q. So her attitude just continued to change as she
20 was talking to different people; is that fair?

21 A. Yes, sir.

22 Q. Now, prior to Robert's death, had you had any
23 conversations with Morgan Carr about Robert's
24 vehicle?

25 A. The one that she had already stole? The Dodge

1 and then the new one?

2 Q. No. About the rental car.

3 A. Yeah. The rental car.

4 Q. Do you remember Robert All driving a --

5 A. Yeah.

6 Q. -- Nissan Altima rental car?

7 A. Yes, sir. He picked me up in it, I believe.

8 MS. YONGE: Your Honor, we have a matter of law
9 we need to take up outside of the presence of the
10 jury.

11 THE COURT: All right. Ladies and gentlemen,
12 just head on back to the jury room. Please don't
13 discuss the case. We'll get you back out here
14 shortly.

15 (The jury exits the courtroom at 12:02 p.m.)

16 THE COURT: Yes, ma'am?

17 MS. YONGE: Your Honor, the defense would move
18 for a mistrial. The jury has, again, been tainted.
19 They have -- the solicitor elicited comments from
20 the witness that she had previously stolen a
21 vehicle. There is no grounds, foundation, any --
22 like, it's completely outside the scope of anything
23 that we have seen so far, your Honor, and I believe
24 that it is, considering we are here for the armed
25 robbery of a vehicle, ridiculously prejudicial.

1 THE COURT: And the question was -- that
2 elicited that testimony was what?

3 MR. MCNAIR: Well, first of all, for the
4 record, your Honor, I had no prior knowledge that
5 the defendant had stolen a vehicle from the victim
6 prior.

7 What I was referring to was had she had any
8 conversations with the defendant about stealing
9 Robert All's rental car that is at issue in this
10 case.

11 So I didn't elicit that information
12 intentionally. I think during the course of this
13 trial you are -- there are going to be messages
14 about her wanting to steal other vehicles that
15 Robert All owned that I think are admissible. I
16 guess we can take those up at the appropriate time.

17 But it shows -- it goes towards her plan and
18 her intent to steal Robert All's vehicle, whether it
19 be a vehicle he drove previously or the vehicle at
20 issue in this case. I think it would be -- that is
21 admissible anyway. I don't think it's grounds for a
22 mistrial. I think a curative instruction can fix
23 this issue now, and we can just move on.

24 THE COURT: Ms. Williams -- or Ms. Yonge?

25 MS. YONGE: It's okay. Your Honor, I don't

1 believe the solicitor intentionally elicited that
2 testimony; however, it was just a giant bell rung in
3 front of the jury, and I don't think you can unring
4 that with a curative instruction when she is on
5 trial for the armed robbery of the victim's car. I
6 don't know how you get around that.

7 And furthermore, your Honor, I think if we're
8 going to get into this showing that she is -- quote,
9 "prior bad acts" kind of thing, we haven't even
10 discussed Lyle. Like, I don't -- it's -- at this
11 point it's irrelevant.

12 THE COURT: Well, it wasn't -- it's not Lyle
13 because it wasn't something the State sought to
14 introduce, necessarily.

15 MS. YONGE: Well, correct. He didn't -- he
16 didn't mean to bring it in, but it happened, and I
17 don't know how you tell the jury please disregard
18 that the witness --

19 MR. WILLIAMS: I'm sorry. I was just
20 prohibiting inappropriate argument.

21 MS. YONGE: -- stated. Excuse my co-counsel.

22 That the witness stated that she stole another
23 vehicle from them. I don't know how you tell them
24 to disregard that and have it have any sticking
25 power, your Honor. I don't think that fixes it.

1 THE COURT: Okay.

2 MS. FULLER: Your Honor, I don't think she
3 stated it as a fact though. She asked me which
4 vehicle I was talking about, I think is the way that
5 happened. So I don't think it was stated as a fact
6 that the defendant stole his Durango. She's asking
7 me, "Which vehicle are you talking about? The
8 Durango that she stole?"

9 (Sidebar conference.)

10 THE COURT: All right. So the defense made a
11 motion for a mistrial. The way I put it, at the
12 bench, was essentially, well, I'm not going to grant
13 a mistrial at this time, but I certainly -- I'm --
14 would not deny it either. I'm, in essence, going to
15 let them revisit that. But I know they're --
16 there's a lot of evidence still to come in this
17 case -- well, I don't know, but I presume there's a
18 lot of evidence still to come in this case. And I
19 think we need a full picture to determine what the
20 real -- if there's prejudicial value that denies the
21 defendant of a fair trial. Really, I can't make
22 that decision until I can see the evidence as a
23 whole, which we haven't yet.

24 So I'll deny it with leave to readdress it, of
25 course, later.

1 Ms. Yonge and also Mr. McNair, you may lead the
2 witness -- your witness here in order to prevent any
3 unintentional elicitation of testimony which doesn't
4 help --

5 MR. MCNAIR: Yes, sir, your Honor.

6 THE COURT: -- the trial. Okay?

7 All right.

8 MS. FULLER: I'll tell co-counsel.

9 MR. MCNAIR: Yeah, I guess we just -- do you
10 want to just make sure the witness understands that
11 we were just talking about Robert All's rental
12 vehicle and not any other vehicle that he drove
13 prior to this date?

14 MS. YONGE: Your Honor, we still object to any
15 sort of --

16 THE COURT: Sure.

17 MS. YONGE: But...

18 THE COURT: But just to be clear for the
19 witness, Ms. Carter, you know, this testimony here
20 has to do with the vehicle, I believe the Altima.

21 THE WITNESS: Yes, sir.

22 THE COURT: And that's the -- the intent of the
23 State is only to go into that.

24 THE WITNESS: Yes, sir.

25 THE COURT: Does that make sense to you?

1 THE WITNESS: Yes, sir.

2 THE COURT: All right. Let's bring the jury
3 back.

4 Good?

5 MS. YONGE: Yes, your Honor. Thank you.

6 THE COURT: Ready to bring them back? All
7 right. Let's get them back.

8 (The jury enters the courtroom at 12:13 p.m.)

9 THE COURT: All right. Mr. McNair?

10 MR. MCNAIR: Thank you, your Honor.

11 BY MR. MCNAIR:

12 Q. Ms. Carter, so you testified that at the time
13 of Robert All's death, he was driving a Nissan
14 Altima; is that correct?

15 A. Yes, sir.

16 Q. And prior to his death, had you had any
17 conversations with Morgan Carr about that Nissan
18 Altima?

19 A. Yes, sir.

20 Q. And what did she tell you about that?

21 A. That she was wanting to get -- her and Corey
22 were going to get that car because they needed a
23 ride. They didn't have a vehicle.

24 Q. She said that he -- she and Corey were going to
25 get that car?

1 A. Yeah. Yes, sir. Because they didn't have one.

2 Q. That's Corey Robinson?

3 A. Yes, sir.

4 Q. And do you know how they were going to get it?

5 A. No, sir.

6 Q. And when did that conversation happen?

7 A. Like the day before.

8 Q. The day before?

9 A. The day before -- yeah, the day before he was
10 killed. Because he picked me up the night before.

11 I think it was the night before or maybe two nights
12 before, but he picked me up from Walmart.

13 Q. Okay. Ms. Carter, I'm going to show you
14 State's Exhibit 51.

15 (State's Exhibit Number 51 marked for
16 identification.)

17 BY MR. MCNAIR:

18 Q. Just take a minute and look through this
19 document. And you've previously been shown this; is
20 that right?

21 A. Yes, sir.

22 Q. Does this fairly and accurately reflect
23 Facebook messages between you and Morgan Carr
24 between July 10th and July 12th of 2018?

25 A. Yes, sir.

1 MR. MCNAIR: Your Honor, at this time we offer
2 State's Exhibit 51 into evidence.

3 MS. YONGE: Without objection, your Honor.

4 THE COURT: State's Exhibit 51 is admitted into
5 evidence.

6 (State's Exhibit Number 51 admitted into
7 evidence.)

8 BY MR. MCNAIR:

9 Q. Ms. Carter, can you see this from where you're
10 sitting?

11 A. Yes, sir.

12 Q. Can you see the name of the author here?

13 A. Uh-huh.

14 Q. Can you see the content of the message right
15 here?

16 A. Yes, sir.

17 Q. Can we just -- can you just read these for the
18 jury? And it starts at the bottom and goes up.
19 Okay?

20 A. "Hey. I need a ride" -- or "Hey. I passed
21 out. I need a ride."

22 Q. And that's on July 10th of 2018, correct?

23 A. Yes, sir.

24 Q. And will you just read these messages for us?

25 A. She said, "So do we."

1 I said, "Where are you?"

2 She says, "Corey's brother's house."

3 Q. Did you know Corey's brother?

4 A. No, sir.

5 Q. Okay.

6 A. I asked, "In Gaston?"

7 She said "West Columbia, South Congaree. Corey
8 wants the 25."

9 Q. Stop right there. So this is Morgan Carr
10 messaging you on July 10th of 2018 saying Corey
11 wants the 25?

12 A. Uh-huh.

13 Q. That's Morgan Carr's message to you?

14 A. Yes, sir.

15 Q. What is the 25?

16 A. A pistol. A gun.

17 Q. What is your response to her?

18 A. "I'm trying to get ahold of Jesse. How the eff
19 did I pass out so long?"

20 Q. Who is Jesse?

21 A. Jesse is a friend of mine. It's just a friend
22 that sometimes has guns and stuff for sale.

23 Q. Is that why you were trying to get ahold of
24 Jesse?

25 A. That and to get a ride, yes, sir.

1 Q. Okay. And that would be to get a gun for
2 Morgan Carr?

3 A. Yes, sir. And for Corey.

4 Q. For Corey? And is this message on the same day
5 where you had the conversation with her about her
6 taking Robert All's vehicle?

7 A. Yes, sir.

8 Q. All right.

9 A. She said, "Hey, what's up?"

10 Q. And this is on now -- we're now on July 11th.
11 She says, "Hey, what's up?" All right. Will you
12 read these messages for us?

13 A. And I said, "Girl, listen, we gotta talk. Are
14 you home?" And then -- I don't know what that is.

15 And then she says at -- I can't tell the times.
16 She says, "Where you at?"

17 I said, "Swansea."

18 Q. And now July 11th are you aware that that was
19 the day that Robert All was murdered?

20 A. Yes, sir. I mean, I hasn't known then but...

21 Q. You'd -- okay.

22 A. Yeah. I didn't have any idea right now.

23 There's no message.

24 "Are you mobile now?" is what she said.

25 And I said, "Kinda."

1 She said, question marks. And she said, "Come
2 here."

3 Q. And where is -- where did she want you to come?

4 A. I'm guessing to her house -- to her mom's
5 house.

6 Q. Okay.

7 A. And she said, "Are you coming?" question mark.

8 And I said, "Okay, boo. I'm coming.

9 Morgan said, "Are you on the way now?

10 I said, "I'll be there in about an hour to
11 pan" -- I don't know what I was trying to say.

12 She says, "Okay. Hurry.

13 I said, "Okay. I'm moving as fast as I can. I
14 ain't driving, but I'm coming. Why do I need to
15 hurry? Is there something else you've got to do?
16 Not being a smart-ass, just curious, babe."

17 Q. And do you know why she wanted you over there?

18 A. No, sir.

19 And I said. "Either way, I'm hurrying."

20 "10-4," she said.

21 Q. Okay.

22 A. I said, "KK. I'm coming as fast as I can.

23 She said, "Where are you at?"

24 I said, "I'm in Columbia. I'm coming and N-A-N
25 do you got a ride? "

1 She said, "Not at the moment." Then there's
2 nothing. And then she said, "They didn't come
3 through."

4 Q. What does that mean? "They didn't come
5 through?"

6 A. It mean pull up, come through. I mean, I
7 understand "come through."

8 Q. So she's still waiting on you to get to her
9 house?

10 A. Yes, sir.

11 And she said, "Who you with?"

12 I said, "I'm trying to. I'm with Morris."

13 She said, "Morris who?"

14 I said, "They picked me and Tracey up from
15 Walmart because we got left." And then nothing.

16 And then she said, "For his kicks shit?" And I
17 said, "For his kicks."

18 Q. For his kicks?

19 A. Yeah.

20 Q. And your response to that is "Yeah"?

21 A. Yeah. Yes, sir.

22 Q. And the next message is?

23 A. "When you coming?"

24 Q. So this is all -- this is all on the 11th? All
25 these messages about "When you coming?" "Hurry,"

1 this is all on the 11th?

2 A. Yes, sir.

3 And then I said, "Man, I've been asking that
4 question 100" -- "I've been asking that question 100
5 times. Supposed to be -- a long-ass time ago."

6 Q. So you're looking for a ride to try to get over
7 there?

8 A. Uh-huh. Yeah.

9 Q. Okay.

10 A. And I said, "Better not be later than 5:30,
11 6:00."

12 "Where you at now?" is what she asked me. And
13 then I guess I called her.

14 Q. Do you remember the -- what you talked to her
15 about?

16 A. Huh-uh. No.

17 Q. Okay.

18 A. Doesn't ring a bell.

19 And then Morgan says, "Where you at?"

20 And I said, "Help."

21 She said, "What's going on?" Then I don't know
22 what that...

23 Q. And then it appears an audio clip was sent? Do
24 you remember --

25 A. I probably just did a voice recording instead

1 of typing anymore.

2 She said, "Waiting for a ride. And I don't
3 know what those are. That's another audio clip,
4 another audio clip. I think it's an audio clip.

5 Q. Another audio clip?

6 A. Another audio clip.

7 Q. Now let's -- all right. What's the next
8 message that she sent?

9 A. She says, "Where you at" -- I said, "Where are
10 you at now?" You got a ride yet?

11 "Shaun's supposed to be on the way."

12 And she -- and I said, "Shaun's on the way?"

13 Morgan said, "Where you at?"

14 I said, "In other words, do you want to ride to
15 Morris's house with me?"

16 She said, "I can't. I'm riding with Corey
17 tonight, not leaving his side."

18 Q. All right. Now, this is in UTC time, which has
19 not been adjusted for Eastern Standard Time, but
20 this conversation -- did you later learn this
21 conversation was after Robert All had been killed?

22 A. Yeah. Yes, sir.

23 Q. And she's texting you that she's riding with
24 Corey tonight and not leaving his side?

25 A. Yes, sir.

1 Q. All right. What's her next message to you?

2 A. She says, "I will win his heart back. I'm in
3 love with him, and I can't live this dumbass, cruel
4 life without him. He's my rock."

5 Q. At this time did you even know Robert All had
6 been killed?

7 A. No, sir.

8 I said: "I know. I wish I could do that with
9 Jeremy" --

10 Q. That was your --

11 A. -- "but he don't" -- hmm?

12 Q. That was your boyfriend?

13 A. Yeah. That he don't want me. I said, "Get it.
14 Wait. When will y'all be at your house so I can get
15 some of my clothes and sleep? LOL."

16 She said, "Here now, but if you give me your
17 word you're coming, I'll leave the back door
18 unlocked."

19 Q. And "here now" would be her house?

20 A. Yes, sir.

21 Q. All right.

22 A. I said, "Yes, ma'am, I'm coming, boo. I'm
23 waiting on the girl to show up and I'm out. Even
24 if, by some chance, she don't show, then Shaun will
25 bring me. Either way, I'm coming."

1 She said, "I'm home now. Where you at?"

2 Q. This is on July 12th?

3 A. Uh-huh.

4 Q. What's her next message to you?

5 A. She said, "Okay. Where did Shaun go?"

6 I said, "Unless y'all have some way to come get
7 me and take me to your place. But we've got to go
8 there.

9 "No gas money for, one. Plus I'm waiting for
10 Rob to come back."

11 Q. And, again, this message is sent on the 12th,
12 which is after Robert had already been killed,
13 correct?

14 A. Yes, sir.

15 Q. Okay. But she's telling you she's waiting on
16 Rob to come back?

17 A. Yes, sir.

18 I said, "Damn. He went to go pick up one of
19 Tracey's friends for 50 bucks real quick from
20 Harbison. He just left."

21 Q. Are you talking about Shaun right there?

22 A. Yes, sir.

23 Q. Okay.

24 A. I said, "Shaun was waiting here for Jeremy."

25 And then she said, "Just let me know when

1 you're on the way."

2 I said, "Okay, baby doll. My throat is killing
3 me for real. I want some soup, and my" -- "and my
4 baby back, who I know is not even in there anymore.
5 Like, I need a hug."

6 And then I said, "Is everything okay?"

7 Morgan said, "Yeah. Where you? You good?"

8 I said, "I'm trying to get to you. Waiting."

9 She said, "Hurry up."

10 I said, "Waiting on Shaun?" question marks. I
11 said, "Leaving."

12 Q. At that point you were en route. Were you
13 leaving to come to her house?

14 A. Yes, sir, I think so.

15 Q. Okay.

16 A. She said, "You coming here?"

17 I said, "I'm leaving here and stopping by
18 Lumber Jack and then Morris's house and then you."

19 I said, "Why? What's up?"

20 "Just wondering. Still tattooing."

21 I said, "Okay, boo. You miss me or something?"

22 She said, "Kinda. LOL."

23 I said, "LOL."

24 She said, "Hello?"

25 I said, "Hello, boo-boo. We had to get gas

1 and, girl, you know, BS. I don't know. We still in
2 Gaston at the moment."

3 She said, "I need you now, 911 emergency now."

4 Q. All right. And that's in the early morning
5 hours of July 12th?

6 A. Yes.

7 Q. And then you testified earlier y'all did speak
8 on the phone?

9 A. Yes, sir.

10 Q. And what did she tell you?

11 A. She was hysterical. Just telling me to hurry
12 up and get there.

13 Q. Okay.

14 A. She talked to me when I got there. I couldn't
15 hardly understand her.

16 Q. And then you testified earlier when you got
17 there initially, she was -- she was crying and on
18 her knees?

19 A. Yes, sir. In the yard.

20 Q. And then after, I guess, the guy, whoever
21 brought you over there, when he left, her demeanor
22 then changed?

23 A. Yes, sir. It was weird.

24 MR. MCNAIR: That's all the questions I have.

25 Thank you.

1 THE COURT: Cross-examination?

2 CROSS-EXAMINATION

3 BY MS. YONGE:

4 Q. Good afternoon -- Ms. Carter?

5 A. Yes, ma'am. Yes, ma'am.

6 Q. That's correct. You mentioned that you were on
7 probation. What are you on probation for?

8 A. A stolen vehicle and forgery and identify
9 fraud.

10 Q. Okay. I'm going to ask you to slow down and
11 repeat that for the court reporter, please, ma'am.

12 A. A stolen vehicle, check fraud, and forgery.

13 Q. Okay. And you've been convicted of a stolen
14 vehicle, check fraud, and forgery?

15 A. Yes, ma'am. About four years ago, three years
16 ago.

17 Q. So around 2019?

18 A. Uh-huh.

19 Q. Okay. And then you mentioned that you have a
20 drug charge -- a pending drug charge. And what's
21 the drug that you are currently -- what drug is
22 related to that pending drug charge?

23 A. It's a possession of -- what is it? Possession
24 of methamphetamine under a gram. I think it was
25 possession.

1 Q. So possession of meth?

2 A. Yeah.

3 MS. YONGE: No further questions, your Honor.

4 THE COURT: Any further questions?

5 MR. MCNAIR: No, your Honor.

6 THE COURT: All right. Witness is excused.

7 Next witness?

8 MR. MCNAIR: Your Honor, the State calls

9 Michelle All.

10

11 MICHELLE BEAR,

12 being first duly sworn, testified as follows:

13 THE WITNESS: I do.

14 THE CLERK: Have a seat up there. If you'll
15 state your name and spell your last name for the
16 record.

17 THE WITNESS: My name is Michelle Bear,
18 B-E-A-R.

19 DIRECT EXAMINATION

20 BY MR. MCNAIR:

21 Q. Michelle, we're sorry you have to be here
22 today. Will you tell the jury what your
23 relationship was to Robert All?

24 A. I'm his mother.

25 Q. How old was Robert when he was killed?

- 1 A. 22.
- 2 Q. Do you have any other children?
- 3 A. Yes.
- 4 Q. How many?
- 5 A. One. His younger brother, Michael.
- 6 Q. Younger brother, Michael?
- 7 A. Yes.
- 8 Q. How old is Michael?
- 9 A. He's currently 24.
- 10 Q. Now, did Robert -- does Robert have any
- 11 children?
- 12 A. Yes. An eight-year-old son named W.A. .
- 13 Q. Eight-year-old son named W.A. ?
- 14 A. Uh-huh.
- 15 Q. And that's not a -- that's not a child he has
- 16 in common with the defendant?
- 17 A. No, it's not.
- 18 Q. That's from a previous relationship?
- 19 A. That's correct.
- 20 Q. Now talking about Morgan Carr, were you aware
- 21 of when Robert and Morgan Carr started dating?
- 22 A. Yes.
- 23 Q. How long do you think they dated for?
- 24 A. A little more than a year.
- 25 Q. A little more than a year?

1 A. Uh-huh.

2 Q. Were they still together at the time of
3 Robert's death?

4 A. No.

5 Q. They had broken up?

6 A. Yes.

7 Q. About how long prior to his death do you think
8 they had been broken up?

9 A. Approximately four or five months.

10 Q. About four or five months?

11 A. Yes.

12 Q. How was Robert doing during that time?

13 A. After they broke up?

14 Q. After they broke up.

15 A. He was doing well. He was spending more time
16 with the mother of his son. He was, you know,
17 spending more time talking to myself, my mother,
18 his -- and our family, had showed improvement in his
19 health, his general well-being.

20 Q. Now, to your knowledge, did your son ever use
21 methamphetamine prior to dating Morgan Carr?

22 A. Absolutely not.

23 Q. Let's talk about the vehicles that Robert had.
24 At one point did Robert have a Dodge Durango?

25 A. He did.

1 Q. Whose vehicle was that actually?

2 A. Mine.

3 Q. You let him drive it?

4 A. Yes.

5 Q. What happened to that Dodge Durango?

6 A. The Durango, he told me that it had been stolen
7 and it had been found -- well, I later found out
8 that it had been recovered by the police on the side
9 of Old Charleston Road in March of -- I'm sorry --
10 not in March but in June of 2018.

11 Q. June of 2018?

12 A. Yes.

13 Q. Okay. Had that vehicle been damaged?

14 A. Yes.

15 Q. Was it totaled?

16 A. Yes.

17 Q. So June of 2018 he no longer drove -- or after
18 June of 2018 -- he no -- I'm sorry -- he no longer
19 drove the Dodge Durango?

20 A. That's correct.

21 Q. What vehicles did she have after that time?

22 A. After that time he was driving an orange Jeep.
23 I don't know the model of the Jeep.

24 Q. That's fine. Was that his --

25 A. It belonged to Jordan Eversfield -- well, it

1 was a rental car.

2 Q. Okay. And then after that Jeep, what vehicle
3 did he drive?

4 A. The Altima.

5 Q. And that was also a rental car --

6 A. Yes.

7 Q. -- that belonged to Jordan Eversfield?

8 A. Yes.

9 Q. Okay. When was the last time that you talked
10 to Robert?

11 A. On July 11th at approximately 6:30.

12 Q. Did you see him in person, or was that a
13 telephone call?

14 A. It was a telephone call. He had called me just
15 to say hi. He was near our house. He was at
16 CarMax -- or he was with Jordan and Sierra when they
17 were buying their car to replace one that he had
18 wrecked, which was the reason they had the rental
19 cars.

20 He just had called me to say hi. We talked
21 briefly, and I had invited him to come over and have
22 dinner. And he said that he had something he had to
23 go do and that he would see me the next day and we
24 would come over and have dinner then.

25 Q. Do you know where he was going that night?

1 A. I don't.

2 Q. How did you learn of Robert's death?

3 A. The following morning at about 6:30 or 7:00 --
4 I don't recall the exact time. I'm sorry. The
5 coroner, Candace -- I'm sorry. I don't remember her
6 last name.

7 Q. Berry?

8 A. Yes. And Detective Miller and Detective Pratt
9 came to my house and asked me if -- had, you know,
10 asked me who I was and asked me if I was familiar
11 with Robert and to verify his birth date and asked
12 if he was my son, and I said yes. And they told me
13 at that time that he was deceased.

14 Q. At some point after that, shortly after that,
15 did you communicate with Morgan Carr?

16 A. I did.

17 Q. How did that come about?

18 A. She texted me and asked me what was going on.
19 I don't recall the exact conversation, but basically
20 what was going on, what incident had taken place,
21 and she was scared. She didn't know what was going
22 on. She wanted to know what was wrong with Robert.

23 Q. Was that early that morning?

24 A. That was probably around 8:30 or 9:00. I'm
25 sorry. I don't remember.

1 Q. That's fine. That's fine. That would have
2 been the morning of the 12th?

3 A. Yes. The police were still at my house when I
4 received that text message.

5 Q. Let me show you State's Exhibit 52.

6 (State's Exhibit Number 52 marked for
7 identification.)

8 BY MR. MCNAIR:

9 Q. Take a look at this and tell me whether or not
10 you recognize these messages.

11 A. I do.

12 Q. Are those the messages you just testified to
13 between you and Morgan Carr on the morning of July
14 12th, 2018?

15 A. They are.

16 MR. MCNAIR: Your Honor, we'd offer State's 52
17 into evidence at this time.

18 MS. YONGE: Without objection, your Honor.

19 (State's Exhibit Number 52 admitted into
20 evidence.)

21 BY MR. MCNAIR:

22 Q. Ms. All, let's just read these messages out
23 loud for the jury. Okay? Let's start at that
24 bottom.

25 A. Okay. She texted me and said, "Mom, why did

1 the police just leave? They're asking me weird
2 questions about Robert? Where is he? What the hell
3 happened? All they would tell me was that there was
4 an incident. Please tell me, Mom." And then she
5 said, "Can you call me? [REDACTED]-1570."

6 Q. All right.

7 A. And then --

8 Q. Did you ever call her?

9 A. No, I didn't.

10 Q. All right.

11 A. And then -- I'm sorry. I don't remember if
12 this is my son Michael or my now husband, Michael,
13 and said, "This is Michael. Did you see him last
14 night or the last couple of days?"

15 Q. Okay. So they jumped on your Facebook account
16 and messaged her at one point too?

17 A. Only because I was talking with -- I don't
18 remember if it was Detective Pratt or Detective
19 Miller, but I said -- I remember I handed my phone
20 over to one of them, and I said, Hey, can you please
21 answer her?

22 Q. Okay. All right.

23 A. And that was why he said this is Michael and
24 asked if he'd seen her -- if she'd seen him. Excuse
25 me.

1 Q. What was her response to that?

2 A. She said, "Yes, I saw him yesterday for about
3 30 minutes. Then he did -- then he said he had to
4 go meet Jordan at CarMax at around 8:30-ish. And I
5 called him, and he said he was waiting to make sure
6 Jordan had a ride home. Around 10:00 he ended up
7 showing up here and we stood outside and talked for
8 about 15 minutes. He said that he had to go take
9 care of something and asked if he could come back
10 afterwards. I said yes, and he left. I haven't
11 heard from him since he left."

12 Q. So based on your messages to you, was it your
13 understanding that she had no knowledge about
14 what -- what actually happened?

15 A. That's correct.

16 Q. That and she wasn't present at the scene?

17 A. That's correct.

18 Q. All right.

19 A. And then she asked me, "What's going on? Is
20 this Bear or Michael Richard?"

21 Q. Who is --

22 A. And I said --

23 Q. Who is Bear and Michael Richard?

24 A. Bear is my now husband. Michael -- and Michael
25 Richard is my -- my younger son, Michael. We have

1 to kind of tell them apart. That's why we, you
2 know...

3 Q. What was your response?

4 A. I said, "It's Michelle now."

5 And she said, "Hey, Mom. Please call me."

6 And I said, "I can't call right -- I can't
7 right now. I will call soon."

8 And she said, "Where is Robert? I'm freaking
9 out. What incident happened?"

10 And then I asked her, "Did he said where he was
11 going or what he was doing?"

12 She said, "Please tell me something."

13 Q. Again pretending not to know anything --

14 A. Right.

15 Q. -- about what happened?

16 A. Exactly. And then she said, "No, and he could
17 tell I was getting aggravated at him because he
18 wouldn't tell me where and who he was going to see.
19 All he would say was he was going to take care of
20 something. I finally said, 'Whatever. I'm not
21 fighting with you. I said, I love you' and walked
22 inside." And then she said, "I didn't think
23 anything of it. I thought he was just in a bad mood
24 or he was being an ass like he does sometimes, so I
25 just blew it off." And then she said, "Please tell

1 me something, Mom." Because I just wasn't
2 answering. And then she said, "Why did you thumbs
3 down that message?"

4 I said, "I didn't or at least I didn't mean to.
5 I'll call you in a while."

6 Q. Okay. Did you ever talk with her face to face?

7 A. No. I did not. I never spoke to her on the
8 phone either.

9 Q. Okay. And just to be clear, she never told you
10 she was present when Robert was killed, right?

11 A. No.

12 MR. MCNAIR: Thank you.

13 THE COURT: Cross-examination?

14 MS. YONGE: I have no questions for this
15 witness.

16 THE COURT: The witness is excused.

17 You may step down.

18 MS. FULLER: Your Honor, the State calls
19 Courtney Kenyon.

20 THE COURT: This is going to be our final
21 witness before the lunch break.

22 MS. FULLER: That's correct, your Honor. Thank
23 you.

24 THE COURT: Okay. I'm sorry. I didn't hear
25 the name.

1 MS. FULLER: How to spell it or?

2 THE COURT: I didn't hear it.

3 MS. FULLER: Oh. Courtney Kenyon. Sorry.

4 THE COURT: Thank you.

5 COURTNEY KENYAN,

6 being first duly sworn, testified as follows:

7 THE WITNESS: Yes.

8 THE CLERK: If you'll have a seat up in the
9 chair. If you'll state your name and spell your
10 last name for the record.

11 THE WITNESS: Okay.

12 My name is Courtney Kenyon, K-E-N-Y-O-N.

13 DIRECT EXAMINATION

14 BY MS. FULLER:

15 Q. Thank you for being here. Do you know the
16 defendant in this case, Morgan Carr?

17 A. Yes.

18 Q. And how do you know her?

19 A. Goes way back. She dated my husband about ten
20 years ago, and we had a -- we maintained a
21 friendship, I guess, over Facebook.

22 Q. So you were Facebook friends with Morgan Carr
23 on Facebook, correct?

24 A. Correct.

25 Q. As it relates to the murder in this case, did

1 you communicate with her on Facebook about it?

2 A. Yes.

3 Q. And did you first communicate via a public
4 post; is that correct?

5 A. Yes.

6 Q. And then privately?

7 A. Correct.

8 Q. Okay. I'm going to show you what's been
9 premarked as State's 53 and 54.

10 (State's Exhibit Numbers 53, 54 marked for
11 identification.)

12 BY MS. FULLER:

13 Q. And ask you to take a minute to review it and
14 see if you recognize it.

15 A. Yes, I recognize this.

16 Q. And is this your communication with Morgan
17 Carr?

18 A. Yes, it is.

19 Q. That's back on July 12th of 2018; is that
20 correct?

21 A. Yes.

22 MS. FULLER: At this time, your Honor, the
23 State seeks to introduce into evidence State's
24 Exhibit 53 and 54.

25 MS. YONGE: Without objection, your Honor.

1 THE COURT: State Exhibit 53 and 54 admitted
2 into evidence.

3 (State's Exhibit Numbers 53, 54 admitted into
4 evidence.)

5 BY MS. FULLER:

6 Q. And I'm not worried about the time because it's
7 in UTC time, so not Eastern yet.

8 Looking here, do you recognize this as a post
9 that you commented on, on Facebook?

10 A. Yes.

11 Q. And for the record, can you go ahead and
12 publish where it says posted and then the status.
13 What's written there? Can you read it?

14 A. You want me to read the actual status?

15 Q. Yes. What you saw that day.

16 A. Ooh. That's blurry.

17 Q. One second. Sorry.

18 A. No problem.

19 Q. Okay. Go ahead.

20 A. It says, "I can't. I just can't. Why,
21 question mark? Who would do this, question mark? I
22 can't even think right now. I can't believe this.
23 Why him?"

24 Q. Okay. And then down here do you recognize your
25 name?

1 A. Yes.

2 Q. Okay. And that's you?

3 A. Yes.

4 Q. And then you commented, correct?

5 A. I did.

6 Q. What did you comment?

7 A. I said, "Who was this? This is terrible. So
8 close to home."

9 Q. And then did Morgan respond?

10 A. Yes.

11 Q. What did she say?

12 A. "Message me."

13 Q. And is that when you messaged her -- or is that
14 when you guys communicated privately?

15 A. Yes.

16 MS. FULLER: Now publishing State's 54, and for
17 the record, it goes from bottom to top.

18 (State's Exhibit Number 54 published for his
19 Honor and the jury.)

20 BY MS. FULLER:

21 Q. So looking here at the second page, that's your
22 name again as the author?

23 A. Yes.

24 Q. And then the body is the message sent, correct?

25 A. That is correct.

1 Q. So we're just going to go ahead and -- if you
2 could just read that to the jury starting down here.

3 A. I said, "You know the man that got shot?
4 Swansea is where I'm from. Gaston last week; now
5 Swansea this week. Sad."

6 Q. And then she responded?

7 A. She responded, "It was Robert. Courtney, I
8 don't know what to do right now. I can't breathe."

9 Q. And then your response?

10 A. "WTF," which stands for what the...

11 Q. Okay. That's good. And then what else did you
12 say?

13 A. "OMG," which means oh, my God.

14 Q. And then did she respond?

15 A. Yes.

16 Q. What did she say?

17 A. "I can't."

18 Q. And then you -- go ahead and read your next
19 message.

20 A. I responded, "What the hell? I'm sorry."

21 Q. And then what did she respond?

22 A. "He did not deserve this shit. It should have
23 been me, not him."

24 Q. And then now starting at the bottom of the
25 front page of State's 54, what did you respond?

1 A. I said, "It was not your fault, though. You
2 can't blame yourself for anything."

3 Q. And what did she say next?

4 A. "Don't say that."

5 Q. And what did you say after that?

6 A. "Do they have suspects?"

7 Q. And what was her response?

8 A. "I don't know yet."

9 Q. And it says, IDK, but that stands for I don't
10 know?

11 A. I don't know -- I mean, I don't know, yeah.
12 I'm sorry.

13 Q. No, you're fine. And then after that, what did
14 you respond right here?

15 A. I said, "I'm sorry you are dealing with this.
16 I know your heart hurts because you love him very
17 much."

18 Q. And then her response?

19 A. "That man was my world."

20 Q. And then this --

21 A. Those are probably crying emojis or something.

22 Q. Okay. And then right here?

23 A. I said, "You cannot blame yourself."

24 Q. And then what did she respond?

25 A. "But I do. It was a drug deal."

1 Q. It --

2 A. It was -- I'm sorry. "It was a bad drug deal.
3 He wasn't around drugs until me."

4 Q. And then what else did she message you?

5 A. "Can you call me?" With her phone number,
6 [REDACTED]-1570.

7 Q. Did you call her?

8 A. I did not.

9 Q. Okay. And then what did you respond?

10 A. "Oh, no. But still, Morgan, he was a grown
11 man."

12 Q. And then what did she say?

13 A. "Yeah. Give me a sec."

14 Q. And what did she say?

15 A. "Okay."

16 Q. Did you communicate at all after this?

17 A. No.

18 Q. You never called her, correct?

19 A. I never called her, no.

20 Q. All of this communication started because of
21 the post that you -- or the comment or post that you
22 saw here and you responded and she said to message
23 her, correct?

24 A. Correct.

25 MS. FULLER: Nothing further, your Honor.

1 THE COURT: Cross-examination?

2 MS. YONGE: May it please the Court?

3 THE COURT: Yes, ma'am.

4 CROSS-EXAMINATION

5 BY MS. YONGE:

6 Q. Hi, Ms. Kenyon.

7 A. Hi.

8 Q. How are you?

9 A. I'm good. Thank you.

10 Q. Just briefly, you mentioned in the course of
11 these messages, you state, "I'm sorry you are
12 dealing with this. I know your heart hurts because
13 you love him very much." Correct?

14 A. Correct.

15 Q. How did you know that she loved Robert very
16 much?

17 A. She posted about him for -- I don't know -- it
18 was several months. They were on and off, I guess,
19 and on Facebook -- she posted him on her Facebook.

20 Q. But your impression was that she loved him a
21 lot?

22 A. Yeah. I could -- I mean, I --

23 Q. Well, that's why you said it?

24 A. Uh-huh.

25 Q. Okay. Thank you.

1 State ready to call their next witness?

2 MR. MCNAIR: Yes, sir, your Honor.

3 THE COURT: Is the defense ready to proceed?

4 MS. YONGE: Defense is ready, your Honor.

5 (The jury enters the courtroom at 2:06 p.m.)

6 THE COURT: All right. Ms. Foreman, ladies and
7 gentleman of the jury, welcome back. I hope you had
8 a nice lunch.

9 We'll pick up where we left off with the next
10 witness in the State's case in chief.

11 MR. MCNAIR: Thank you, your Honor. The State
12 calls Matthew Robinson.

13 MATTHEW ROBINSON,
14 being first duly sworn, testified as follows:

15 THE WITNESS: Yes, ma'am.

16 THE CLERK: If you'll have a seat up there in
17 the chair. If you'll state your name and spell your
18 last name for the record.

19 THE WITNESS: My name is Matthew Robinson,
20 R-O-B-I-N-S-O-N.

21 DIRECT EXAMINATION

22 BY MR. MCNAIR:

23 Q. Matthew, how are you doing today?

24 A. Good. How are you?

25 Q. You go by Matthew or Matt?

1 A. Matt.

2 Q. Okay. Matt, let's start by telling the jury a
3 little bit about yourself. How old are you?

4 A. 28.

5 Q. Where did you grow up?

6 A. St. George. But I moved here and grew up in
7 South Carolina, the Columbia area.

8 Q. Did you go to high school about this area?

9 A. Yes. Pelion.

10 Q. What high school?

11 A. Pelion High School.

12 Q. Pelion? Okay.

13 A. Yes, sir.

14 Q. Are you married?

15 A. I'm engaged.

16 Q. How long have you been in a relationship?

17 A. Eight years.

18 Q. What's your fiancée's name?

19 A. Alaina Williams.

20 Q. Alaina Williams? All right. Tell the jury
21 what is your relationship to Corey Robinson?

22 A. That's my brother.

23 Q. And he's the one who pled guilty to murder in
24 this case, correct?

25 A. Yes.

1 Q. Is your brother older than you?

2 A. Yes.

3 Q. How much?

4 A. About three years.

5 Q. About three years? Tell the jury what kind of
6 relationship you had with your brother.

7 A. Me and my brother weren't close growing up. We
8 were brothers. We did brotherly stuff, played
9 football, stuff like that. We never hung out
10 outside of home. We didn't talk. We didn't share
11 anything.

12 Q. All right. And into adulthood, did y'all still
13 have that kind of -- that type of relationship?

14 A. Yes. Up until a month before this happened, we
15 had kind of got a little close.

16 Q. Now, back in July of 2018, where were you
17 living?

18 A. I was living on my own in a camper on -- off
19 Edmund Highway.

20 Q. All right. Is that [REDACTED] Edmund Highway?

21 A. Yes, sir.

22 Q. Who was living with you there?

23 A. My fiancée.

24 Q. Now, would you see your brother from time to
25 time during that time period?

- 1 A. Yes, sir.
- 2 Q. Would he just stop by sometimes?
- 3 A. Sometimes he would just stop by, yes.
- 4 Q. Was he in a relationship at that time?
- 5 A. Yes, sir.
- 6 Q. Who was he in a relationship with?
- 7 A. Morgan Carr.
- 8 Q. Had you met her before?
- 9 A. Yes.
- 10 Q. Let's talk about July 10th of 2018. Do you
- 11 recall Morgan and Corey coming to your house that
- 12 day?
- 13 A. Yes, sir.
- 14 Q. Do you know how they got there that day?
- 15 A. Yes. They were dropped off by Robert.
- 16 Q. By Robert All?
- 17 A. Yes.
- 18 Q. Did you meet Robert when he dropped them off?
- 19 A. No. Not at that time.
- 20 Q. Not at that time? So he just dropped them off
- 21 and left?
- 22 A. Yes.
- 23 Q. And then Morgan and Corey just stayed at your
- 24 house?
- 25 A. Yes. They hung out at my house.

1 Q. Just tell us what happened after Robert left.

2 A. Morgan and my brother were hanging out, and
3 they went to go shoot up drugs in my house, so I
4 asked them to leave. They didn't -- they couldn't
5 leave at the time yet, so they went outside into a
6 car that they had brought there a few days
7 previously, and they were sitting outside in the
8 car.

9 Q. And where was this car?

10 A. Right outside my camper on the backside, by the
11 window where I sleep.

12 Q. All right. So it's right next to your camper?

13 A. Right next to it.

14 Q. What were they doing inside the car?

15 A. They went out there to shoot up drugs.

16 Q. Could you see them in the car?

17 A. Yes. But I went back inside and went away from
18 them.

19 Q. What did you see them doing inside the car?

20 A. I saw Morgan shooting up my brother with drugs.

21 Q. Okay. And could you hear --

22 A. And getting ready --

23 Q. Could you hear them having a conversation
24 during that time?

25 A. Yes.

1 Q. Where were you at this point?

2 A. I was in my camper.

3 Q. Was there a window open, or how are you able to
4 hear what they're saying inside this vehicle?

5 A. Well, one, the camper -- the walls are so thin,
6 you can just hear someone right outside, but I do
7 keep all my windows open. And, one, I was cooking
8 burgers that day. It was very hot, so I had all my
9 windows open so all the smoke goes out. But I can
10 hear everything clearly that both of them were
11 saying.

12 Q. And what did you hear them talking about?

13 A. Morgan really wanted my brother to beat up
14 Robert and take his car and kick his ass.

15 Q. And you heard Morgan tell your brother that?

16 A. Yes.

17 Q. That she wanted to take Robert's car?

18 A. Yes, sir.

19 Q. And that she wanted your brother to beat his
20 ass?

21 A. Yes, sir.

22 Q. What did you do at that point?

23 A. That's when I went outside, and I told them
24 they have to leave. And Morgan came in the house
25 and contacted Robert.

1 Q. Why did you tell them they had to leave at that
2 point? What was it about that that concerned you?

3 A. They made me uncomfortable to where I did not
4 want to be around them because I don't associate
5 with that kind of behavior.

6 Q. And you told them they had to leave?

7 A. Yes.

8 Q. What happened at that point?

9 A. Morgan came in the house and asked to use my
10 phone to log into Facebook. She had logged into
11 Facebook and contacted Robert and asked for a ride.

12 Q. All right. And did you --

13 A. Right --

14 Q. Were you able to see those messages?

15 A. I didn't see those messages, no.

16 Q. Did you later see them on your...

17 A. No. Because I somehow got logged out.

18 Q. But she used your phone to get on Facebook to
19 message Robert?

20 A. Yes. Because that's why she asked me to use
21 the phone, because she wanted to message Robert.

22 Q. And at some point after that, did Robert show
23 up?

24 A. Yes, sir.

25 Q. Did you meet Robert at that time?

1 A. Yes, sir.

2 Q. Was that the first and only time you met
3 Robert?

4 A. First and only time.

5 Q. How long did they stay after Robert got there?

6 A. They stayed probably about 10, 15 minutes.

7 Q. And did you see Robert All's vehicle?

8 A. Yes.

9 Q. Do you recall what type of vehicle it was?

10 A. It was a silver Nissan.

11 Q. Now, do you remember about what time they left
12 on the 10th, that day?

13 A. About 7:30, 8:00.

14 Q. So late afternoon, early evening?

15 A. Yes, sir. Late afternoon, early evening.

16 Q. Now, did you see them again in the early
17 morning hours of July 12th?

18 A. Yes.

19 Q. And what vehicle were they in at that time?

20 A. A silver Nissan, Robert's car.

21 Q. That's the same one you had seen on the 10th?

22 A. Yes, sir.

23 Q. Who was in that vehicle at that time?

24 A. My brother, Morgan Carr, Robin Cunningham, and
25 Timothy. I'm not sure of his last name.

1 Q. Okay. Robert wasn't with them?

2 A. Robin. My bad. No, Robert was with them,
3 then.

4 Q. Okay. And Corey was driving?

5 A. Yes.

6 Q. Do you recall where everybody was sitting?

7 A. My brother was driving. I do believe Timothy
8 was the passenger. Morgan was behind Timothy, and
9 Robin was behind my brother.

10 Q. Okay. What happened when they pulled up?

11 A. Immediately after they pulled up, my brother
12 tried having a conversation with me about going away
13 with him and going to see his kids with him and
14 stuff, but Morgan intervened.

15 Q. Can you describe how your brother appeared when
16 you saw him?

17 A. My brother would not look at me in the face; he
18 just stared at the steering wheel and kept staring
19 down. He would not talk. He was basically
20 distraught and -- it's like he wasn't even there. I
21 didn't know who I was talking to at the time,
22 honestly.

23 Q. Did you ask him anything?

24 A. I asked him, "Are you okay?"

25 Q. And what happened at that point?

1 A. Morgan intervened by hopping out the car and
2 trying to have a conversation with me.

3 Q. What did Morgan say?

4 A. Morgan said she was good and that she was happy
5 and she got out and asked if she -- we had a bowl
6 that she can smoke her weed.

7 Q. How would you describe her demeanor or her
8 behavior?

9 A. Very giddy.

10 Q. Giddy?

11 A. And happy. Yes.

12 Q. And happy?

13 A. She basically got out the car -- she did a
14 little twirl. She twirled around and was all
15 happy-like, and the same thing with the other two.

16 Q. Are you talking like dancing?

17 A. Yes. She was giddy. She did a little twirl
18 and she was, like, in a really uppity mood.

19 Q. Did she appear to be scared of your brother at
20 all?

21 A. No.

22 Q. Did you see your brother threaten her at all in
23 your presence?

24 A. No. My brother didn't threaten anybody in my
25 presence.

1 Q. Your brother appeared distraught to you?

2 A. Yes.

3 Q. Like out of it?

4 A. Very.

5 Q. Did your brother ever get out of the vehicle?

6 A. No.

7 Q. Anybody else get out of the vehicle other than
8 Morgan?

9 A. Two people, yes, sir -- or one person. Other
10 than Morgan, one person.

11 Q. Who was that?

12 A. That was Tim.

13 Q. Had you met him before?

14 A. When I was younger. He was a family friend, a
15 neighbor basically. That's the only time I've ever
16 met him, no relation.

17 Q. Did you know what his relationship was to
18 Morgan or your brother?

19 A. No.

20 Q. And what was Robin Cunningham doing?

21 A. Robin just sat in the backseat. He never
22 really spoke too much. He made like one little
23 comment. I can't even remember what the comment
24 was. He just tried joining in the conversation.
25 Other than that, he just sat back there smiling and

1 didn't even get out of the car.

2 Q. So who was the one doing most of the talking?

3 A. Morgan and Tim.

4 Q. Did you see a gun anywhere in the vehicle?

5 A. Yes.

6 Q. Where?

7 A. My brother's lap.

8 Q. Okay. So he had the gun on his lap, but you
9 didn't see him point it at Morgan or threaten her?

10 A. No. He didn't threaten anybody.

11 Q. And she jumped out the vehicle and was giddy
12 and dancing?

13 A. Yes.

14 Q. Okay. How long do you think they were there?

15 A. They were there about 15 or 20 minutes, I
16 believe.

17 Q. Do you know where they were going after that?

18 A. They didn't say a word to me.

19 Q. What was your last words to them, do you
20 remember?

21 A. My last words was telling my brother I loved
22 him.

23 Q. Okay. Did you ever hear from your brother
24 again that night?

25 A. Not that night, no.

1 Q. When did you hear from your brother again?

2 A. 4:00 in -- the next morning.

3 Q. Okay. So if they showed up in the early
4 morning hours of the 12th, would that have been
5 later --

6 A. Well, I guess that would have been later that
7 night. My bad.

8 Q. Later that same morning?

9 A. Yes.

10 Q. Around 4:30?

11 A. Yes. It was exactly 4:00.

12 Q. Did he call you or did you see him, or what
13 happened?

14 A. I was asleep with my fiancée, and he had
15 called.

16 Q. Did you answer?

17 A. Yes.

18 Q. You spoke to him?

19 A. Yes, sir.

20 Q. Did he express to you how he felt about Morgan?

21 A. The first thing that he said to me was don't
22 believe anything you -- he asked me if I had saw the
23 news. I told him no.

24 MS. YONGE: Uh -- he started to -- there was
25 some hearsay that started there, your Honor.

1 THE COURT: Real quick.

2 (Sidebar conference.)

3 THE COURT: Mr. McNair, why don't you rephrase
4 your question to clarify.

5 BY MR. MCNAIR:

6 Q. We were talking about a conversation that you
7 had with your brother around 4:30 the morning of the
8 12th.

9 A. Yes, sir.

10 Q. And I asked you did he express how he felt
11 about Morgan?

12 A. Yes. And I misunderstood the question. I went
13 to go say what all he said instead.

14 Q. Right.

15 A. The whole conversation of what he said because
16 he started the conversation off differently. He
17 just asked me if I had saw the news. That's the
18 only reason I took a step back, because that was the
19 first word out his mouth. He asked me if I saw the
20 news that morning. I told him no. He said don't
21 believe a word -- he said "Morgan set me up."

22 Q. Okay.

23 THE COURT: Any other questions?

24 MR. MCNAIR: Are you --

25 THE COURT: Well, I didn't hear you.

1 MR. MCNAIR: I have one more.

2 THE COURT: That wasn't even --

3 MS. YONGE: Your Honor, I think we're good to
4 keep going.

5 MR. MCNAIR: Yeah.

6 THE COURT: Yeah. I think you're...

7 MR. MCNAIR: Okay.

8 THE COURT: That was different than what I
9 remember.

10

11 BY MR. MCNAIR:

12 Q. All right. He expressed to you that Morgan had
13 set him up?

14 A. Yes.

15 Q. Are you here to protect your brother?

16 A. No. Not in any way.

17 MR. MCNAIR: That's all the questions I have.

18 Please answer any questions the defense may have.

19 Thank you.

20 THE WITNESS: Yes, sir.

21 CROSS-EXAMINATION

22 BY MS. YONGE:

23 Q. Good afternoon, Mr. Robinson.

24 A. Good afternoon.

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

1 A. Yes, ma'am.

2 Q. A written statement?

3 A. Yes, ma'am.

4 Q. And in that didn't you say that you had called
5 them to come over because Morgan was going to give
6 you a tattoo?

7 A. No. I was going to give one of them a tattoo.

8 Q. Oh.

9 A. I was into tattoos and stuff. I may have
10 miswrote it at the time because I was going through
11 some things, clearly. Because of what just
12 happened. But, no, I was into tattoos and stuff
13 like that. And Morgan or either Corey -- I don't
14 remember which one -- had wanted a tattoo. I told
15 them I would message them the next day, and I did,
16 and I told them to come over.

17 Q. Okay.

18 MS. YONGE: I don't have a non-highlighted
19 Version 2 --

20 MS. FULLER: What do you need?

21 MS. YONGE: Your Honor, may I approach the
22 witness?

23 THE COURT: Yes, ma'am.

24 BY MS. YONGE:

25 Q. If you just want to take a quick look at this

1 first bit and refresh your memory.

2 A. No. It's supposed to be giving tattoo, not
3 getting tattoo. I don't get tattoos by other
4 people. I'm into giving tattoos. I like giving
5 tattoos. It's kind of like an artwork, an
6 expression.

7 Q. Okay. So it was supposed to be --

8 A. I think it was just a misspelling back then.
9 It's supposed to be giving, not getting a tattoo.

10 Q. Okay. So it was supposed to be giving a
11 tattoo, but this is Tuesday morning that you called
12 Corey and asked him and Morgan to come over because
13 you were going to be giving a tattoo?

14 A. Yes.

15 Q. And this is before Robert was killed?

16 A. Yes.

17 Q. Okay. That's -- I was just trying to clarify.
18 I'm trying to...

19 A. That's understandable.

20 Q. Do you go by Matt Hulk Smash Robinson on
21 Facebook?

22 A. I do. That's my old account, yes.

23 Q. I like the middle name.

24 A. Thank you. Big Hulk fan; so...

25 Q. My nephew likes Hulk a lot too.

1 Do you recall having a conversation with Corey
2 on that Facebook account after Robert had died?

3 A. Yes. I think so.

4 Q. Do you recall asking him to meet you at --
5 "Meet me at the camper when you can"?

6 A. I was asked by the detectives any way I could
7 to help get my brother over to me and lure him back
8 into safety to get him arrested. That's my attempt
9 to doing that. Everything I was told to do was told
10 to me by a detective. So I did everything I could
11 to get my brother to trust me, so he would come
12 home, and hopefully we can go and get him help and
13 get him arrested, turn him in and all.

14 Q. Okay. So when you say, "Give me a name. Give
15 me something to go on. If you say you didn't do it,
16 then I believe you, and if you weren't there, then
17 you weren't there, but they need to know that also.

18 "The detective that came to my house wants you
19 to call him, and he said he will make sure you get
20 everything out and find out what really happened.

21 "Please, if this really wasn't you, don't go
22 down to it. I'm just getting to spend time with you
23 more, and I don't want to lose that in the end. I
24 still look up to your ass till this day, so show me
25 what a real man is and take the harder way, Corey,

1 please. I'll stay by your side the whole way" --

2 A. That was me trying to gain my brother's trust
3 and hopefully he would turn himself in.

4 Q. And you were hoping that he would give you a
5 name or something to go on?

6 A. No. I was hoping he would just turn himself
7 in.

8 Q. And that he would turn himself in?

9 A. Yes.

10 Q. Okay. When he responds to you and you say, "If
11 I help you, you have to promise me it wasn't you,
12 Corey. I'm trusting you. If you think this is the
13 only way out, then, okay. It's better than losing
14 you. If you remember the gas station I told you
15 James lives by, find a spot near there. I'll be in
16 contact soon" --

17 A. Yes.

18 Q. -- that's in concert with the police?

19 A. Yep. I kept trying to gain his trust any way I
20 could. I told him I had a motorcycle if he needed
21 it, which I obviously didn't. It was a lie. I told
22 him I had money for him. That was a lie too. I
23 lied any way I could to get my brother to trust me,
24 and that really hurt.

25 Q. Okay. So when you told him that "I may have to

1 buy it," it being a car -- "but, yes, I'm going now.
2 Whatever you do, don't go to the camper. They're
3 waiting," that was you trying to help get your
4 brother in by telling him to not to come to the
5 camper because they were waiting?

6 A. No. It wasn't about the camper. I was just
7 trying to get him to trust me in any way, meaning if
8 I have to make anybody else look bad for him to
9 trust me to get him where he needed to be, yes, to
10 get him arrested and the help he needed, yes. I
11 think I even lied to my mom, so, yes.

12 Q. And that would be --

13 A. Just anything to gain his trust.

14 Q. And that would be when he tells you something
15 and you say, "I know. She's working with them too
16 to find you, and I'll get it myself. I don't think
17 she's going to help." And you told him you were
18 going to get him a motorcycle?

19 A. Yes.

20 Q. And money?

21 A. Yes.

22 Q. And a phone?

23 A. Yes.

24 Q. And that you weren't going to tell his name
25 because she was working with the police?

1 A. Yes. And that's all to gain his trust.

2 Q. And that he shouldn't come to the camper
3 because they're watching it?

4 A. Yes.

5 Q. What cop were you working with?

6 A. I'm not exactly sure the cop's name. I know
7 Detective Sully was involved. I don't remember all
8 the other cops that were involved. I was asked
9 by -- I remember he had a beard and all. I was
10 told, any way I could, to convince my brother and
11 help him to get my brother to turn himself in.

12 MS. YONGE: Thank you, Mr. Robinson.

13 No further questions.

14 THE COURT: Any redirect?

15 REDIRECT EXAMINATION

16 BY MR. MCNAIR:

17 Q. Matt, what concerns did you have about Corey if
18 he didn't turn himself in, he wasn't arrested?

19 A. I was worried that either he was going to get
20 hurt really bad, and no matter what he did, that's
21 not what you want. That's your family member.
22 But -- or he would hurt somebody else, possibly. I
23 just didn't think it would end well.

24 Q. Did you have concerns about what he may do to
25 himself?

1 A. Yes.

2 Q. Did you want to see him arrested?

3 A. Yes.

4 Q. You believe he's in the right place now?

5 A. Definitely. I think it's the best for
6 everybody, even though the outcome; someone lost
7 their life. I'm sorry. But it's the best because
8 he cannot hurt anybody else.

9 Q. And you're not here to testify that your
10 brother was blameless in this, right?

11 A. No.

12 MR. MCNAIR: Thank you.

13 THE COURT: Recross?

14 RE CROSS-EXAMINATION

15 BY MS. YONGE:

16 Q. Briefly, Mr. Robinson. You were scared he was
17 going to hurt someone else?

18 A. Yes. And that's pretty normal, seeing as how
19 he just did commit a crime. So I just did not want
20 anybody else to get hurt or him to get hurt in any
21 way.

22 Q. So you knew your brother had done it at the
23 time?

24 A. No. I just knew what was being told.

25 MS. YONGE: No further questions.

1 THE COURT: All right. The witness may step
2 down.

3 Next witness?

4 MR. MCNAIR: Your Honor, the State calls Alaina
5 Williams.

6 ALAINA WILLIAMS,
7 being first duly sworn, testified as follows:

8 THE WITNESS: Yes, ma'am.

9 THE CLERK: If you'll have a seat in that
10 chair. If you'll state your name and spell your
11 last name for the record.

12 THE WITNESS: Yes, ma'am.

13 My name is Alaina Williams, W-I-L-L-I-A-M-S.

14 DIRECT EXAMINATION

15 BY MR. MCNAIR:

16 Q. Now, Alaina, are you are engaged to Matthew
17 Robinson; is that correct?

18 A. Yes, sir, it is.

19 Q. He just testified. Tell us a little bit about
20 yourself. Where are you from?

21 A. I'm from west Columbia, South Carolina.

22 Q. Where did you go to high school?

23 A. I went to Airport High School.

24 Q. Airport. What year did you graduate?

25 A. 2011.

1 Q. Okay. And how long have you and Matt been
2 together?

3 A. Eight to nine years.

4 Q. Eight to nine years?

5 A. Yes, sir.

6 Q. Now, back in July of 2018, were you living with
7 Matt off of Edmund Highway?

8 A. Yes, sir, I was.

9 Q. And were you present in the early morning hours
10 of July 12th, 2018, when Morgan Carr and Corey
11 Robinson showed up?

12 A. Yes, sir, I was.

13 Q. Had you met them previously?

14 A. Yes, sir.

15 Q. You knew Corey obviously, right? Because that
16 was Matt's brother?

17 A. Yes.

18 Q. Had you met Morgan before that?

19 A. Couple of times, yes.

20 Q. And they were boyfriend-girlfriend?

21 A. Yes, sir.

22 Q. So you were present when they pulled up that
23 night; is that correct?

24 A. Yes, sir.

25 Q. Did you see some other people in the vehicle?

1 A. Two other people.

2 Q. Did you know who they were?

3 A. No. I couldn't recognize them.

4 Q. Well, how about just tell us what you saw when
5 they pulled up that night.

6 A. The first person out of the vehicle was Morgan,
7 and she was happy. She was twirling. She was
8 laughing. Corey was depressed in the driver's seat.
9 It was almost like she was celebrating, and he was
10 just depressed.

11 Q. Did you see Corey threaten her in any way?

12 A. No.

13 Q. Did she appear to be scared of Corey?

14 A. No. She seemed like she was having a good
15 time.

16 Q. Like she was having a good time?

17 A. Yes, sir.

18 Q. And celebrating?

19 A. Yes, sir.

20 Q. Did you stick around to talk to them or --

21 A. No. I went back inside.

22 Q. Did you even see them leave?

23 A. No.

24 Q. So you saw all that, and you went back inside?

25 A. Yes.

1 MR. MCNAIR: That's all the questions I have.

2 Thank you.

3 THE WITNESS: No problem.

4 THE COURT: Excuse me.

5 Cross-examination?

6 MS. YONGE: Yes, your Honor. If it may please
7 the Court?

8 THE COURT: Certainly, yes, ma'am.

9 CROSS-EXAMINATION

10 BY MS. YONGE:

11 Q. Good afternoon, Ms. Williams.

12 A. Hello.

13 Q. Do you have any knowledge as to whether your
14 husband was working in concert with law enforcement?

15 A. No.

16 Q. Okay.

17 MS. YONGE: No further questions, your Honor.

18 THE COURT: Any redirect?

19 MR. MCNAIR: No, your Honor.

20 THE COURT: Thank you. The witness is excused.

21 THE WITNESS: Thank you.

22 THE COURT: Next witness?

23 MS. FULLER: Thank you, your Honor. The State
24 calls Sergeant Brandon Miller.

25 BRANDON MILLER,

1 being first duly sworn, testified as follows:

2 THE WITNESS: I do.

3 THE CLERK: You can have a seat up there. If
4 you'll state your name and spell your last name for
5 the record.

6 THE WITNESS: My name is Brandon Miller,
7 M-I-L-L-E-R.

8 DIRECT EXAMINATION

9 BY MS. FULLER:

10 Q. And in introducing yourself to the jury, can
11 you tell them where you're employed?

12 A. So I'm currently at the Lexington County
13 Sheriff's Department as a sergeant in our Major
14 Crimes Division.

15 Q. How long have you been employed at the
16 Lexington County Sheriff's Department?

17 A. About 15 years.

18 Q. And how long have you been a sergeant?

19 A. I've been a sergeant close to seven years
20 now --

21 Q. Back --

22 A. I'm sorry -- six years.

23 Q. Okay. I apologize.

24 A. I'm sorry.

25 Q. Back in July of 2018, that would mean you were

1 still a sergeant then?

2 A. Correct.

3 Q. Was that in Major Crimes?

4 A. Yes.

5 Q. I want to walk through the nature of your
6 involvement in this case. What was the nature of
7 your involvement in this case?

8 A. So as the sergeant in Major Crimes, I have a
9 team of detectives, and when I got a call that there
10 was a potential murder on Toole Smith Road, it was
11 my job to lead and assist my team and the lead
12 investigator with investigating the crime.

13 Q. As it relates to the investigation of this
14 case, how many detectives and law enforcement
15 personnel was involved?

16 A. Numerous. Numerous. Probably upwards of
17 probably 40 people, at least.

18 Q. Okay. And everyone played a different part?

19 A. Correct.

20 Q. And as it relates to your part, who did you
21 work side by side with, essentially?

22 A. Detective James Pratt.

23 Q. Who is he?

24 A. He is the lead investigator on this case.

25 Q. Where is he now?

1 A. He is currently out of law enforcement, and I
2 belive he does contract work on the -- or -- as
3 full-time.

4 Q. So he's no longer with the Lexington County
5 Sheriff's Department?

6 A. Correct. He's out of law enforcement.

7 Q. He's retired?

8 A. Yes.

9 Q. And looking younger?

10 A. That's right.

11 Q. Back on -- I want to go ahead and talk to you
12 about July 18th. Did you have an opportunity to
13 interview Morgan Carr in this case?

14 A. I did.

15 Q. And on July 18th was she under arrest?

16 A. She was.

17 Q. What was she under arrest for?

18 A. She was under arrest for obstructing justice.

19 Q. Can you explain to the jury what that warrant
20 was for initially?

21 A. So up to that point, she had been interviewed a
22 few different times by law enforcement, and there
23 were inconsistencies with what she provided and
24 once -- and that's an applicable charge to charge
25 when you have someone that's inconsistent with their

1 statements and information to law enforcement.

2 Q. So at the time of that interview, the only
3 warrant for her -- the only warrant she had served
4 on her was obstruction of justice, correct?

5 A. Correct.

6 Q. And then in November of 2018, she received the
7 murder charge and armed robbery; is that correct?

8 A. That's correct.

9 Q. What was the basis of upgrading her charges at
10 that point?

11 A. So based on other witness testimony, the other
12 codefendant testimony, other information that we
13 received through investigative means, all
14 corroborated that those were appropriate charges for
15 Morgan Carr.

16 Q. And at that point she was charged with the
17 murder and armed, robbery, correct?

18 A. Yes.

19 Q. I want to talk to you about the interview at
20 that time. Was she in custody when the interview
21 took place?

22 A. Yes.

23 Q. And was she provided with her Miranda warnings?

24 A. I was advised that she was.

25 Q. What was the purpose of providing her with

1 Miranda at that point?

2 A. So when someone is taken into custody, they
3 have a right to seek counsel and have a lawyer speak
4 with them or be present with them during questioning
5 anytime we have a custodial arrest, such as
6 arresting someone to take them to jail, and we like
7 to interview everybody who is a suspect or a
8 defendant in a case. I think that's the purpose of
9 doing that.

10 Q. And when you do that, sometimes they choose to
11 speak, and sometimes they choose not to, correct?

12 A. Correct.

13 Q. And in this case did Morgan Carr choose to
14 speak?

15 A. She did.

16 Q. And approximately how long did she speak?

17 A. My understanding is about two and a half hours.

18 Q. And you indicated you weren't there for the
19 beginning of the interview. Was Detective Pratt in
20 that interview?

21 A. He was.

22 Q. And was a member of the Fugitive Task Force in
23 that interview?

24 A. Yes.

25 Q. At what point -- at some point you entered the

1 interview room, and did the other member step out?

2 A. Correct.

3 Q. I'm going to show you what's been premarked as
4 State's 83.

5 (State's Exhibit Number 83 marked for
6 identification.)

7 BY MS. FULLER:

8 Q. And ask if you recognize it.

9 A. Yes, I recognize that.

10 Q. How do you recognize it?

11 A. This appears to be a DVD containing the
12 two-and-a-half-hour interview of Morgan Carr by
13 other investigators and myself.

14 Q. And you had an opportunity to review that, and
15 you also signed it; is that how you recognize it?

16 A. Yes.

17 MS. FULLER: At this time, your Honor, the
18 State seeks to introduce into evidence State's
19 Exhibit 83.

20 MS. YONGE: Your Honor, if we may approach
21 briefly?

22 THE COURT: Sure.

23 (Sidebar conference.)

24 THE COURT: Actually, you asked to approach but
25 without objection on the - for the exhibit?

1 MS. YONGE: I would renew my previous
2 objections, your Honor, and --

3 THE COURT: Subject to previous objections.

4 MS. YONGE: Yes. Thank you.

5 THE COURT: State's Exhibit 83 is admitted into
6 evidence, subject to objection.

7 (State's Exhibit No. 83 admitted into
8 evidence.)

9 (Audio played.)

10 (Audio stopped.)

11 BY MS. FULLER:

12 Q. So I'm going to pause and ask a couple of
13 questions here. So right there you heard that she
14 said she "convinced him to let me go because I told
15 him" -- is that what she was talking about there?

16 MS. YONGE: Objection, your Honor.

17 THE COURT: What's the objection?

18 MS. YONGE: That it's unintelligible and you
19 can't tell what she said on it.

20 THE COURT: Well --

21 MS. FULLER: I can play it back.

22 THE COURT: Is there a specific spot you're
23 going to, Madam Solicitor?

24 MS. FULLER: Uh-huh.

25 (Audio played.)

1 (Audio stopped.)

2 BY MS. FULLER:

3 Q. So right there she said, "So I convinced" --

4 THE COURT: Hold on. Before we -- I'd like to
5 speak to the lawyers.

6 (Sidebar conference.)

7 THE COURT: Ladies and gentlemen, we're going
8 to take a short break. I want to take a short break
9 and work on technology in here. And we'll get you
10 back in here in a few minutes.

11 Please don't discuss the case. Thank you.

12 (The jury exits the courtroom at 2:52 p.m.)

13 THE COURT: We're going to take a short recess.
14 What I told the lawyers at the bench was -- you
15 know, obviously, we knew that there was some
16 barrel-sounding issues with the statement. I know
17 y'all were trying to enhance it.

18 But, you know, Ms. Yonge objected, and I don't
19 know -- I can't understand it. So I can't rule on
20 an objection on something I can't even hear.

21 So either we make it better or we'll just do it
22 the old-fashioned way and he'll have to testify
23 about what the interview was.

24 But, I mean, I -- now I will say -- I saw one
25 lady shaking her head like this at one point in the

1 back corner. I was focused on trying to understand
2 it after that, so I didn't really look at it. I
3 don't want to put you on the spot, Madam Court
4 Reporter, but you saw a few people doing that as
5 well; is that accurate?

6 THE COURT REPORTER: Yes, sir.

7 THE COURT: All right. So let's see if we can
8 help with the sound. I mean, I know y'all would
9 much rather prefer to play the audio but we've got
10 to be able to understand it. So take a few minutes.

11 (Short break.)

12 THE COURT: All right. We had a short bench
13 conference in my chambers, and I believe the
14 solicitor has provided a copy of some documents --
15 no, all right. We looked at them in the back.

16 But what my concern -- and we've had several
17 discussions in here off the record while we were
18 trying to mess with the technology -- was -- you
19 know, my concern is, if the jury can't understand
20 it, we run the risk of just basically having a
21 narration where you can't understand what we're
22 really talking about.

23 I mean, it was a concern two days ago after we
24 picked the jury. The parties agreed that the
25 interview itself was admissible but it's just -- I

1 don't want to put the jury in a position where
2 they're trying to weigh evidence and -- you know, I
3 know they're having trouble hearing it because I can
4 see it. And I'm having trouble understanding any of
5 the questions and the responses. So it's very
6 inaudible.

7 So I've asked the State just to proceed like
8 any other investigation testimony where this is a --
9 this is an interview conducted under Miranda, and
10 we'll just go from there, and, you know, when it's
11 time to cross, you'll have to cross him based upon
12 the testimony and without the benefit of having an
13 understandable video.

14 So I recognize that's, frankly, not what
15 anybody wanted, but I think that's the appropriate
16 thing to do under the circumstances where you have a
17 video -- excuse me -- audio recording that, in my
18 opinion, cannot be properly understood.

19 Are we ready to move on?

20 MS. FULLER: Yes, your Honor.

21 THE COURT: Let's bring the jury back, please.

22 MS. FULLER: Your Honor, just to confirm --

23 Sergeant Miller, do you have your report?

24 THE WITNESS: I do.

25 (The jury enters the courtroom at 3:30 p.m.)

1 THE COURT: Ladies and gentlemen, welcome back.
2 I appreciate your patience. We'll pick back up with
3 this witness.

4 MS. FULLER: Thank you.

5 BY MS. FULLER:

6 Q. Sergeant Miller, prior to the break, we were
7 listening to the audio of the interview, correct?

8 A. Correct.

9 Q. And that's the interview you were talking about
10 where you -- where the defendant was Mirandized by
11 Detective Pratt?

12 A. Yes.

13 Q. And a lot of people couldn't hear and
14 understand, with clarity, the audio; is that
15 correct?

16 A. Correct.

17 Q. Did you have an opportunity to listen to it
18 prior to testifying here today?

19 A. I have.

20 Q. Do you recall the details of that interview?

21 A. With what is documented in my supplemental
22 report, yes.

23 Q. What's on the audio is essentially the complete
24 interview that day, correct?

25 A. Yes.

1 Q. And in listening back to it, were you able to
2 confirm that you were speaking with Morgan Carr, she
3 understood your questions, and she was freely
4 speaking to you, correct?

5 A. Yes.

6 Q. I knew that back then and you knew that when
7 you listened to the audio now, correct?

8 A. Yes, ma'am.

9 Q. So just to go through a few things, based on
10 your report, if you can share with the jury what did
11 Morgan tell you about what happened that day?

12 A. I'm sorry. Give me just one second.

13 So I was briefly looking at my notes. Would
14 you like just very specific or just an overall
15 understanding?

16 Q. You can just read it.

17 A. I can just read it?

18 Q. Uh-huh.

19 A. So on 7/18/18 I learned that Morgan had been
20 located and arrested on arrest warrant for
21 obstructing justice in reference to this case.

22 Shortly after Morgan was brought to LCSD
23 headquarters by Fugitive Task Force, I joined
24 Detective Pratt, who had already begun interviewing
25 with Morgan.

1 As I entered the interview room, Detective
2 Pratt announced me joining the interview on the
3 audio recording, and I assisted with the interview
4 from this point forward.

5 Morgan recounted what she had told Sergeant
6 Creech a few days prior about the incident but also
7 provided some new information. Morgan stated she'd
8 only known Robin a little bit. She had seen him
9 with a gun the first time that they met.

10 Q. And I'm going to stop you right there and ask
11 you a question.

12 A. Sure.

13 Q. So right there, when you indicated in your
14 report that she -- in -- during this interview that
15 lasted, you testified, approximately two and a half
16 hours?

17 A. Correct.

18 Q. And she -- this is essentially a big picture
19 summary that we're going over in your report,
20 correct?

21 A. Correct.

22 Q. Now the point where she indicated how long she
23 had known Robin and had seen him with a gun the
24 first time they met, did she initially upon your
25 questioning give you that information, or is this

1 basically a summary of you getting to that point?

2 A. Just a summary.

3 Q. Did she initially volunteer information about
4 Robin and the gun prior to that day, in your
5 interview?

6 A. I believe she had.

7 Q. Okay. And then you can proceed.

8 A. Sorry. I lost my place. Sorry.

9 Q. I think you're at the fifth line.

10 A. Yeah. Morgan stated she knew Robin to carry a
11 gun, and she said when he came to her house on the
12 day of the shooting, she asked him if he had access
13 to a gun. She stated she meant could he get her a
14 gun, but she only said this after I asked why she
15 asked him if he had access to a gun when she already
16 knew he carried one. Morgan stated she was asking
17 to get a gun because of Corey's behavior.

18 Q. Okay. So right there you indicated in your
19 report that she only asked -- she only provided that
20 information once you asked her why she asked him for
21 the gun, correct?

22 A. Correct.

23 Q. Do you remember, listed in your report, in the
24 interview, generally, how that conversation went?

25 A. I'm sorry. How so?

1 Q. In terms of what was the dialogue? What was
2 taking place?

3 A. It was just a conversation.

4 Q. And how did you get to the point of her
5 acknowledging that she asked him about the gun?

6 A. Sorry. I'm not following.

7 Q. Like, I know it's on the recording but how
8 long -- like, throughout the interview, how did you
9 get her to the point -- was it immediately when you
10 asked her?

11 A. No.

12 Q. Okay. That's what I'm getting at. I
13 apologize. And so once you -- how many questions
14 did you have to ask her, generally, to get her to
15 admit this?

16 A. Several.

17 Q. Okay. And she indicated to you that she had
18 asked for the gun, based on your report, because of
19 Corey's behavior. Correct?

20 A. Correct.

21 Q. And so your understanding there is she was
22 asking Robin that day for the gun to protect herself
23 from Corey?

24 A. Correct.

25 Q. Was this prior to the shooting or after the

1 shooting?

2 A. This is prior to the shooting.

3 Q. And so, next, what did she tell you?

4 A. Morgan stated a little bit later -- when Corey
5 asked her if she had access to a gun, Morgan stated
6 she knew that Corey had wanted to take Robert's cars
7 in the past, but, she said, he has never told her
8 that he was planning on taking the Nissan from
9 Robert on the day of the shooting.

10 Q. So there, later on or some point in the
11 interview, she indicated to you -- she admitted that
12 Corey then asked her if she had access to a gun,
13 correct?

14 A. Yes.

15 Q. Did she relate the asking of Robin about the
16 gun to Corey asking her for a gun?

17 A. She later would.

18 Q. But initially she did not?

19 A. Correct.

20 Q. What else did she state?

21 A. She stated she has even warned Robert before to
22 keep his keys in the -- in his -- I'm sorry. She
23 stated she has even warned Robert before to keep his
24 keys to his car on him and make sure to lock his
25 vehicles when Corey was around.

1 Q. Morgan stated later in the night she, Corey,
2 Robert, and Robin went to Toole Smith Road to get
3 her van from Theresa Hall's house? That the purpose
4 was to go get her van?

5 A. No.

6 Q. What did she initially indicate?

7 A. I'm not finding it in my report. I don't
8 recall at this moment.

9 Q. But it wasn't initially to get the van,
10 correct?

11 A. Correct.

12 Q. What did she tell you next?

13 A. Morgan stated Robert was driving the Nissan and
14 when, they pulled up to Theresa's house, Corey told
15 Robert that he was taking the car. Morgan stated
16 Robert was not going to let him take the car.
17 Morgan stated Robert was in the driver's seat, she
18 was in the front passenger seat, Corey was in the
19 rear passenger seat behind Robert and Robin was in
20 the rear passenger seat behind her.

21 Morgan stated she did not see where Corey
22 pulled the gun from but she saw him point it at
23 Robert. Morgan stated Corey got out of the car and
24 went to talk with someone at the house in the yard
25 near the driveway.

1 Morgan stated she was upset and crying at this
2 point, and a few minutes later Corey got back into
3 the car and Robert began to drive away. Morgan
4 stated just down the road, while traveling toward --
5 toward Highway 321, Corey demanded Robert get out of
6 the car.

7 Morgan stated Corey and Robert got out of the
8 car and Corey shot Robert. She stated Corey got
9 into the driver's seat and then began to drive away.

10 She stated he shot Robert a few more times
11 while sitting in the car, then got out and went
12 through Robert's pockets. She said Corey got back
13 into the car and had the keys to the car as well as
14 Robert's wallet. Morgan stated she and Robin never
15 got out of the car.

16 Q. I'm going to stop you there. When we talk
17 about the keys to the car, do you recall having
18 asked about the keys to the car a couple of times?

19 A. Yes.

20 Q. And initially what did she indicate about the
21 keys to the car?

22 A. I believe she said -- I don't believe she
23 admitted to anything about the keys and she later
24 had to -- she would later go on to say that she had
25 to tell Corey don't forget the keys or to grab the

1 keys from Robert.

2 Q. And so -- and would this be towards the end of
3 the interview?

4 A. Correct.

5 Q. So towards the end of the interview, did she
6 indicate to you that she told Corey to get the keys
7 out of Robert's pockets?

8 A. Yes.

9 Q. And this would have been after Robert was shot
10 and laying on the ground, correct?

11 A. Yes.

12 Q. And she indicated to you that -- she said she
13 never got out of the car?

14 A. Correct.

15 Q. What else did she tell you?

16 A. Morgan stated Corey drove toward the end of
17 Toole Smith Road at Highway 321 and he tried turning
18 around to go back to Robert.

19 Morgan stated Corey got the car stuck in the
20 ditch and someone driving by helped pull the car
21 out.

22 Morgan stated she saw Corey hide the gun by a
23 stop sign before they got help and saw Robin
24 retrieve the gun from near the stop sign and gave it
25 back to Corey when they got back into the car.

1 Morgan stated Corey then drove back to Robert but
2 turned around and drove away before they got back to
3 Robert.

4 Morgan said they later went back to her house
5 and at some point also went by Corey's brother's
6 house near South Congaree.

7 Q. Now, in the -- the recording in the interview,
8 she initially left that part out, correct?

9 A. Correct.

10 Q. It wasn't until somewhere halfway or towards
11 the end that she then admitted to making a stop,
12 correct?

13 A. Correct.

14 Q. And I believe she said she made that stop on
15 the way to drop off Robin, correct? Or you can read
16 the next line on your report.

17 A. Sure. Morgan said they also took Robin home
18 and later returned to her house. She stated Tim was
19 at her house during the shooting and had no
20 knowledge of the shooting until she told him about
21 it.

22 Morgan stated that at the time she did not know
23 where Corey got the gun from, but she says looking
24 back, she believes the gun used to shoot Robert
25 belonged to Robin.

1 Q. So early on, at some point in the interview,
2 she indicated she asked Robin about the gun,
3 correct?

4 A. Correct.

5 Q. But then at some point in the interview, she
6 said she didn't know where the gun came from; is
7 that correct?

8 A. That's right.

9 Q. And then you indicated that she was adamant
10 about what?

11 A. Morgan was adamant that she had nothing to do
12 with the shooting and the robbery. She stated that
13 she would never do anything to hurt Robert because
14 he was the love of her life.

15 At the conclusion of the interview, I departed
16 and Detective Pratt escorted Morgan to LCDC where
17 she was booked and turned over to LCDC staff.

18 Q. Earlier on the interview -- and the jury will
19 have the recording if they want to attempt to listen
20 to it. Do you recall -- it looks like roughly
21 somewhere towards -- I can't find my timestamp here.

22 But she indicated during the interview that
23 Corey got the key fob and grabbed the wallet out of
24 his pocket and then he gets in the car, closes his
25 door and fired four shots at Robert. Do you see

1 that?

2 A. Yes.

3 Q. But later in the interview she indicated that
4 he got in the car, fired shots, then got back out of
5 the car?

6 A. Yes.

7 Q. The -- during the interview, do you recall her
8 telling you that --

9 MS. YONGE: Objection to leading.

10 THE COURT: During the interview?

11 BY MS. FULLER:

12 Q. During the interview --

13 THE COURT: I'll let her finish the question.

14 MS. YONGE: Okay.

15 MS. FULLER: I'll rephrase.

16 BY MS. FULLER:

17 Q. Can you tell me whether or not during the
18 interview she told you that Corey presented a gun at
19 her and Robin to force her to go along with this?

20 A. No.

21 MS. YONGE: Objection, your Honor; still
22 leading.

23 THE COURT: I would try to --

24 Ms. Fuller, see if you can add a little bit
25 more -- or a little less foundation, actually, to

1 your question as far as what you're -- please just
2 stick to his recollection of the subject matter.
3 The question was leading, but I also recognize where
4 we are. So continue --

5 Objection is sustained.

6 Please try to rephrase it.

7 MS. FULLER: Just for clarification, so if I
8 say "whether or not"?

9 THE COURT: Y'all come on up here.

10 (Sidebar conference.)

11 MS. FULLER: Beg the Court's indulgence.

12 BY MS. FULLER:

13 Q. During the interview, can you tell me whether
14 or not -- how can I ask the question?

15 What, if anything, do you recall her saying
16 about what Robert said to her prior to this
17 happening?

18 A. I'm sorry. I think I know where you're going
19 with it but, based on all this, I don't --

20 Q. The actual phrasing?

21 A. Yeah.

22 Q. It's okay. The recording is in evidence. I
23 can still argue it.

24 So as it relates to -- as it relates to the day
25 of, do you recall responding to any incident -- any

1 of the crime scenes in this case?

2 A. The day of the shooting, no.

3 Q. Yes.

4 A. The following day, I did.

5 Q. I apologize. Because it was at night, 11:00 at
6 night, so the next day, on the 12th, where did you
7 respond?

8 A. I responded to several different places.
9 You're asking specifically a crime scene or?

10 Q. Crime scenes.

11 A. I responded to a location where we attempted to
12 locate a firearm that was used during this -- during
13 this murder.

14 Q. And so you were familiar with the
15 Gaston-Swansea area, correct?

16 A. Correct.

17 Q. And you're familiar with where the defendant's
18 residence is?

19 A. Yes.

20 Q. And could you approximate the drive time
21 between those two locations?

22 A. From Backman Street to Toole Smith Road?

23 Q. Yes.

24 A. Around 30 or 40 minutes depending on traffic.

25 Q. I'm going to show you what's been marked as

1 State's 145 [sic].

2 (State's Exhibit Number 45 marked for
3 identification.)

4 BY MS. FULLER:

5 Q. And ask if you had an opportunity to verify
6 this and look at this.

7 A. Yes. This appears to be an aerial view of
8 the -- how to get from Backman Street to Toole Smith
9 Road where the murder happened.

10 Q. And this is from where?

11 A. This is from [REDACTED] Backman Street to [REDACTED] Toole
12 Smith Road.

13 Q. And does it -- also indicates different routes
14 that could be taken and approximate drive time?

15 A. It does.

16 MS. FULLER: At this time, your Honor, the
17 State seeks to introduce into evidence State's 45.

18 MS. YONGE: Without objection, your Honor.

19 THE COURT: State Exhibit 45 is entered into
20 evidence.

21 (State's Exhibit Number 45 admitted into
22 evidence.)

23 BY MS. FULLER:

24 Q. Looking at State's 45, go ahead and describe to
25 the jury what we're looking at here, what I was

1 asking you up there.

2 A. It's essentially a map or an aerial view of how
3 to get from Backman Street to Toole Smith Road. It
4 looks -- it's a little difficult to see, but it
5 looks like you would take Highway 6 all the way down
6 through Swansea, which is how Highway 6 travels, to
7 Highway 321 to Toole Smith Road.

8 Q. And then publish for the record the potential
9 drive times.

10 A. That states about what I said, 30 to 40
11 minutes.

12 Q. And that's -- sorry I just lost my -- okay.

13 MS. FULLER: Beg the Court's indulgence.

14 No further questions.

15 THE COURT: Cross-examination?

16 MS. YONGE: May it please the Court?

17 THE COURT: Yes, ma'am.

18 CROSS-EXAMINATION

19 BY MS. YONGE:

20 Q. Hi. Is it Sergeant Miller?

21 A. It is.

22 Q. Hi.

23 A. Hi.

24 Q. How are you?

25 A. I'm good. How are you?

1 Q. I'm all right.

2 Just briefly, you mentioned that when you
3 conducted the interview on Morgan, that she was
4 under arrest for obstruction of justice; is that
5 correct?

6 A. Correct.

7 Q. Okay. Do you know when she was arrested for
8 the murder charge and the armed robbery charge?

9 A. I believe it was November of 2018.

10 Q. Do you have any idea why there was such a long
11 pause in between?

12 A. As long-term investigations like these go, it
13 takes a while to compile all of your evidence, and
14 that includes speaking with witnesses and
15 codefendants and gathering Facebook records and
16 things like that.

17 Q. Who ultimately makes the decision as to what to
18 charge her with?

19 A. Usually the lead investigator.

20 Q. The lead investigator? Okay.

21 And I apologize. You said how many months in
22 between? November, is that when you said you
23 believe she was charged?

24 A. I believe that's correct.

25 Q. And then, finally, were you present when Corey

1 Robinson was interviewed?

2 A. Yes, ma'am.

3 Q. Was that interview recorded? And you -- it
4 should -- if you have your notes up there...

5 A. Yes, it was.

6 Q. Okay.

7 MS. YONGE: No further questions, your Honor.

8 THE COURT: Any redirect?

9 MS. FULLER: No, your Honor.

10 THE COURT: All right. The witness may step
11 down.

12 MS. FULLER: We have no further witnesses
13 today.

14 THE COURT: All right. Y'all approach, please.
15 (Sidebar conference.)

16 THE COURT: All right. Ladies and gentlemen,
17 we'll go ahead and break at this point for the day.

18 I actually have something I've got to do first
19 thing in the morning. I'm going to ask you just be
20 in your room, the jury room, by 9:00. We'll aim to
21 start no later than 9:15 with testimony tomorrow.
22 So that will give me 15 extra minutes. But we
23 appreciate your patience.

24 Please don't discuss the case tonight -- please
25 don't discuss the case with anyone before you leave

1 (The following proceedings were held April 27,
2 2023.)

3 THE COURT: Good morning, everyone. Are we
4 ready to call our next witness?

5 MS. FULLER: Yes, your Honor. We're just
6 waiting on the victims to walk in.

7 THE COURT: Okay.

8 All right. All right. I think we're ready to
9 proceed. Let's go ahead and bring the jury in.

10 (The jury enters the courtroom at 9:28 a.m.)

11 THE COURT: All right. Ladies and gentlemen of
12 the jury, welcome back. Hope y'all had a nice
13 evening. Appreciate everyone being here on time
14 this morning. As I told you yesterday, I had a
15 hearing I had to do before we could start this
16 morning. But we're still doing -- we're starting
17 before 9:30, so that's good.

18 So we'll continue where we left off yesterday
19 with the next witness in the State's case in chief.

20 MS. FULLER: Thank you, your Honor. The State
21 recalls to the stand Cameron Sherban.

22 CAMERON SHERBAN,
23 being first duly sworn, testified as follows:

24 THE WITNESS: I swear.

25 THE CLERK: Have a seat up there. If you'll

1 state your name, spell your last name for the
2 record.

3 THE WITNESS: My name is Cameron Sherban,
4 S-H-E-R-B-A-N.

5 DIRECT EXAMINATION

6 BY MS. FULLER:

7 Q. And I know you've testified already. But if
8 you can just go ahead -- you work at the Lexington
9 County Sheriff's Department, correct?

10 A. Yes, that's correct. In the Major Crimes
11 Special Victims Unit.

12 Q. And how long have you worked there?

13 A. Five years. I started as the ICAC investigator
14 doing the internet crimes against children for about
15 four years, and for the last about six months to a
16 year, I've been just in general SVU working with
17 special victims.

18 Q. Okay. And over the course of your career in
19 law enforcement, are you familiar with Facebook
20 records?

21 A. Yes, I am.

22 Q. And approximately how many Facebook records
23 have you reviewed?

24 A. I've reviewed probably about 200 or so Facebook
25 records from different accounts from my cases and

1 then other investigator's -- assisting them as well.

2 Q. So you're familiar with how they come in and
3 how to interpret them, correct?

4 A. Yes, I am.

5 Q. I'm going to show you what's been premarked as
6 State's Exhibit 50 in this case. And it's just
7 going to be for identification purposes only.

8 (State's Exhibit Number 50 marked for
9 identification.)

10 BY MS. FULLER:

11 Q. And ask you if you recognize this disk.

12 A. I do. This is a disk with Facebook records for
13 Morgan Carr here.

14 Q. And then also on here you were -- as preparing
15 for court today, you were also asked to review
16 records as it associates with Timothy Watford?

17 A. Yes.

18 Q. Robin Cunningham?

19 A. Yes.

20 Q. And Robert All, correct?

21 A. Yes.

22 Q. And that's what's on this disk?

23 A. Yes. All four of those records are there.

24 MS. FULLER: And just for ID that's State's 50.

25 THE COURT: All right. So noted.

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

3 BY MS. FULLER:

4 Q. I'm going to show you now what's been premarked
5 State's 55.

6 (State's Exhibit Number 55 marked for
7 identification.)

8 BY MS. FULLER:

9 Q. It's a four-page document generated here in
10 2020 and ask you if you recognize it.

11 A. Yes, I do. This is what's generally the first
12 page of a PDF from a Facebook business record. It's
13 going to have general demographic information on it
14 of the account that's in question.

15 And this would be for Robin Cunningham.

16 Q. And the second page of that document?

17 A. The second page here is going to be again that
18 first page, the initial information, for Robert All.

19 Q. And the next page?

20 A. The next page here is going to be that specific
21 information for an account of Tim Watford.

22 Q. And then the fourth page of that document?

23 A. And then the last page here is that first page
24 of that demographic specific information for Morgan
25 Carr.

1 Q. Now as it associates with this exhibit, when
2 you submit -- how do you obtain the Facebook
3 records? What do you need to do?

4 A. First thing generally we'll preserve an account
5 through a Facebook portal. They have a law
6 enforcement portal that we are able to use,
7 preservation. Just says, Facebook, hold this stuff
8 for us. We've got an investigation.

9 We have to get a search warrant signed by a
10 judge to actually obtain the records that we're
11 requesting. So we'll sometimes preserve it and then
12 immediately go and get the search warrant. The
13 search warrant is what gives us the legal means to
14 receive that information from Facebook.

15 Q. Back in 2018 were you responsible for doing
16 that?

17 A. I was. The day after that this had occurred
18 that morning, we had a meeting, all hands on deck,
19 everybody helping out.

20 I do the internet crimes, so I get a lot of
21 search warrants for Facebook. They asked me to
22 obtain those, and that's how I was going to assist
23 with the case.

24 Q. And in -- for that document in 2020, did --
25 later, search warrants were submitted to obtain

1 affidavits of the record?

2 A. Yes. At that time we could get search warrants
3 for out-of-state things like Facebook, Google, those
4 kind of things. We could do that through a
5 magistrate. But in -- I think it was 2019, at the
6 end of 2019, there was some case law that went
7 through saying we needed to go through a circuit
8 court judge. So whenever we had a case that was
9 still pending from a magistrate, we had to go get a
10 search warrant from the circuit court just to make
11 sure those records could go through.

12 Q. And, of course, it's changed back now?

13 A. It's changed back, but we still do the circuit
14 court.

15 Q. Gotcha. So back in 2018 -- I'm going to show
16 you the original documents here and ask if you
17 recognize this first page and then we'll go ahead
18 and compare them. So showing you State's 56.

19 (State's Exhibit Number 56 marked for
20 identification.)

21 BY MS. FULLER:

22 Q. And ask you if you recognize it.

23 A. Yes, I do.

24 Q. As well as 57?

25 (State's Exhibit Number 57 marked for

1 identification.)

2 THE WITNESS: Yeah. So 56 is the records for
3 Robin Cunningham; 57 is for Robert All.

4 BY MS. FULLER:

5 Q. And then 58?

6 (State's Exhibit Number 58 marked for
7 identification.)

8 THE WITNESS: 58 is going to be for Tim
9 Watford.

10 BY MS. FULLER:

11 Q. And then 59?

12 (State's Exhibit Number 59 marked for
13 identification.)

14 THE WITNESS: And then 59 is Morgan Carr.

15 BY MS. FULLER:

16 Q. And that's from 2018, correct?

17 A. That is correct.

18 Q. Now in comparing the Facebook records, do you
19 have target numbers on them?

20 A. Yes. There's a specific number that is
21 associated with every Facebook account that you
22 create. If you create a Facebook account today,
23 you'll get a number that's associated with it, and
24 that number stays with that account throughout the
25 entire time that account is active every time and

1 used -- and you use it. If you change your name,
2 get married, change your name, that number stays the
3 same. If you change your email address and want to
4 go to something else, that number stays the same.
5 If you have a verified phone number on there and you
6 want to change your phone number on it, you're using
7 it for messaging services, the number still stays
8 the same throughout all your time of using that
9 account.

10 Q. And in comparing the affidavit for the records
11 and the 2018 records, are the target numbers the
12 same for all of the record?

13 A. Yes, they are. I have reviewed that each one
14 of these records, the number has not changed because
15 it's the same account.

16 MS. FULLER: At this time, your Honor, pursuant
17 to 19-5-520, the State seeks to introduce into
18 evidence State's Exhibits 55 through 59.

19 THE COURT: Without objection?

20 MS. YONGE: One moment, your Honor. I
21 apologize.

22 Without objection, your Honor.

23 THE COURT: State's Exhibits 55 through 59
24 admitted into evidence.

25 (State's Exhibit Nos. 55, 56, 57, 58, 59

1 admitted into evidence.)

2 BY MS. FULLER:

3 Q. So now looking here, if you have the laser
4 pointer, and point out that target number we were
5 talking about.

6 A. So, of course, it's -- so Facebook has
7 different things: Facebook, Instagram, so the
8 services can be Facebook and then that target number
9 is right below it, and that's the number that stays
10 with that account.

11 Q. And so as it's associated with this one, this
12 first page, you testified earlier on 55, is Robin
13 Cunningham? His target number ends in 3399,
14 correct?

15 A. That is correct. You can see that last four
16 right there on each of them.

17 Q. And now looking at State's 56, the original
18 records, you see that same target number, correct?

19 A. That is correct.

20 Q. Now looking at page 2 of 55, for Robert All, do
21 you see that target number there?

22 A. Yes.

23 Q. And then looking at State's 57, is that the
24 same target number?

25 A. Yes, it is.

1 Q. Looking at page 3 of 55, you see that target
2 number there?

3 A. Yes.

4 Q. In looking at as it associates, this one is
5 Timothy Watford; is that correct?

6 A. That is correct. He may not have had a vanity
7 name, and that's why that account number is the same
8 as the target number.

9 Q. Thanks for explaining that. And now looking at
10 State's 58, the same target number -- I mean --
11 sorry. You can't see it.

12 A. Yes.

13 Q. Now looking at the last page down here, Morgan
14 Carr, and her target number ends in 7408; is that
15 correct?

16 A. Yes.

17 Q. Looking at State's 59, that's the same target
18 number, correct?

19 A. Yes, it is.

20 Q. Now, upon reviewing those records, were you
21 also asked to look at certain dates?

22 A. Yes, I was.

23 Q. And starting now with July 12th, were you asked
24 to look at messages on July 12th?

25 A. Yes, I was.

1 Q. As well as messages on July 11th and 10th?

2 A. Yes.

3 Q. Okay. I'm going to show you now what's been
4 premarked as State's 60 --

5 Beg the Court's indulgence.

6 -- 61 --

7 And I have copies for the defense as well as
8 the Court.

9 -- 62, 63, 64, 65, State's 66, State's 67,
10 State's 68 as well as State's 69.

11 (State's Exhibit Numbers 60, 61, 62, 63, 64,
12 65, 66, 67, 68, 69 marked for identification.)

13 BY MS. FULLER:

14 Q. And ask you to take your time and look through
15 each page and make sure these are documents that you
16 reviewed prior to testifying.

17 A. Yes, they are. These are each --

18 THE COURT: Just one second. Just one second.

19 BY MS. FULLER:

20 Q. And you recognize these documents, correct?

21 A. Yes, I do.

22 Q. And those were records you were tasked with
23 reviewing prior to your testimony here?

24 A. Yes, ma'am.

25 Q. And in reviewing all four accounts of Morgan

1 Carr, Robert All, Robin Cunningham, and Timothy
2 Watford, approximately how lengthy were the records?

3 A. There's thousands of pages for each of them.

4 Q. I'm going to show you what's already in
5 evidence as State's 51, 52, 53, and 54, and ask you
6 do you also recognize those?

7 A. Yes, I do.

8 Q. Okay. And you've reviewed and verified these,
9 correct?

10 A. Yes, I have.

11 Q. We'll go through what's already in evidence,
12 looking at State's 51 real quickly, to orient the
13 jury and explain things.

14 Here, if you can use the laser pointer, it
15 indicates here a thread. What does a thread
16 indicate?

17 A. So the thread will indicate a conversation with
18 someone. Like, for instance, if you're using a text
19 message and you click on a certain thread that
20 you're talking with one individual person, that's
21 where all those messages are going to be.

22 So when Facebook gives records, they keep
23 everything organized in each conversation rather
24 than giving you just a whole bunch of data for
25 different dates and times. They give it all to you

1 within that specific message thread.

2 Q. Okay. And then here, for Meghan Carter,
3 there's a number in parentheses. What number would
4 that be?

5 A. Yeah. So it's going to have that Meghan
6 Carter, and that's going to be her ID number that we
7 were speaking about earlier. And then it's going to
8 show these are the two participants in the
9 conversation, and then that's going to be the number
10 for Morgan Carr.

11 If it were -- you know, if it were a group chat
12 and lots of people, all of those people would also
13 be listed in there. In this case it's just these
14 two.

15 Q. Now, the current time up here says July 12th,
16 2018, 14:26:28 UTC. Can you explain that time to
17 the jury?

18 A. Yes. So UTC is basically your Greenwich Mean
19 Time. It's that time in England, and Greenwich that
20 they -- when they started making time zones. This
21 is going to be -- because of summertime, it's going
22 to be four hours' difference, so it's four hours
23 ahead. So when you're looking at this, when it says
24 14, that's going to be 2:00 p.m., So 2:26 p.m. So
25 it's actually 10:26 a.m. our time. So you have to

1 subtract four hours from everything that you see in
2 there.

3 Q. And then just so we can walk the jury through
4 the math for when they have the records, so right
5 now it's in 1400 hours, so that's military time?

6 A. Yes. That's military time.

7 Q. And so you would do 14 minus 4; is that
8 correct?

9 A. That is correct.

10 Q. And that will get you to 10:26, correct?

11 A. That is correct.

12 Q. And so that's why you indicated that this time
13 is 10:26 a.m. on the 12th, correct?

14 A. Yes.

15 Q. Now it gets a little confusing when we're at
16 the early morning hours. So I'm going to flip to
17 page 283 of this exhibit. And when we're looking
18 here at this message, Shaun's on the way for Meghan
19 Carter, can you tell the jury what time this is?

20 A. So in UTC that's 3:07:35. That -- in military
21 time that's 3:00 a.m. to what we think of. It
22 starts at zero and works its way to 24 -- well,
23 23:59. But the -- so this here is going to go back
24 four hours, which means you're going back a day as
25 well. So it's actually going to go back to 23:07,

1 which is 11:07 p.m.

2 Q. And so this would be -- and you say back a day,
3 so this is 11:07 p.m. on July 11th?

4 A. Yes. That would be July 11th because you're
5 going back a day, and that's our time.

6 Q. We're going to do it one more time just to make
7 sure because I know when I was in school, I had to
8 hear things twice. So let's look at this one here.
9 And that's no offense to any juror. And look at
10 this one here. Meghan Carter sends this message
11 "You want a ride?" This says UTC time July 12th at
12 4:34 UTC. What time is that in Eastern Standard
13 Time, accounting for daylight savings?

14 A. Yep. So in that case it's going to be --
15 minus 4, so it's going to be 12:34 a.m., so that's
16 the same day. It would be the 12th, in that case.

17 Q. So now this is July 12th at 12:34 a.m., just
18 essentially an hour and some change later, but the
19 day did change there?

20 A. Yes. That's correct.

21 Q. And so when Morgan responds here "I'm riding
22 with Corey," what time is this?

23 A. That's going to be -- in our time it's going to
24 be 12:35 a.m.

25 Q. And this is on July 12th, correct?

1 A. July 12th, yes.

2 Q. And earlier when you testified you interviewed
3 Morgan Carr, that was on July 12th, correct?

4 A. That's correct. That was in the afternoon of
5 July 12th.

6 Q. And the shooting in this case took place on
7 July 11, roughly after 11:00 p.m., correct?

8 A. That is correct.

9 Q. So this message here that Morgan Carr sent that
10 she says, "I'm riding with Corey tonight," at
11 12:35 a.m., that is after the murder, correct?

12 A. Yes. It would be after.

13 Q. And "not leaving his side," correct?

14 A. Yes.

15 Q. We saw messages from Michelle, Robert's mom, in
16 this case and Morgan, and just to explain this to
17 the jury as well, obviously Facebook business
18 records come over essentially like business records,
19 correct? With title? They don't look like they
20 look like on your phone, correct?

21 A. Yes, that's correct. They've got a lot of
22 other data that they put in there.

23 Q. And when the threads come through, there's
24 blank space here. Do you recall what was up here?
25 Another thread, correct?

1 A. Yeah. It could be another thread with another
2 person -- when they end, another one just starts.
3 They don't go to another page. They just start the
4 next thread, so you actually have to take some time
5 and look and see where the thread actually started.

6 Q. And so for this case, when the jury sees blank
7 pages, it's because other people's information that
8 was removed from the document, correct?

9 A. Yes. Most of the time, I'm sure that's what it
10 is. It could be pictures and stuff that are in
11 there. But it's generally going to be where another
12 thread is.

13 Q. So looking here, when Morgan Carr messages
14 Michelle, what date and time is this in Eastern
15 Standard Time?

16 A. In Eastern Standard Time that's going to be
17 at 7:06 a.m., 7/12, so it's going to be on the 12th
18 at 7:06 a.m.

19 Q. Is it just me or is it blurry? Maybe it's me.
20 Okay.

21 So right here "Mom, why did the police just
22 leave here?" That was sent at 7:06 a.m. on the
23 12th, correct?

24 A. That is correct.

25 Q. And so that's approximately eight hours after

1 the homicide -- the shooting in this case?

2 A. That sounds right. Yes.

3 Q. Now looking at State's 53 that's already in, we
4 have a post when it says status updates, and this is
5 in Morgan Carr's records, correct?

6 A. Yes, it is.

7 Q. And when we see the posted date and time, can
8 you tell the jury what time and date that is?

9 A. So this would have been posted at 11:28 a.m. on
10 the 12th -- on July 12th.

11 Q. And then there was a news article, correct?

12 A. Yes. It was a news article.

13 Q. And then looking at State's 54 that's already
14 in, a communication between Morgan and Courtney. It
15 starts down here. And the records back then came --
16 you have to read bottom up, correct?

17 A. Yes. Facebook has changed it since, but their
18 records back in 2018, you actually -- what you saw
19 on the first page would be the last part of the
20 conversation. You actually had to go all the way
21 down to the bottom, pages and pages back, to find
22 where it started. So you had to actually read up
23 and backward.

24 Q. And convert the time.

25 A. And convert the time, yes.

1 Q. So here, when Courtney sends that message, what
2 time is that?

3 A. This would be 11:44 a.m. on the 12th.

4 Q. And when Morgan sends this message that it was
5 a bad drug deal, what time was that?

6 A. Yeah. It's 11:51 a.m. on the 12th.

7 Q. Now looking at State's 60 through 69, you had
8 an opportunity to review these records?

9 A. Yes, I did.

10 Q. And they're similar, just different threads,
11 similar to the other records we just reviewed?

12 A. Yes. That's correct.

13 Q. And you had an opportunity to review them
14 before now?

15 A. I did.

16 MS. FULLER: At this time, your Honor, the
17 State seeks to introduce State's 60 through 69 into
18 evidence pursuant to 19-5-520.

19 MS. YONGE: Your Honor, we're going to object
20 to all of these, and it's going to be a lengthy
21 objection.

22 THE COURT: Okay. Tell me what's going on.

23 (Sidebar conference.)

24 THE COURT: We're going to take a short break,
25 ladies and gentlemen. We'll get you back in here in

1 a few minutes. Please go back to your jury room and
2 do not discuss the case. Thank you.

3 (The jury exits the courtroom at 9:50 a.m.)

4 THE COURT: Ms. Yonge?

5 MS. YONGE: All right, your Honor.

6 And I believe I was handed them in order; is
7 that correct?

8 MS. FULLER: Yes. So the first one looking at
9 State's 60 is the State was introducing --

10 THE COURT: Is that the one that says page 272
11 at the top?

12 MS. FULLER: That's correct, a thread between
13 Morgan Carr and Chad Crawford. It will be easier if
14 we take them one at a time.

15 MS. YONGE: Because they're different
16 objections for them individually.

17 THE COURT: All right.

18 MS. YONGE: So on this one, your Honor, we
19 would object to Chad Crawford's verbiage in here.
20 Obviously Morgan's -- I think Morgan's statements do
21 come in. But I would say that it needs to be
22 redacted to remove impermissible hearsay with Chad
23 Crawford. He's not here to say that he's the one
24 who wrote these. He's not here to say that someone
25 else didn't jump on his Facebook. And we've already

1 had testimony that, in fact, people do jump on other
2 people's Facebook accounts and say -- and start
3 interacting with people. So we have no knowledge
4 who this person is, and so I would say it's
5 impermissible hearsay. Morgan Carr's statements,
6 your Honor, I think do come in. But I think Chad
7 Crawford needs to be redacted.

8 MS. FULLER: Which statement of his?
9 Because --

10 MS. YONGE: All of them.

11 MS. FULLER: Well, questions are not hearsay,
12 so which hearsay statements are you suggesting?

13 MS. YONGE: I would still say all of them need
14 to be redacted.

15 THE COURT: Okay.

16 MS. FULLER: Then, your Honor, I stand by
17 what's proposed. The only thing redacted here is
18 when she -- on Morgan Carr's second message on
19 page 272, behind the -- I went ahead and redacted
20 "hiding in plain sight" because I thought that would
21 be prejudice, a 403 argument there.

22 Other than that, your Honor, this is all
23 context. It says, "What are you doing?"

24 He says, "Working." Working, I don't know
25 what -- I'm not offering it for the truth of the

1 matter, so it's not hearsay. He says, "What's up?"
2 That's a question. That's not hearsay.

3 She says, "about tattoo. What you doing?" not
4 hearsay.

5 He says, "I need one," not offered for the
6 truth, not hearsay.

7 She says, "Come through."

8 He says, "No ride," not hearsay, not offered
9 for the truth.

10 "What are you up to?" question, not offered for
11 the truth, her statement.

12 Okay. Moving on to his, "Word. Never been to
13 your house," not offered for the truth.

14 (Reporter admonition.)

15 MS. FULLER: Oh, sorry.

16 Not offered for the truth, your Honor. So I
17 don't believe there's anything impermissible,
18 nothing that violates the rule, and I'll stand by
19 that this is not here -- so I took great care to go
20 through and prepare these exhibits in compliance
21 with the rules.

22 MS. YONGE: Your Honor?

23 THE COURT: Yes, ma'am?

24 MS. YONGE: If I may follow up.

25 THE COURT: Certainly.

1 MS. YONGE: I believe that this document is
2 a -- it is a statement that Chad Crawford is saying
3 these things. Now, I think all of that is a
4 statement. It is saying that Chad Crawford is
5 saying these things, not -- not the -- I understand
6 the solicitor's argument regarding the word "word"
7 is not a statement. It's asserted for -- I can't
8 recite the definition of "hearsay," your Honor,
9 right now. But the word "word" is not hearsay. But
10 the statement that Chad Crawford said this to Morgan
11 is hearsay because Chad Crawford isn't here to
12 testify as to whether or not he did.

13 THE COURT: Okay. Well, I'll overrule the
14 defendant's objection and admit State's Exhibit 60,
15 subject to objection.

16 MS. FULLER: Thank you, your Honor.

17 Looking at 61, so we're all on the same page,
18 and I'll let Defense go. I just want to make sure
19 we're all at the same page. It's communication from
20 Shaun Shearer and Morgan Carr, heavily redacted, and
21 the only content left is on page 297, and not
22 hearsay.

23 MS. YONGE: And, your Honor, for this one, we
24 would have the same argument.

25 THE COURT: Basically the phrase "Sup" is --

1 okay.

2 MS. YONGE: And not that "Sup" is a statement
3 submitted for the -- to prove that this guy said
4 "Sup" but the fact that this conversation is put in
5 to show that she had a conversation with this
6 person, Shaun Shearer. And that person isn't here.
7 It may be that you could even redact the name of the
8 person and it would be more admissible, but as it
9 stands, I still think the entire document is
10 hearsay.

11 THE COURT: Anything on this one?

12 MS. FULLER: No, your Honor. I stand by my
13 proposed exhibit.

14 THE COURT: I'm going to overrule State's 61.
15 It will be admitted subject to objection.

16 MS. FULLER: Looking at State's 62, Dupree and
17 Morgan, heavily redacted, for what I would think
18 would be impermissible hearsay or commentary,
19 leaving in a question, "What's up?"

20 MS. YONGE: Your Honor, same argument here. I
21 think you could -- as I just thought about this in
22 the last one, I think you could even redact the name
23 of who's saying it and just leave it as a statement
24 from person, and it would not be hearsay. But I
25 think as it stands, it is.

1 THE COURT: Objection as to 62 is overruled.
2 It will be admitted subject to objection.

3 MS. FULLER: 63 is a conversation between
4 Morgan Carr and Patrick, two middle names, Jeffcoat.
5 First comment redacted, and I stand by that all the
6 comments here -- it shows call communication. She
7 sends her address. His statement is not hearsay.
8 And then it's her statements.

9 MS. YONGE: Same argument, your Honor, on that
10 one.

11 THE COURT: All right. Same ruling. 63 will
12 be admitted.

13 MS. YONGE: And, your Honor, just for the
14 record, I forgot to mention it also has the
15 statement "I'm trying to find a ride. Okay? I
16 swear" from Patrick Jeffcoat, which I think is a
17 statement. So...

18 MS. FULLER: The State's not offering that for
19 the truth of the matter.

20 THE COURT: Yeah. Same ruling.

21 MS. FULLER: State's 64, so we're on the same
22 page -- because I hope I have them all in order
23 still -- Spencer Branham, or Branham, and Morgan
24 starting from page -- the second page. It shows
25 call communication. He asked a question, "What

1 happened?" not for the truth -- it's not a question,
2 so it's not a statement.

3 She responds. Then he asks another question,
4 so it's not hearsay. He asks another question;
5 that's not hearsay. Her response is not hearsay.
6 "I'm sorry." It's a -- not offered for the truth.
7 "I don't think he is," Morgan's not a -- not
8 hearsay. Morgan's not hearsay. And then the "I
9 know," not hearsay. It's not offered for the truth.

10 THE COURT: All right. I'll go with the same
11 ruling on Exhibit 64, admitted subject to objection.

12 MS. FULLER: Thank you, your Honor.

13 Now, 65 is communication between Tim Watford.
14 The State's not introducing -- well, okay. So Tim
15 says, "You got the van?" question mark. That's a
16 question, not hearsay.

17 "Grr," not offered for the truth. I don't know
18 what that means. Her laughing at 1:00 a.m. telling
19 the shooter to "hurry up," her statement, not
20 hearsay. She says, "Please."

21 He says, "Yes."

22 MS. YONGE: Your Honor, we would argue on this
23 one -- and actually it's applicable to all of
24 them -- that we haven't even established a
25 foundation that these people actually said these

1 things. So before we get to hearsay, we need a
2 validation. We don't have that Tim said this.

3 Also, overly prejudicial. But "You've got the
4 man," I don't know that that holds muster, but there
5 is no foundation, and hearsay.

6 MS. FULLER: Your Honor, before I respond, can
7 we elaborate on the foundation? So these are
8 business records. I moved them in pursuant to
9 19-5-520, so they're authenticated as their records.
10 We already have witnesses testifying that they
11 communicated with Morgan Carr on this. So I would
12 need a little bit more so I can properly respond to
13 her foundation objection.

14 MS. YONGE: And, your Honor, I think the
15 solicitor hit the nail on the head, that we have
16 testimony that people have said that they had these
17 conversations with her. And that is true on Meghan
18 Carter; that is true of Courtney Kenyon. Everyone
19 who spoke yesterday all -- all have testimony that
20 those people spoke to her.

21 Under business records, so they are authentic.
22 I am not saying that these are not authentic
23 Facebook records. What I am saying is we have
24 nothing to say that Tim Watford asked her this. And
25 this Tim Watford is one of the central characters --

1 well, tangentially central characters of this case
2 because he was there afterwards. They picked him up
3 and all of that. We have evidence of that. I think
4 that they need to establish a foundation that Tim
5 Watford said these things.

6 And, your Honor, again, I -- potentially you
7 could reduce his -- you could redact his name from
8 here, but then you have -- you've got the van, and I
9 don't know if that's permissible without having who
10 said it.

11 But, foundationally speaking, Tim Watford has
12 not spoken as to whether or not he has ever
13 exchanged messages with her or if someone else
14 didn't get on his account or whatever.

15 MS. FULLER: Thank you. For the response.

16 Your Honor, may I?

17 THE COURT: Sure.

18 MS. FULLER: So as it relates to
19 authentication, the defense has agreed that the
20 records are properly authenticated. So now we're
21 dealing with whether or not this is hearsay. And
22 the State's position is that this is not hearsay.
23 I'm not offering it for the truth of the matter
24 asserted. I'm focused on Morgan Carr's conduct
25 here.

1 And so I wanted that response so I know what
2 I'm responding to, and if she's not objecting to
3 authentication -- we already know that they're
4 Morgan Carr's. We requested them from Facebook. So
5 that's one step.

6 An additional step that we didn't have to do,
7 as people have said, this is the account I
8 communicated with her on. And so if there was any
9 foundational issue in terms of getting the records
10 in, that they're properly authenticated as hers, I
11 think we're well-established, and the case law does
12 not ask for the whole ocean here when authenticating
13 the records.

14 And here he asked a question. It's not
15 hearsay.

16 MS. YONGE: Your Honor?

17 MS. FULLER: It's a question. It's clear-cut
18 hearsay rules of evidence, Evidence 101, whatever
19 year in law school. It's a question; it's not a
20 statement. And so other than that, I don't see
21 anything wrong with this.

22 And it's heavily -- his conversation with her
23 is heavily redacted.

24 THE COURT: What about to the extent that -- I
25 believe she talked about Mr. Watford being present

1 for at least some of these events post --

2 MS. FULLER: I don't think that's relevant to
3 whether or not these messages are relevant -- or
4 are --

5 THE COURT: Admissible.

6 MS. FULLER: -- admissible.

7 MS. YONGE: Your Honor, my understanding is
8 that there is a difference between authentication
9 and foundation. So I don't think we get to jump
10 straight to whether or not they're hearsay. I think
11 we need a foundation that he said these comments.

12 I am not debating that they are authentic
13 Facebook records. Again, they came from Facebook.
14 I agree that they have those records, and I agree
15 that they got those records when they pulled Morgan
16 Carr's account. But whether or not Tim Watford says
17 this, we have no foundation. And she's alluded a
18 few times to people telling us that they've had
19 these conversations on Facebook, and I believe
20 that's because they have. But we haven't heard that
21 in this courtroom, your Honor. We haven't had Tim
22 Watford up here to even say what his handle was or
23 that he had a Facebook or anything. Someone could
24 have been pretending to be Tim Watford.

25 THE COURT: Well, as I recall -- and I'm

1 looking it up right now, but I think pursuant to
2 State v. Green, when it comes to social media and
3 Facebook messages, proponent is offering it as --
4 proponent offering the evidence made the point of
5 it, is what they say it is. And, I mean, there's no
6 doubt that these are Facebook records. There's no
7 doubt that these are Facebook records that include
8 the defendant's statements -- admissible statements
9 in them, conversations with people on Facebook
10 before and after the events alleged by the State --
11 well, actually not alleged. I mean, the murder
12 occurred. We know that from Charley Robinson's
13 plea. So I'm trying to look for it a little bit
14 more.

15 I think we're on 65.

16 MS. FULLER: Yes, we are on 65.

17 THE COURT: The objection on the Tim Watford
18 text is overruled. It will be admitted, subject to
19 objection.

20 And I suspect all these texts we're going to
21 end up with the same arguments for the most part --
22 may be another one coming up here soon but -- at
23 least on the ones I've heard thus far. The
24 relevancy of the defendant's conduct of
25 communications at or about the time of the events in

1 this case are certainly high probative value. And
2 the conversations from the people she's had the --
3 or the statements, if they are statements --
4 they're really questions, but to the extent that you
5 can argue they're statements, they aren't offered
6 for a truth value. It's just showing that she
7 was -- the defendant was having these conversations
8 at the time she was having them.

9 So let's move on to 66.

10 MS. FULLER: All right. 66, just so we're on
11 the same page, I have Opie Taylor and Morgan Carr.
12 This is a several-page document. So starting on
13 page 303, it starts with what you doing -- well,
14 "WYD" means what are you doing? She indicates she's
15 at Corey's brother's house. Then -- that's on the
16 10th.

17 They go through a conversation here, not
18 offered for the truth. A picture was sent. That's
19 not displayed -- or a little sticky. Another
20 question by him "What are you doing?" I'm on page
21 301 now. And if you notice the -- there's a gap
22 coming at some point. There's a bunch of white,
23 maybe. Or maybe it was somebody else, the next
24 record. Okay.

25 And here, same argument, your Honor, whatever

1 the other person says, it's typically questions.
2 "Why?" "What's up?" "What you do?" "Where you
3 at?" "Who you with?" "What you doing?" "What you
4 doing?" "Yo?" "Yo?"

5 THE COURT: Are you on 301 still or? I'm
6 trying to keep --

7 MS. FULLER: Oh. I'm sorry. I'm on 300 now,
8 just going through any -- it's questions, not
9 hearsay. Other than that, is he says what he's
10 doing. "Word." "Ain't" -- S-H-I-T, not offered for
11 the truth. "Don't know." "What?" He says he's in
12 South Congaree, not offered for the truth. "Don't
13 know." It's just context there. And then her
14 statements, your Honor.

15 So, again, I stand by. I carefully reviewed
16 these, so I don't want to foul up the rules. I
17 don't think they violate hearsay or any other rules
18 here, your Honor, on State's 66.

19 THE COURT: Ms. Yonge?

20 MS. YONGE: Same arguments as made before, your
21 Honor. But in addition to those, on this one, on
22 page 302, he states "I got \$10," which I think is
23 improper implication of either drug dealing or some
24 kind of other thing he is purchasing from her. So I
25 think that that is overly prejudicial, in addition,

1 on page --

2 THE COURT: 302.

3 MS. FULLER: 302.

4 MS. YONGE: -- 302. Yes, your Honor.

5 MS. FULLER: If there's a prejudicial, there
6 was no intent there. I don't know what he was
7 talking about. But I can black it out.

8 THE COURT: Okay.

9 MS. YONGE: "I got \$10."

10 THE COURT: Okay.

11 MS. YONGE: And then on page 299, there is the
12 statement at 7/12/2018, and it's 12 UTC -- UTC time.
13 Apologies, your Honor. The statement "Y'all were
14 posed to come to me."

15 MS. FULLER: Question mark. But still not
16 offered for the truth. But jumping -- what page was
17 the I got 10? Oh. On page 302, your Honor, if your
18 Honor believes that "I got 10" referencing drugs,
19 I -- I --

20 THE COURT: Well, it -- it is --

21 MS. FULLER: I thought it was gas money because
22 they're talking about a ride but it was --

23 THE COURT: Well, we had other testimony about
24 25-something -- well, I don't --

25 MS. FULLER: But if -- I mean, I thought they

1 were talking about gas money. But if she's saying
2 it's drugs, I mean, that's her client; she would
3 know. I can put a black Sharpie on "I got 10."

4 THE COURT: That will be fine. All right. But
5 the other one was --

6 MS. YONGE: That speaks directly to when this
7 incident happened --

8 MS. FULLER: Wait. Hold on. What page? I'm
9 sorry. Let me do this first.

10 THE COURT: 299. I'm just reading. Hold on.

11 MS. FULLER: All right. Anna, showing you I
12 blacked out the exhibit. Do I need to initial it?

13 MS. YONGE: No. That's fine.

14 THE COURT: No, no. That's --

15 MS. FULLER: You said 300?

16 MS. YONGE: It's 299. And my understanding is
17 that that is around when all of this occurred, and
18 it's a statement, and we don't even have the
19 opportunity to cross-examine him.

20 MS. FULLER: Your Honor, if moving us along
21 would -- I really want to get -- so I can black that
22 out too. I don't -- it's not for the truth, but if
23 it's a problem, I can black it out as well. I can't
24 find it.

25 THE COURT: Well, it sounds more of a

1 directive, so take it out.

2 MS. FULLER: What? I don't -- I can't find it.
3 You said 299?

4 THE COURT: 299, "Y'all were posed to come to
5 me."

6 MS. FULLER: So black it out?

7 THE COURT: Yes, ma'am.

8 All right. So 66 is admitted, subject to
9 objection and redaction.

10 MS. YONGE: 67, your Honor, I believe is Robin
11 Cunningham who is a codefendant in this case, your
12 Honor, so I will repeat all of my previous
13 statements in addition to the fact that this is a --
14 is essentially Robin testifying without calling him
15 and us not having a meaningful chance to
16 cross-examine him about any of this.

17 THE COURT: Well, does -- he was present at the
18 scene, was he not?

19 MS. FULLER: Yes.

20 THE COURT: All right. Then how is that
21 hearsay -- well, I'll let you respond to that.

22 MS. FULLER: Thank you, your Honor. Looking at
23 page 277, she says, "Hey, you." I don't believe
24 that statement -- I think it would be better to take
25 them one at a time. I don't believe that's hearsay.

1 He says, "Hey. What you up to?" That's a
2 question. I don't believe that's hearsay. He says,
3 "I'm stuck at the house, about to go crazy," not
4 offered for the truth.

5 She says, "Just sitting at the house. Wish you
6 were here." That's relevant, and it's her
7 statement.

8 Robin says, "You have no idea. I need you,"
9 not offered for the truth, don't know if he really
10 needed her. She asked him back a question. Robin
11 then says, "I need you here with me before I do
12 something stupid," not offered for the truth.

13 She asks, "Where are you?"

14 He says, "My house," not offered for the truth.

15 She says, "Come here," definitely relevant.

16 Robin says, "I don't have a ride right now,
17 sweetheart," not offered for the truth. We know he
18 showed up; so...

19 She says, "Uh, baby," not -- I mean, it's her
20 statement, so that's not hearsay.

21 His next one, "I know I'm going to get one,
22 though. You know someone that might come get me?"
23 question mark, not hearsay.

24 Morgan says, "Not that and" -- I don't know
25 what she said, but not hearsay.

1 He says, "Okay, think I got someone coming.

2 Who you with?" That's question.

3 She says, "No one right now."

4 He says, "Can't wait to get you alone," not
5 offered for the truth, don't know if he meant that.

6 Morgan says, "Me either."

7 Robin says, "I told you reserve me a spot on
8 the stalker list LMAO JK. I know that S-H-I-T got
9 to be go to good. I'm coming to you first, baby,"
10 not offered for the truth.

11 Morgan says, "I hope so. Let me know when
12 you're" -- on the way -- "OTW" -- is on the way --
13 "baby," her statement, not hearsay.

14 "Okay, love. I will," not offered for the
15 truth. "I'm about to be on the way," not offered
16 for the truth. "Word," not offered for the truth.

17 "Okay, baby," her statement, not hearsay. Let
18 me know when you're almost here so I can open the
19 garage," her statement, not hearsay.

20 "Okay," not offered for the truth. "Be there
21 soon" -- "Be there soon," not offered for the truth.

22 She says, "How long?" question, her statement.

23 "Here. Phone call coming." And that's it.

24 So I stand by all this being not hearsay.

25 MS. YONGE: Your Honor?

1 THE COURT: Yes, ma'am?

2 MS. YONGE: If I may add just a little bit. I
3 think that this entire document, regardless of -- I
4 know the solicitor keeps saying it's not offered for
5 the truth, your Honor, but I think the foundational
6 argument is even stronger on this, that we have no
7 idea if Robin really sent these messages, and since
8 he is a codefendant, that is a problem.

9 THE COURT: Okay.

10 MS. FULLER: And --

11 THE COURT: Just a moment.

12 MS. FULLER: Okay.

13 THE COURT: My first question is, you know,
14 being a codefendant he's charged with murder too, is
15 he not?

16 MS. FULLER: That's correct, your Honor.

17 THE COURT: Okay. Is the coconspirator
18 exception to hearsay not applicable here?

19 MS. YONGE: No, your Honor. He's not a
20 coconspirator. He had to establish a prima facie
21 case of conspiracy before coconspirator statements
22 are allowed in, and, your Honor, they dropped --
23 well, they didn't drop, but they have chosen not to
24 proceed on the indictment for conspiracy in this
25 case.

1 MS. FULLER: The State didn't need to prove
2 conspiracy.

3 Your Honor, I just want to put something on the
4 record so it's clear as well. So when it comes to
5 business records, the way I understand the analysis
6 and authentication and laying a proper foundation
7 for whose account it is, I already have testimony in
8 State's 56, the first document here as being Robin
9 Cunningham's account and his target number here. So
10 that is step one that it's him.

11 However, I'm not arguing that per se. But I'm
12 saying I'm getting confused on this foundation of
13 who the records are, and they're saying it's
14 confused in with authentication and there's a weight
15 versus -- you know, that's for the jury to
16 determine and so --

17 THE COURT: I thought her objection here was
18 also a confrontational issue because you're, in
19 essence, getting statements --

20 MS. YONGE: And in addition, your Honor --

21 THE COURT: Well, I mean --

22 MS. FULLER: The same rules apply of hearsay.
23 And so it's the same analysis. These are questions,
24 and then there's -- I -- the -- I'm not
25 offering whatever he says for the truth of the

1 matter asserted. It is for context and what she's
2 doing.

3 We got up in openings. Their theory is Robert
4 is the love of her life. That is their theory, that
5 she would never do this. We got up in openings and
6 said she's the puppet master. Cutting me at the
7 leg -- I'm proving she's the puppet master. Like
8 this is not hearsay. I didn't put in -- well, I
9 mean, she deleted the previous messages, but I
10 didn't put in all of her records.

11 THE COURT: I'm just trying to make sure
12 there's not a confrontational issue separate from
13 hearsay.

14 MS. FULLER: There's no --

15 MS. YONGE: May I finish my response, please?
16 The confrontation clause with the coconspirator
17 statement -- you asked about coconspirator hearsay.
18 In addition, it has to be in the scope and
19 furtherance of the conspiracy. So that is
20 clearly -- this is before that happens, but this is
21 in the lead-up. So that would make it irrelevant
22 under the -- that particular issue.

23 With regards to whether or not they need this
24 to prove their case, your Honor, she has the ability
25 to call Robin Cunningham, which would solve this

1 whole issue, and we could cross-examine him, and
2 they could completely get this in, your Honor. It's
3 just at this point I don't think they can.

4 THE COURT: Okay.

5 MS. FULLER: And respectfully, your Honor, I
6 don't believe the rules require, for me to get this
7 in, since it's authenticated, for me to get it in.
8 What she's doing -- what she's trying to pull in, I
9 don't believe I need him.

10 And plus he has the -- he's charged. I can't
11 force him to testify. And so making that argument
12 is not the legal argument. The legal analysis here:
13 Is this hearsay? Is this an out-of-court statement
14 offered for the truth of the matter asserted?
15 Questions are not hearsay, and that's
16 well-established, well-settled.

17 In terms of context, this is here. Obviously
18 there's no context exception to hearsay. I'm not
19 saying that. But I'm not offering what he says for
20 the truth of the matter asserted. I am focused on
21 what Morgan Carr did that day and how she set this
22 up.

23 THE COURT: I understand that you're not
24 offering it for the truth, and I understand you're
25 offering it for the purpose of showing Morgan's

1 pattern of conduct on July 11th and July 12th. I
2 just want to make sure I'm dealing with a separate
3 issue.

4 MS. FULLER: Thank you, your Honor.

5 THE COURT: Anything else, Ms. Yonge?

6 MS. YONGE: Your Honor, I would just reiterate
7 the foundation argument, that we are saying this
8 comes from an account, but we have absolutely no
9 knowledge as to who typed these words.

10 THE COURT: Okay. All right.

11 All right. So I'm going to admit -- what is
12 this? 67.

13 MS. FULLER: That's correct, your Honor.

14 THE COURT: I'll admit 67 subject to objection.
15 I don't believe -- I don't find that statements --
16 or I'll just say the text thread from Mr. Cunningham
17 and even if it's -- I don't believe it's testimonial
18 in nature. There's nothing mentioned of -- I don't
19 see anything here -- I don't believe that the
20 confrontation clause is triggered. I don't see
21 anything that is testimonial and that prejudices,
22 not -- Mr. Cunningham, for that matter, if he were
23 to come up in trial and have this same text come up.

24 So respectfully I'll overrule the objection and
25 admit it subject to objection.

1 Next one?

2 MS. FULLER: The next one, 68, is the thread
3 between Morgan and Robert All, the deceased in this
4 case. And, your Honor, same arguments. I don't
5 believe that it's hearsay and perfectly admissible.

6 MS. YONGE: Your Honor --

7 MS. FULLER: I can go through each line but I'm
8 just -- in the interest of time.

9 I apologize, Anna. I didn't mean to cut you...

10 MS. YONGE: Your Honor, my first, again,
11 argument would be lack of foundation. Obviously
12 Robert All cannot testify as to whether this is
13 really himself sending these messages.

14 But in addition to that and in addition to all
15 of my previous arguments, just I would renew all of
16 my previous arguments at this time, your Honor.

17 THE COURT: Certainly.

18 MS. YONGE: We're going to argue lack of
19 completeness on this. So...

20 THE COURT: Well, just to be clear, you're
21 arguing about lack of completeness on the text chain
22 between the defendant and the victim?

23 MS. YONGE: Yes, your Honor, that is what we
24 are arguing.

25 MS. FULLER: Your Honor, if she wants to

1 introduce the entire thread between the victim and
2 Morgan, I have no objection.

3 MS. YONGE: If properly redacted, your Honor,
4 the entire thread going back to the beginning of
5 June?

6 THE COURT: Well --

7 MS. FULLER: I have no objection.

8 THE COURT: Well, if properly redacted, and
9 then that becomes the issue.

10 MS. YONGE: If properly redacted.

11 THE COURT: So, in essence, the State could
12 move forward in direct with this exhibit, but if you
13 want to put in the whole thing, you're going to
14 probably need a little bit of time to do that.

15 MS. YONGE: I will --

16 THE COURT: Or -- or -- or if you want to do
17 questioning on it without going to any sort of an
18 offending text, by that, something that would cross
19 the line of something you want redacted, you can
20 redact it after the fact. As long as it's redacted
21 when it goes back to the jury.

22 MS. YONGE: That -- so I would -- I would --
23 apologies.

24 I would first object to it completely, and I
25 would ask your Honor to rule on that and then --

1 THE COURT: I have overruled that objection. I
2 can't think of anything more probative than the
3 texts between the victim and the defendant.

4 MS. YONGE: Okay. And then, your Honor, at
5 that point this particular set of things begins
6 on 7/10, but there are additional statements even
7 up -- just a few days beforehand that I think are
8 important.

9 And so we would ask that if we're going to put
10 in Morgan Carr and Robert All's statements -- which
11 it appears that your Honor has ruled that they are
12 admissible -- that we move in the entirety of their
13 chain subject to proper redactions regarding
14 improper inferences, regarding drug dealing or -- I
15 can't remember if there were any violent things
16 between them. I'll have to go through it, your
17 Honor.

18 THE COURT: Well, you're certainly not going to
19 ask about it in your cross-examination.

20 MS. YONGE: No.

21 THE COURT: So you will have the opportunity
22 to --

23 MS. FULLER: And just so we're clear, this is
24 the State's case. This is what I'm introducing
25 right now.

1 THE COURT: Right.

2 MS. FULLER: And so...

3 MS. YONGE: Well, in that case, we would object
4 because it is not the complete record, your Honor.

5 MS. FULLER: And so now my argument in terms of
6 that: So here we are on July 10th, your Honor, and
7 the reason we went back that far is, based on what's
8 in testimony and what's relevant already, is that
9 they went to Corey's brother's house on July 10th,
10 and so that's where this exhibit starts -- is the
11 conversation about going to Corey's brother's house
12 through the time of the murder, and so I believe
13 that this is relevant here.

14 Obviously there is communication between -- and
15 for where we are right now -- let me make sure --
16 which I didn't get to ask him that question yet.
17 But as it relates to Robert All -- this exhibit with
18 Morgan Carr -- let me confirm real quick. This one
19 is from Robert's communication. Oh, right here.
20 There's a note. I'll make sure to confirm which --
21 let me pull Robert's folder. Actually, no. That
22 one was from there. So the previous messages from
23 Robert and Morgan are on Robert's report --

24 THE COURT: They have -- they have --

25 MS. FULLER: They have it, but it's a point

1 being made. Only certain ones were still in
2 Morgan's records because they were removed by
3 whomever; they weren't there. Even at the time they
4 did the preservation, the June and prior messages
5 were only on Robert's report. And so for where we
6 are now, you would be doing something separate just
7 to make sure it's clear, not a big deal. But in
8 terms of what's prepared is what's relevant so far.

9 THE COURT: I'm not telling the State to put in
10 the whole record. I'm telling the defendant they
11 can put in the whole record.

12 MS. YONGE: Your Honor, respectfully, the
13 defendant doesn't have to put up a case, and we
14 don't have to put anything in. So we would argue
15 that this is -- this is inadmissible because it
16 lacks completeness. And you can get around the
17 hearsay exception in some cases, and here we argue
18 you can't, but your Honor has determined that you
19 can, so in that case, your Honor, it -- you still
20 have to get around the lack of completeness and
21 here --

22 THE COURT: You've also already put in an
23 exhibit, though, so it's not -- you've already put
24 in evidence, so what's the harm in you putting --

25 MS. YONGE: Your Honor, I have additional

1 detail on this particular issue. The -- so the
2 State stops at 7/10, but on those records in that
3 same section of Facebook that I believe Ms. Fuller
4 is discussing, a little later on there are
5 statements from Robert and Morgan on 7/9/2018 where
6 he says, "You're wanted outside," and she says,
7 "Hold on." The State has already gotten in -- that
8 he was -- or I think during State's opening, they
9 said something about he was afraid to go inside, you
10 know, and this is this one time that he says this or
11 something along those lines. I'm maybe misspeaking
12 but something about not wanting to come in. But the
13 same thing happens on 7/9/2018 in these text
14 messages.

15 And then on 7/8 in the same bit of text
16 message, he is asking what is she -- "What is he
17 driving?"

18 He says, "An Altima."

19 She says, "Whose?"

20 He says, "Rental."

21 She says, "Make sure you lock it down when you
22 get here."

23 He says, "Um, okay."

24 She says, "Just in case he tries some slick
25 shit. I'm looking out for you."

1 He says, "Thank you."

2 She says, "I'm not a complete B-word."

3 So two days prior, in this same Facebook
4 record, she's warning him that Corey wants to steal
5 his car. I say it's incomplete to put it in that
6 way. It looks -- it's -- I think the term they
7 use -- and this is the term in case law is
8 cherry-picking. And you can't put in just the
9 portion that helps you; you have to put in the whole
10 thing. I believe that's the end of my argument,
11 your Honor.

12 THE COURT: Okay.

13 MS. FULLER: Your Honor, I respectfully
14 disagree. So Facebook records are unique. And so I
15 didn't -- I'm glad we allowed her to argue so I
16 could understand what her argument was.

17 If we're dealing with the 9th and the 8th,
18 we're not there yet. Rule of completeness, if this
19 was printed out separately, we would be dealing with
20 July 12th, the 11th, and the 10th. You would have
21 to then make the rest of the stuff relevant.

22 And so she was saying I'm missing anything on
23 the 10th, and that's why there is nothing missing
24 between -- from the 10th until the 12th, the end of
25 the records, because I'm putting in something on the

1 10th, and so that's relevant. I started from what's
2 been already in evidence in terms of testimony. And
3 that's where we are.

4 Rule of completeness doesn't trigger anything
5 prior to. Again, if we're putting in -- if they
6 want to put in something in their case -- and I'm
7 not saying that they have to, but in terms of what
8 the State is required to do under rule of
9 completeness it is not that.

10 If that's the case, I need to just move the
11 entire exhibit in because rule of completeness would
12 require the entire record go into evidence, and
13 that's not what the rule of completeness says. You
14 can't pick -- you can't break apart the business
15 record -- I mean you -- you're asking to put in the
16 entire thing as it's one statement when it's not.

17 So when we deal with rule of completeness, it's
18 kind of -- say there was a three-page written
19 statement. I only wanted to put in page 2, rule of
20 completeness says I've got to put in page 1 and 3,
21 right?

22 But in this situation, it's because of the
23 nature of how the -- the business records come.
24 Rule of completeness doesn't trigger all of their
25 conversations for the last year just because it came

1 together in one business file. I still have to make
2 it relevant. I still have to tie it in and these
3 were -- it wasn't cherry-picking; it was selected.
4 And so, sure, there are going to be parts here
5 regarding Robert that I may not want in in this
6 whole thing, but since I'm putting in something on
7 the 10th and the 11th, I have to put the whole thing
8 in.

9 I hadn't redacted anything that he said. I
10 didn't redact his decisions. Whatever, they're
11 going in. This is rule of completeness. If that's
12 the case, I want to take some stuff out, but I'm
13 not. It is what it is. She can't tell me rule of
14 completeness means I've got to put in the 9th, the
15 8th, the 7th.

16 THE COURT: You're --

17 MS. FULLER: It has to be relevant.

18 THE COURT: If I understand your argument,
19 you're saying the defense is directing that you have
20 to put in the entire message history.

21 MS. FULLER: Right. And I disagree. Rule of
22 complete -- that -- not under rule of completeness,
23 does not trigger the entire message history between
24 the two parties.

25 THE COURT: Yeah. Okay.

1 MS. YONGE: I would agree with that, but I do
2 think it takes it out of the context of she is, that
3 week, warning him that Corey wants to steal his car,
4 which I think is exceedingly relevant in this case.

5 THE COURT: Your point to me is that you
6 shouldn't be required to -- I mean, you're going to
7 cross-examine the witness. You can certainly
8 question about texts that are --

9 MS. YONGE: Your Honor --

10 THE COURT: -- other texts that you were -- I
11 mean, I -- I'm trying to find the balance here.

12 MS. YONGE: And, unfortunately, I don't think
13 there is. I think in order to do this properly, I
14 have to object.

15 I object first to it as hearsay. Your Honor
16 has ruled against me. I object to it due to lack of
17 completeness, your Honor, and I would maintain that
18 objection. I think it at least needs to go back to
19 the point where she is warning him that Corey wants
20 to steal his car, which is two days prior to where
21 she chooses to -- to begin the Facebook record.

22 MS. FULLER: Respectfully, this is the State's
23 case in chief, and what they're trying to do is put
24 in self-serving hearsay.

25 If -- once that is relevant -- her warning him,

1 whatever that context is, is not relevant in my case
2 right now. That would be something they want to do,
3 and if she testifies to it, that will be extrinsic
4 evidence. You can't just offer self-serving hearsay
5 to avoid your client from testifying. Obviously
6 that's not the analysis of where we are, but that is
7 self-serving hearsay, to go to the 8th, the 7th, the
8 9th, whatever. If we're talking about the 10th, if
9 I missed anything on the 10th, let me know. I'll
10 put it back in, subject to redactions, if I missed
11 anything on the 11th.

12 But we're dealing with text messages
13 essentially. Rule of completeness does not require
14 that if I extract someone's phone, for example, that
15 I put in 3,000 text messages between them because
16 that makes their conversation complete, when that's
17 not the case.

18 This went back to where we are in the State's
19 case in chief and what the testimony has been. It
20 starts here with her saying, "Emergency." Need a
21 ride -- or "Emergency now," whatever, she ends up at
22 Corey's brother's house. That's where this is.
23 That's what the -- that's where we are right now in
24 the case -- in the State's case.

25 I don't see how rule of completeness triggers

1 anything prior, and they can't force me to present
2 their case.

3 THE COURT: Real quick.

4 (Sidebar conference.)

5 THE COURT: Ms. Yonge, would you -- you and
6 Ms. Fuller please approach.

7 (Sidebar conference.)

8 THE COURT: All right. So obviously we've put
9 a lot of discussion into this. And I do believe the
10 texts between the victim and the defendant on
11 July 8th, 72 hours before this event, are
12 contemporaneous enough to warrant inclusion here.

13 And, you know, we've had discussions about the
14 rule of completeness. The defense [sic] is not
15 seeking to put in 1200 pages of Facebook messages,
16 just this pertaining to the specific conversation
17 between the victim and the defendant three days
18 before his death.

19 So obviously reasonable minds can differ, and I
20 understand where the attorneys are coming from. But
21 that's my intent.

22 Madam Solicitor?

23 MS. FULLER: Thank you, your Honor.

24 THE COURT: I thought you were about to say
25 something.

1 MS. FULLER: I'm sorry. You asked if I need to
2 say something?

3 THE COURT: I thought -- I wasn't wearing my
4 glasses. I couldn't tell if you were about to say
5 something or not.

6 MS. FULLER: No, your Honor. I was just
7 listening.

8 THE COURT: Okay. What's the next exhibit?

9 MS. YONGE: This the final one, your Honor. I
10 believe it is Number 69. This is the one between
11 Morgan Carr and Corey Robinson.

12 We would, again, argue our previous arguments
13 regarding hearsay and foundation and the fact that,
14 you know, he's here asking -- this is after the
15 event has happened, and so we aren't able to
16 cross-examine him regarding his statements such as
17 what's he planning on doing, talking about Tim
18 Watford, things like that.

19 THE COURT: I know she gave me a copy. So...

20 MS. YONGE: And, again, for the record, this is
21 another codefendant -- well, convicted.

22 THE COURT: Objection is overruled on hearsay
23 grounds.

24 Is there another basis, Ms. Yonge?

25 MS. YONGE: I think I said and codefendant,

1 your Honor. And I would reiterate my foundation,
2 that we don't have him here to say that it is really
3 him saying all of those things --

4 THE COURT: Well, we do.

5 MS. YONGE: Well, your Honor, it's --

6 THE COURT: Well, I mean -- fair enough. It's
7 not -- fair enough. He's not been called as a
8 witness. I understand.

9 Anything else to add on 69?

10 MS. FULLER: No, your Honor.

11 THE COURT: It's admitted subject to objection.
12 Will that cover the text messages for now?

13 MS. YONGE: Yes, your Honor.

14 MS. FULLER: For now.

15 Thank you, your Honor.

16 THE COURT: Are we ready to get the jury back
17 in here?

18 Madam Solicitor, are y'all making a quick
19 addition on that exhibit or?

20 MS. FULLER: It's coming off the printer.

21 THE COURT: Do you want to wait, or can we get
22 started?

23

24 MS. FULLER: If -- we can bring the jury.

25 THE COURT: All right. Let's bring them in.

1 MS. FULLER: Okay. So for the record,
2 Exhibit 68, pages -- putting -- so adding on page
3 113 to 118.

4 THE COURT: Ms. Yonge?

5 MS. YONGE: 113 through 118, yes.

6 (The jury enters the courtroom at 11:22 a.m.)

7 THE COURT: All right. We'll pick up where we
8 left off, ladies and gentlemen.

9 MS. FULLER: Thank you, your Honor. For the
10 record, the State is moving into evidence State's 60
11 through 69.

12 MS. YONGE: Subject to prior objections,
13 your Honor.

14 THE COURT: State's 60 through 69 are admitted.

15 (State's Exhibit Numbers 60, 61, 62, 63, 64,
16 65, 66, 67, 68, 69 admitted into evidence.)

17 MS. FULLER: Thank you, your Honor.
18 Publishing.

19 THE COURT: Very well.

20 (State's Exhibit Numbers 60, 61, 62, 63, 64,
21 65, 66, 67, 68, 69 published for his Honor and the
22 jury.)

23 BY MS. FULLER:

24 Q. Detective Sherban, now looking at State's 60,
25 did you have an opportunity to review this exhibit?

1 A. Yes, I have.

2 Q. And this communication is between Morgan Carr
3 and the participant listed here, Chad Crawford; is
4 that correct?

5 A. That is correct.

6 Q. And, again, for -- it's been some time, so just
7 make sure, as my teacher did, looking here the date
8 and time, can you go ahead and let the jury know
9 what date and time this is?

10 A. So the date and time there in UTC, of course,
11 is, to start, is going to be July 12th, 2018, and
12 that's at 8:40:21 UTC -- the 21 is seconds. This
13 would be at 4:40 a.m. our time and still on the
14 12th.

15 Q. And this is State's 60. And the communication
16 begins on the second page, correct?

17 A. That is correct. It begins at the bottom.

18 Q. What time is that?

19 A. That's going to be -- I'm sorry. One moment.
20 So 14:42 would be 2:00 p.m. It would be 10:00 a.m.
21 So 10:42 a.m. on the 11th.

22 Q. Okay. Now looking at State's 61, similarly,
23 the same conversion, correct? Minus 4?

24 A. That is correct.

25 Q. And this is communication here on the second

1 page of State's 61, correct?

2 A. Yes.

3 Q. Looking at State's 62, communication here, and
4 what we talked about, the white spaces are other
5 people's content or redacted information, but these
6 are the records from Facebook, correct?

7 A. Yes.

8 Q. And the communication here that's left is on
9 the second page of this exhibit, correct?

10 A. Yes.

11 Q. Looking at State's 63, the communication down
12 here -- I mean the thread here, similarly, what you
13 testified to prior to the break is between those two
14 individuals, correct?

15 A. Yes.

16 Q. And to calculate the time is minus 4, correct?

17 A. That is correct.

18 Q. And all these that we're going through right
19 now, these were from Morgan Carr's records, correct?

20 A. That is correct. They're from her records.

21 Q. And this is a communication she had also in
22 this time frame with that individual there, correct?

23 On State's 64?

24 A. Yes.

25 Q. And it's two pages here, correct?

1 A. Yes, it is.

2 Q. Looking at State's 65, communication for
3 the 12th, correct? Between that individual in that
4 thread?

5 A. Yes.

6 Q. And it has two pages here, correct?

7 A. That is correct.

8 Q. And just going on, same thing here in 66,
9 correct?

10 A. Yes.

11 Q. And same thing here in 67, correct?

12 A. Yes. Correct.

13 Q. And same thing here in 68, correct?

14 A. Yes.

15 Q. And it's several pages, correct?

16 A. Yes.

17 Q. And we'll get back to that one shortly.

18 And looking at 69, that's Morgan Carr and
19 Corey, correct?

20 A. Yes.

21 Q. I'm going to show you what's been premarked as
22 State's Exhibits 70.

23 (State's Exhibit Number 70 marked for
24 identification.)

25 BY MS. FULLER:

1 Q. And ask you if you recognize it.

2 A. Yes, I do. This is a -- just a calendar, the
3 dates from June to July of 2018.

4 Q. Do you believe that would assist the jury in
5 just keeping up with some of these dates as we go
6 through them?

7 A. Yes.

8 MS. FULLER: At this time, your Honor, the
9 State just seeks to introduce this. It's just a
10 calendar of June and July of '18.

11 MS. YONGE: No objection, your Honor.

12 THE COURT: State's Exhibit 70 admitted into
13 evidence.

14 MS. FULLER: 70? You said 7 or 70?

15 THE COURT: I said 70, right?

16 MS. FULLER: Oh. I apologize.

17 THE COURT: I tried to. 70.

18 (State's Exhibit Number 70 admitted into
19 evidence.)

20 BY MS. FULLER:

21 Q. Now I'm going to show you -- and take your time
22 to look through State's Exhibit 71, 72, and 73.

23 (State's Exhibit Numbers 71, 72, 73 marked for
24 identification.)

25 BY MS. FULLER:

1 Q. Just go ahead and take your time and let me
2 know if you recognize it.

3 A. Yes, I recognize this.

4 Q. In preparing for trial -- are these essentially
5 the records that we just went through and just
6 merged together in chronological order?

7 A. They are.

8 Q. And also in these documents have they been
9 converted for the time change?

10 A. Yes, they have. The time change is now in
11 Eastern Standard Time.

12 Q. And these fairly and accurately are the
13 communications subject to objections?

14 A. Yes.

15 Q. Okay.

16 MS. FULLER: Your Honor, at this time the State
17 seeks to introduce into evidence State's 70, 71, and
18 73 -- what did I say? 71, 72, and 73.

19 MS. YONGE: Subject to prior objection, your
20 Honor.

21 THE COURT: All right. State's Exhibits 71,
22 72, and 73 are admitted into evidence subject to
23 objection.

24 (State's Exhibit Numbers 71, 72, 73 admitted
25 into evidence.)

1 BY MS. FULLER:

2 Q. Okay. Looking at this calendar, here we're
3 dealing with -- what's shaded here is June 24th
4 through July 14th, correct?

5 A. Yes.

6 Q. And this is basically the days of the week in
7 June and July of 2018, correct?

8 A. Yes, it is.

9 Q. Now, I'm going to back up on one more thing.
10 On here Wednesday, July 11th roughly around
11 11:00 p.m., that's when the murder in this case
12 occurred, correct?

13 A. That is correct.

14 Q. So now starting with State's 71 at the top, it
15 indicates Morgan Carr's communications on July 10th,
16 2018, correct?

17 A. Yes.

18 Q. And just so the jury can see what I was asking
19 you -- or understand what I was asking you, these
20 exhibits, to include the ones that we went through
21 that were admitted yesterday, have been merged into
22 these documents in chronological order; is that
23 correct?

24 A. That is correct. Yes.

25 Q. And so just to explain each line so the jury

1 knows what they're looking at when they review the
2 records, starting here, what I'm pointing to, it
3 says timestamp. And it has a date, a time, and then
4 UTC minor 4; is that correct?

5 A. That is correct.

6 Q. And were you able to confirm that that
7 conversion matches up with the actual Facebook
8 records?

9 A. Yes, I was.

10 Q. And this is just an easier way so the jury can
11 blend the communications, correct?

12 A. Yes.

13 Q. Because you testified that they come in groups
14 of thread and not chronological order, totally, but
15 by person?

16 A. Yes.

17 Q. So now looking at the "to" column here, this
18 would be the person receiving the message?

19 A. That is correct.

20 Q. And the "from" column is the person writing the
21 message?

22 A. Yes.

23 Q. And then where it says "body" is the actual
24 content, correct?

25 A. Yes.

1 Q. So starting here with July 10th, which is the
2 whole document, so I'll slide the first thing over
3 and get it to the right spot.

4 Okay. So starting here, at 6:57 a.m., this was
5 a message from Morgan to Robert?

6 A. Yes.

7 Q. And can you publish that for the record?

8 A. Can you -- "Can you come get your tattoo
9 finished when you drop off Jordan?"

10 Q. And then -- sorry. I was trying to get it to
11 the right fit. Okay.

12 And then start here. It's easier. And then at
13 8:46 is the next communications in the records?

14 A. Yes.

15 Q. Who is that? Who is the sender?

16 A. The sender is Robert All.

17 Q. And that's to Morgan, correct?

18 A. Yes, it is.

19 Q. And it's just a question mark?

20 A. Just a question mark.

21 Q. And just go ahead if you can, throughout the
22 record, just publish the time, who's writing it,
23 who's receiving, and what the message is.

24 A. Okay. So the next communication is
25 at 9:09 a.m. It is to Morgan Carr from Robert All,

1 two question marks.

2 And then at 12:09 p.m. to Robert All from
3 Morgan car, "What?"

4 1:08 p.m. Robert All to Morgan Carr, "Wow.
5 WTF? You just gonna ignore me?"

6 1:13 p.m. Robert All -- to Robert All from
7 Morgan Carr, "Robert?"

8 I'm going to do it like you. Just one moment.

9 Q. You want my ruler? Here.

10 A. No. I'm good now. Thank you.

11 1:18 p.m. to Morgan Carr from Robert, "Hold
12 on."

13 1:18 p.m. to Morgan Carr from Robert All, "I'm
14 on the phone with insurance."

15 1:19 p.m. Robert All -- to Robert All from
16 Morgan Carr, "Okay. Well, hurry up, please."

17 1:22 p.m. to Robert All from Morgan Carr,
18 "Emergency. Now, please."

19 3:25 p.m. to Robert All from Morgan Carr, "What
20 time you think you'll be back here?"

21 4:03 p.m. to Morgan Carr from Opie Taylor,
22 "WYD?"

23 4:04 p.m. to Opie Taylor from Morgan Carr,
24 "Sitting at the buddy's house looking for a ride."

25 4:04 p.m. to Opie Taylor from Morgan Carr,

1 "Trying to get home."

2 4:11 p.m. to Morgan Carr from Opie Taylor,

3 "Where are you at?"

4 4:11 p.m. to Opie Taylor to Morgan Carr, "West
5 Columbia, Corey's bro's house."

6 Q. And that's at 4:11 p.m.?

7 A. That is at 4:11 p.m.

8 4:17 p.m. to Robert All from Morgan Carr,

9 "Hello?"

10 4:18 p.m. to Morgan Carr from Opie Taylor,

11 "Word. IDKM. I don't have a ride ATM, but I'll LYK
12 if" -- you [sic] -- "find a ride."

13 Q. And you know that to mean I don't have a ride
14 at the moment, but I'll let you know if I find a
15 ride?

16 A. I didn't know the LYK, but, yeah, the ATM is
17 "at the moment." I don't know is IDK.

18 Q. Okay. Thank you.

19 A. 4:18 p.m. to Opie Taylor from Morgan Carr,

20 "Please. Where you at?"

21 4:19 p.m. to Morgan Carr from Opie Taylor, "S
22 Con," which is probably South Congaree.

23 4:21 p.m. to Opie Taylor from Morgan Carr,

24 "Okay." Hit you up at if I get a ride -- "I'll hit
25 you up if I get a ride."

1 4:26 p.m. to Morgan Carr from Opie Taylor,
2 "KK."

3 At 4:43 p.m. Morgan Carr -- to Morgan Carr from
4 Robert All, "I'm working on getting back."

5 At 5:02 p.m. to Robert All to Morgan Carr,
6 "Okay. That doesn't answer my question."

7 5:04 p.m. to Morgan Carr from Robert All, "Not
8 too long."

9 5:04 p.m. to Robert All from Morgan Carr, could
10 you please give an estimated time -- excuse me.
11 "Could you please give me an estimated time,
12 please?"

13 MS. YONGE: Your Honor, may we approach
14 briefly?

15 THE COURT: Sure.

16 (Sidebar conference.)

17 MS. FULLER: I apologize, your Honor. May I
18 continue?

19 THE COURT: Yes, ma'am.

20 BY MS. FULLER:

21 Q. Detective Sherban, where did we leave off?

22 A. Okay. That doesn't -- no. I'm sorry. No.

23 "Could you give me an estimated time, please" at
24 5:04 p.m. So the next one would be 5:05 p.m.

25 Q. Okay. Proceed.

1 A. Yeah, up one from there.

2 Q. Okay.

3 A. So at 5:05 p.m. Robert All -- to Robert All
4 from Morgan Carr, "I'm not rushing you. I'm just
5 asking."

6 At 5:05 p.m. to Morgan Carr from Robert All,
7 "Y'all still at hes [sic] brother's?"

8 At 5:05 p.m. from Robert All to Morgan Carr,
9 "Yes."

10 5:06 p.m. from Morgan Carr to Robert All -- to
11 Morgan Carr from Robert All, "Okay, I'm going to say
12 about 6:00, 6:30 because I have to wait and make
13 sure that they are driving the other vehicle first."

14 5:07 p.m. to Robert All from Morgan Carr,
15 "Damn. Really?"

16 5:07 p.m. to Robert All from Morgan Carr, you
17 couldn't get us -- "You couldn't come get us, take
18 us to Walt's, then go back to her?"

19 5:07 p.m. to Morgan Carr from Robert All, "I'm
20 trying to make it sooner than that."

21 5:08 p.m. to Morgan Carr from Robert All,
22 "Jordan's here too."

23 5:08 p.m. to Robert All from Morgan Carr,
24 "Okay. Whoever."

25 5:08 p.m. to Morgan Carr from Robert All, I'm

1 try to -- "I'm trying, Morgan."

2 5:09 p.m. to Robert All from Morgan Carr, "I
3 was asking you."

4 5:28 p.m. to Robert All from Morgan Carr,
5 question marks, three of them.

6 5:58 p.m. to Robert All from Morgan Carr,
7 "Robert."

8 At 6:15 p.m. to Morgan Carr --

9 THE COURT: Ms. Fuller?

10 MS. FULLER: I'm sorry. I'm looking at it down
11 here. I apologize.

12 BY MS. FULLER:

13 Q. Where are you?

14 A. 6:15 p.m. --

15 Q. So sorry.

16 A. -- to Morgan Carr from Robert All. "I'm trying
17 here."

18 At 6:15 p.m. to Morgan Carr from Meghan Carter,
19 "Hey. I passed out. I need a ride."

20 At 6:15 p.m. to Meghan Carter from Morgan Carr,
21 "So do we."

22 6:15 p.m. to Morgan Carter [sic] from Robert
23 All, I'm only --

24 Q. Morgan Carr.

25 A. Morgan Carr?

1 Q. Yeah. You said Carter. Just making sure the
2 record is clear.

3 A. I'm sorry.

4 Morgan Carr to Robert All -- from Robert All,
5 "I'm only one person."

6 6:15 p.m. to Morgan Carr from Meghan Carter,
7 "Where are you?"

8 6:15 p.m. to Robert All from Morgan Carr, "I
9 get that, so I take you won't be here by why 6:30
10 either."

11 6:15 p.m. to Meghan Carter from Morgan Carr,
12 "Corey's bro's house."

13 6:15 p.m. to Morgan Carr from Robert All, "I'm
14 trying to be."

15 6:16 p.m. to Robert All from Morgan Carr, "Are
16 you on the road driving now? Or have you not even
17 last yet."

18 6:16 p.m. to Robert All from Morgan Carr,
19 "left," correcting "last."

20 6:16 p.m. to Morgan Carr from Robert All,
21 "About to drop off at the house."

22 6:17 p.m. to Robert All from Morgan Carr,
23 "Okay."

24 6:21 p.m. to Morgan Carr from Meghan Carter,
25 "In Gaston?"

1 6:23 p.m. to Meghan Carter from Morgan Carr,
2 "West Columbia/South Congaree."

3 6:23 p.m. to Meghan Carter from Morgan Carr,
4 "Corey wants the 25."

5 6:23 p.m. to Morgan Carr from Meghan Carter,
6 "I'm trying to get ahold of Jesse. How the" -- I do
7 not swear, so I will spell this: F-U-C-K -- "did I
8 pass out so long?"

9 Q. And then skip 6:24, and now at 6:45.

10 A. Okay. At 6:45 p.m. to Robert All from Morgan
11 Carter [sic], "Where are you at?"

12 Q. Morgan Carr?

13 A. Did I say Carter again? I'm sorry.

14 Q. It's okay.

15 A. To -- from Morgan Carr, "Where are you at?"

16 6:55 p.m. to Robert All from Morgan Carr,
17 periods, six of them, I believe.

18 7:45 p.m. to Morgan Carr from Robert All,
19 "Where are y'all at now?"

20 At 7:58 p.m. to Morgan Carr from Robert All,
21 there is a phone call; the duration is 94 seconds.

22 At 8:03 p.m. to Morgan Carr from Robert All,
23 phone call; duration is 45 seconds.

24 Q. And for the rest of the 10th, looking at this
25 communication, looking here at State's 68, is that

1 essentially the phone call we were just talking
2 about there? That last -- the second-to-last line?

3 A. Yes, it is.

4 Q. And then the last phone call there, here on the
5 10th, correct?

6 A. Yes.

7 Q. And then the next communication is the 11th,
8 correct?

9 A. That is correct.

10 Q. So now looking at July 11th, State's 72 -- do
11 you need any water?

12 A. I have it. Thank you.

13 Q. Okay. This is all of the 11th, similar
14 information, correct? Timestamp to, from, and the
15 body of the message, correct?

16 A. Yes.

17 Q. And this also incorporates the official records
18 just like July 10th exhibit, right?

19 A. Yes, it does.

20 Q. And then we'll take it from the top. If you
21 can similarly publish them into the record.

22 A. Yes, ma'am.

23 10:29 a.m. to Meghan Carter from Morgan Carr,
24 "Hey. What's up?"

25 10:29 a.m. to Morgan Carr from Meghan Carter,

1 "Girl, listen, we got to talk. You home?"

2 10:30 a.m. to Morgan Carr from Meghan Carter,
3 blank.

4 10:30 a.m. to Meghan Carter from Morgan Carr,
5 blank.

6 10:30 a.m. to Morgan Carr from Meghan Carter,
7 blank.

8 Q. We can skip down to the 10:31 and 17 seconds.

9 A. Okay. At 10:31 Meghan Carr -- to Meghan Carter
10 from Morgan Carr, "Where you at?"

11 10:31 a.m. to Morgan Carr from Meghan Carter,
12 "Swansea."

13 10:31 to Meghan Carter from Morgan Carr, "Are
14 you mobile now?"

15 10:31 to Morgan Carr from Meghan Carter, "Kind
16 of."

17 10:31 to Meghan Carter from Morgan Carr, four
18 question marks.

19 10:31 to Meghan Carter from Morgan Carr, "Come
20 here."

21 10:34 to Robert All from Morgan Carr "WYD?"
22 what you doing?

23 10:35 to Morgan Carr from Robert All, "Trying
24 to get up and moving."

25 10:36 to Robert All from Morgan Carr, "Plans

1 for" -- the day -- "for today?"

2 10:36 to Morgan Carr from Robert All, "Don't
3 have any."

4 10:37 to Robert All from Morgan Carr, "Want to
5 hang out today?"

6 10:37 to Robert All from Morgan Carter [sic],
7 "I need a" -- F-U-C-K-I-N-G -- "cigarette. LOL."

8 10:43 a.m. to Morgan -- Meghan Carter from
9 Morgan Carr, "You coming," with three question
10 marks.

11 10:45 a.m. to Robert All from Morgan Carter
12 [sic], six question marks.

13 Q. Carr but keep going.

14 A. 10:49 a.m. to Morgan Carr from Robert All.
15 "Yeah."

16 10:51 a.m. to Morgan -- to Robert All from
17 Morgan Carter, "Come on then, turd bucket."

18 10:52 a.m. to Morgan Carr from Robert All, "I'm
19 guessing you're at the house?"

20 11:13 a.m. to Robert All from Morgan Carter,
21 "Yes."

22 11:14 a.m. to Morgan Carr from Robert All,
23 "Okay."

24 11:18 a.m. to Morgan Carr from Meghan Carter,
25 "Okay, boo. I'm coming."

1 11:25 a.m. to Meghan Carter from Morgan Carr,
2 you on the way now? "OTW?"

3 Q. So I'm going to help you out and give you a
4 rest there. Okay?

5 A. Okay.

6 Q. That's okay for the record and the Court. So
7 the next one at 11:25 Morgan sends Robert a message,
8 and what is that?

9 A. "Could you get me cigs?"

10 Q. And then Morgan Carr sends Robert a message at
11 11:25 again. What does she say?

12 A. It's not fine.

13 Q. Then she said --

14 A. I'm sorry. "If not, it's fine."

15 Q. And then at 12:01 she sends another message.
16 What does she say?

17 A. "Where you at?"

18 Q. And then Robert responds at 12:26. What does
19 he say?

20 A. "On Wire Road."

21 Q. And Robert responds at 12:27. What does he
22 say?

23 A. "I'm sorry. I fell asleep."

24 Q. And then Meghan Carter messages Morgan at
25 12:47, and what does she say?

1 A. "I'll be there in an hour" -- T-O-P-A-N --
2 "topan."

3 Q. Then at 1:06 p.m., Meghan -- 1:04 Morgan texts
4 Meghan. What does she say?

5 A. "Okay. Hurry."

6 Q. And at 1:06 Meghan replies?

7 A. "Okay. I'm moving as fast as I can. I ain't
8 driving, but I'm coming."

9 Q. Then Meghan sends another message at 1:08.

10 A. "Why do I need hurry? Is there something else
11 you got to do? Not being a smart" -- A-S-S -- "just
12 curious, babe."

13 Q. And Meghan sends another message at 1:08.

14 A. "Either way, I'm hurrying."

15 Q. Then at 1:28 Morgan responds to Meghan?

16 A. "10.4."

17 Q. Then at 2:56 Meghan sends a message to Morgan.

18 A. "KK. I'm coming as fast as I can."

19 Q. Now flipping to page 2, similarly here, Morgan
20 sends a message to Meghan at 3:38.

21 A. "Where you at?"

22 Q. Then Meghan responds at 4:26?

23 A. "I'm in Cola. I'm coming, man. Do you got a
24 ride?"

25 Q. Then Morgan responds at 4:27?

1 A. "Not ATM," at the moment.

2 Q. Then Morgan responds 4:28?

3 A. "Bet come through."

4 Q. Then Morgan responds at 4:29?

5 A. "Who you with?"

6 Q. Meghan says at 4:32?

7 A. "I'm trying to. I'm W" -- with -- "Morris."

8 Q. And Morgan says at 4:32?

9 A. "Morris who?"

10 Q. Meghan says at 4:33?

11 A. "They picked me and Tracy up from Walmart

12 because we got left."

13 Q. Then Meghan sends a message at 4:33.

14 A. "For his kicks" -- S-H-I-T.

15 Q. Meghan says to --

16 A. Yeah. Hope.

17 Q. Okay. At 4:33.

18 And then at 4:33 Morgan says?

19 A. "When you coming?"

20 Q. Then at -- then Meghan responds, same time?

21 A. "Man, I've been asking that question a hundred

22 times. Supposer [sic] to be a long" -- A-S-S --

23 "time ago."

24 Q. Then Meghan, at 4:34, sends another message.

25 A. "Baiter [sic] not be later that [sic] 5:36."

1 Q. And then Morgan responds at 5:24, sends another
2 message to Meghan.

3 A. "Where you at now?"

4 Q. Then Morgan messages Robert at 5:30?

5 A. "Can't answer the phone. Hell, you didn't even
6 tell me you were leaving. What happened to taking
7 us to Walt's?"

8 Q. Okay. And so then that's at 5:30. The
9 previous communication to Robert was earlier that
10 day at -- a few hours before, correct?

11 A. Yes.

12 Q. At, I think, right here, 12:27.

13 Then here Morgan messages Robin Cunningham
14 at 5:47?

15 A. "Hey, you."

16 Q. And then Robin responds?

17 A. "Hey, baby. What you up to?"

18 Q. Then Robin sends another message.

19 A. "I'm stuck at the house, about to go crazy."

20 Q. And then Morgan sends a message to Robin
21 at 6:00.

22 A. "Just sitting at the house. Wish you were
23 here."

24 Q. And then Morgan sends a message to Robert All
25 at 6:00 as well.

1 A. Question marks, there's seven of them.

2 Q. And then Robin sends a message to Morgan
3 at 6:02.

4 A. "You have no idea. I need you."

5 Q. Then Morgan sends a message to Robin at 6:05.

6 A. "Need me? For what, baby?"

7 Q. Robin replies at 6:06?

8 A. "I need you here" -- with -- "W," meaning
9 with -- "me before I do something stupid."

10 Q. Then Morgan sends a message to Robin at 6:06
11 responding?

12 A. "Where are you?"

13 Q. And then to Robert at 6:12?

14 A. "So you can talk to Corey and Tim but not to
15 me?"

16 Q. Then Robert replies at 6:13?

17 A. "I'm at CarMax waiting for Jordan to get done.
18 Then I'm heading back."

19 Q. And then there's emojis and question marks
20 at 6:13 between the two?

21 A. Yes.

22 Q. And then Morgan sends a message to Robert
23 at 6:14?

24 A. "You didn't even know you were leaving.
25 Getting kind of tired of not even getting a bye