

VOLUME I OF II

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Certiorari to Hampton County

S.C. SUPREME COURT

Honorable J. Derham Cole, Circuit Court Judge

JOHNNIE LEE MCKNIGHT,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000106

APPENDIX

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State of South Carolina.,) In the General Sessions
) Court of Hampton
)
) Case No. 2017-GS-25-00455
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) 2017-GS-25-00457
) 2017-GS-25-00458
 _____) 2017-GS-25-00459
) 2017-GS-25-00460
) 2017-GS-25-00462

State of South Carolina.,)
)
 Plaintiff,)
)
 -vs-) Transcript of Record
)
 Johnnie Lee McKnight.,)
)
 Defendant.)
 _____)
 February 4, 5, 6, 2019
 Hampton, South Carolina

B-E-F-O-R-E:

The Honorable Carmen T. Mullen, judge, and a jury.

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 To the Honorable Daniel D. Hall

I-N-D-E-XE-X-A-M-I-N-A-T-I-O-N

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Reporter's Note: All Exhibits were filed with the Hampton
County Clerk of Court's Office.

1 (COURT IN SESSION IN THE MATTER OF *STATE VERSUS*
2 *JOHNNIE LEE MCKNIGHT* MONDAY, FEBRUARY 4, 2019 AT 10:49
3 A.M.)

4 THE COURT: All right. Ms. Campbell, good morning.

5 MS. CAMPBELL: Good morning.

6 THE COURT: Is Mr. McKnight in lockup?

7 MS. CAMPBELL: He is. I think they're just waiting
8 for your Honor to give them the word to bring him in.

9 THE COURT: Are you all ready to go?

10 MS. CAMPBELL: Sure.

11 (DEFENDANT, JOHNNIE MCKNIGHT, BLACK MALE, ENTERS
12 COURTROOM.)

13 THE COURT: Ms. Swanson.

14 SOLICITOR SWANSON: Yes, ma'am.

15 THE COURT: Just so I'm clear, as far as what Mr.
16 McKnight is facing, is it two counts of murder, three
17 counts of attempted murder, discharging a firearm, I guess
18 within a dwelling, and possession of a weapon during the
19 commission of a violent crime?

20 SOLICITOR SWANSON: That is correct. So on my witness
21 list I did accidentally leave off 2017-GS-25-459 which is the
22 discharging a firearm into a dwelling.

23 THE COURT: Thank you.

24 SOLICITOR SWANSON: Thank you.

25 THE COURT: Okay. Well, good morning, Ms. Campbell

1 and Mr. McKnight. We are also here on the case of *State*
2 *versus Johnnie McKnight*. As I stated he is charged with
3 two counts of murder, three counts of attempted murder, one
4 count of discharging a firearm into a dwelling, and
5 possession of a weapon during the commission of a violent
6 crime.

7 We're here for pretrial motions. The jury is coming
8 in at Two o'clock today for us to pull a jury.

9 Ms. Campbell, thank you so much for giving me the
10 discs ahead of time. That saved so much time and I
11 appreciate it. So, it gives me such a better idea of what
12 the case is all about too ahead of time, but I can't tell
13 you. We need to do that in every case because it really
14 makes a difference.

15 So, with that said, what pretrial motion would you
16 like to take up first?

17 MS. CAMPBELL: Good morning, your Honor.

18 THE COURT: Good morning.

19 MS. CAMPBELL: May it please the Court?

20 THE COURT: Yes, ma'am.

21 MS. CAMPBELL: I would start by asking the Court
22 Reporter to mark the Defendant's Pretrial Motion List. I
23 provided copies to your Honor and to the prosecution.

24 And the only written motion and memorandum of course
25 is our motion to dismiss, and I'd also have that marked as

1 well.

2 THE COURT: Okay.

3 MS. CAMPBELL: I provided copies of those to your
4 Honor as part of the motion.

5 THE COURT: Do you want to go ahead and make those
6 discs a Court's exhibit? And you can make my set which is
7 fine.

8 MS. CAMPBELL: Right.

9 THE COURT: Is that okay?

10 MS. CAMPBELL: And so, the exhibits that would need to
11 be attached -- I think the last page of our motion just
12 simply says Exhibit A, but that would be the actual CDs
13 that were provided to the Court for review and in
14 anticipation of today's hearing, and we would mark those as
15 well.

16 (WHEREUPON, DEFENDANT'S EXHIBIT NO. 1, 2, PREMARKDED
17 FOR IDENTIFICATIONS, ENTERED INTO EVIDENCE.)

18 MS. CAMPBELL: I provided your Honor I think with an
19 exhibit list ---

20 THE COURT: You did.

21 MS. CAMPBELL: --- that was in the envelop as well.

22 And quite frankly I may need to make a copy of that
23 and put that in as well, your Honor.

24 THE COURT: You got it. And I have a printed copy
25 too, so here, I got both for you. So that's an original.

1 Which one would you rather - -

2 MS. CAMPBELL: We'll just put the original in.

3 THE COURT: Let's put the original in right here,
4 Melinda.

5 MS. CAMPBELL: And that would be a --

6 THE COURT: That would correspond to that. That would
7 be a part of -- it's the same, it's the same as the discs
8 so they would be together. They would be one exhibit.

9 MS. CAMPBELL: Correct.

10 THE COURT: Okay?

11 MS. CAMPBELL: Okay.

12 (WHEREUPON, COURT'S EXHIBIT NO. 1, IDENTIFIED AND
13 MARKED, RECEIVED INTO EVIDENCE.)

14 MS. CAMPBELL: And so I think the record keeping of
15 that is clear now. As to the pretrial motions, the first
16 motion I have listed would be probably our most lengthy
17 motion, so if you would like to take some of those other
18 matters up first and then just check that off then maybe we
19 can go into the longer motion.

20 THE COURT: Certainly.

21 MS. CAMPBELL: Okay.

22 THE COURT: Okay.

23 MS. CAMPBELL: And so the second motion on Defendant's
24 Pretrial Motions, the motion to sequester the law
25 enforcement witnesses', and the lay witnesses', and I don't

-13-

1 know the State's position but I assume we'll hear that now.

2 SOLICITOR SWANSON: Your Honor, just as with any case
3 I would ask that the lead investigator be able to remain at
4 the table with me, as well as the victim's mother in this
5 case, but she is Ms. Debra Ling. I do not see her at this
6 time in the courtroom, but anyway, I would ask that she be
7 allowed to remain in the courtroom as the victim's mother.
8 I understand probably extending that to her brother would
9 maybe a little too much. I've explained to him that he
10 would not likely be able to remain in the courtroom until
11 after his testimony.

12 THE COURT: And that's correct. So we'll go ahead and
13 let the lead investigator stay. We will let the mother
14 stay, but, of course, if she comes in I would caution her,
15 Ms. Swanson, about not discussing any testimony heard with
16 anyone. And I know I don't have to tell that to the lead
17 investigator.

18 SOLICITOR SWANSON: Yes, ma'am.

19 THE COURT: So your motions granted.

20 MS. CAMPBELL: Thank you, your Honor.

21 The next one that I think is fairly easy to check off
22 our list here is No. 5.

23 THE COURT: Okay. Okay.

24 MS. CAMPBELL: To my understanding from the review of
25 the evidence and from the State's perspective that Mr.

1 McKnight has made no statements and there are no statements
2 that the State would seek to introduce.

3 SOLICITOR SWANSON: He has made no statements to law
4 enforcement while he was in custody, yes; that is correct.

5 There are various things that he said during the
6 incident, and what not, that witnesses will testify to as a
7 hearsay exception admission by a party opponent.

8 THE COURT: Okay.

9 MS. CAMPBELL: And No. 4 I think probably would be
10 appropriate to take up at the close of the State's case.

11 THE COURT: Okay.

12 MS. CAMPBELL: As to that matter I think we can deal
13 with that then. The last motion, No. 6 there, now that I
14 think about it, that really probably would come subsequent
15 to the first motion.

16 THE COURT: Okay.

17 MS. CAMPBELL: So I think 1, 3, and 6 would best be
18 handled dealing with No. 1 first.

19 THE COURT: Okay. All right. Well let's go ahead and
20 take up No. 1 then.

21 MS. CAMPBELL: May it please the Court.

22 THE COURT: Yes, ma'am.

23 MS. CAMPBELL: I've provided your Honor and Ms.
24 Swanson, the prosecutor, with our Motion to Dismiss. The
25 Court has had the opportunity to review the video tape

1 evidence in this case which is now a part of the record of
2 this case. I do not believe, unless the State challenges
3 anything that's in the video tapes that your Honor has
4 seen, that we would need to take any testimony relative to
5 this motion. The video tapes speak for themselves, and so
6 if the State were to seek to challenge what we see in the
7 video tapes and what is outlined in the motion, then
8 certainly they could put up any witnesses they chose to do
9 so.

10 The basis of our motion is this: As we said, and
11 again, review this for the record, factually we're dealing
12 with an incident that occurred on August 31st, 2017, 861
13 Fifth Street around 9:30 at night. Alydia Ling was shot
14 and killed. She was eight months pregnant, the child died
15 as well.

16 When the Estill Police Department arrived a number of
17 officers had body cameras affixed to them. There were also
18 some in-car videos running at the time as well. And what
19 essentially is depicted in the body-cam videos, and the in-
20 car videos, is a scene where for about an hour after Alydia
21 Ling has been shot and killed there is a state of chaos in
22 that area. There is limited crime scene tape put up and
23 what is put up is simply trampled back and forth by
24 literally -- maybe even up to fifty people can be seen in
25 the videos coming in and out of the tape. There's just no

1 order or preservation of that scene both in the yard and in
2 the house where her body was.

3 When there is an attempt made to secure the scene, its
4 only made really after a Hampton County Sheriff's
5 Department notes, and another officer from Estill Police
6 Department notes, that if SLED were here they'd have a fit
7 because of what's happening. This is not secure, you've
8 got all these undocumented people coming and going.

9 And then Officer Miller tries to get some names; he
10 meets quite a bit of resistance from those individuals who
11 don't want to give him his name, and so the video tells it
12 in much more graphic detail than I ever could, and your
13 Honor has seen this.

14 Shamond Ling and his behavior is also documented in
15 the videos and what is clearly documented is that he has
16 zero credibility. He lies and withholds critical evidence
17 from the Estill Police Department. He spends probably
18 close to six hours in their presence that night and never
19 informs them that he, too, of course he makes the assertion
20 from the get go that Johnnie McKnight is, you know, firing
21 a weapon at the house and at the cars in the yard, but he
22 never says, oh, and by the way, I was firing at Johnnie. I
23 fired a gun that night.

24 And this lie and withholding of evidence continues for
25 days and days. And somewhere between September 1st and

1 September 7th Officer Williams becomes aware of the truth
2 and he calls Mr. Ling in, and your Honor has seen that
3 video as well where Officer Williams explains to Mr. Ling
4 that, you know, I know that you have lied and, you know, we
5 need to get this worked out because, you know, Johnnie, his
6 family is saying, you know, he was acting in self defense.

7 And what transpires during the course of that
8 interview with Shamond Ling is that Officer Williams tells
9 him, you know, I'm gonna need your shell casings, you know,
10 the ones that from that night when you fired a gun at Mr.
11 McKnight. And Mr. Ling pulls his shell casings out of his
12 pants pocket in a plastic baggie and he gives them to
13 Officer Williams who thanks Mr. Ling for bringing them and
14 logs them into evidence. And then he tells Mr. Ling, you
15 know, I'm also going to need your gun. And this is where
16 we get to that point in the spoliation motion about knowing
17 the critical aspects of evidence in destroying it, not
18 collecting it, so that it impacts the Defendant's right to
19 a fair trial.

20 THE COURT: Did they get Mr. McKnight's gun?

21 I'm sorry, not Mr. McKnight. Did they get Mr. Ling's
22 gun?

23 MS. CAMPBELL: No.

24 THE COURT: Okay.

25 MS. CAMPBELL: So Officer Williams says to Mr. Ling,

1 I'm going to need that gun because I'm going to need to
2 compare it to evidence in this case. And Mr. Ling's gun is
3 never secured by Officer Williams.

4 There is never a search warrant obtained for Mr.
5 Ling's car, his house, his person; whatever, to get the gun
6 which he claims he was firing which was a .9 millimeter
7 that night. It may be one of many guns that he had
8 possession of. And Officer Williams said something like,
9 oh, well we know you have a CWP, concealed weapons permit,
10 so it's all fine, but I am going to need to get that gun
11 and he never does.

12 So acknowledging on video tape the importance and the
13 impact first of the lying, you know, and now I know you
14 were shooting so I need the gun, and then he never follows
15 up, he never gets the gun. And, and, never makes and
16 effort to search for additional shell casings. So all we
17 have are the three that Mr. Ling brought from wherever into
18 the police department and that's it. It's left at that.

19 So, as I said in my motion, there is probably the
20 single, I suppose, most glaring fact that impacts it would
21 be that failure to secure the potentially exculpatory
22 evidence. But when you couple that with everything else
23 that is referenced in our motion and everything thing else
24 that is done in such a standard that is -- you know, as I
25 said there's incompetence and then there is gross

1 incompetence. And certainly I take the position for Mr.
2 McKnight that what we witness in these videos is much worse
3 that simple incompetence.

4 Now, I would say that the Defendant, it's clear, you
5 know, in working on this motion with my client I put
6 together a PDF for him of all the law on spoliation and
7 gave him a copy so that he would fully understand the
8 motion that we were making and we discussed it many times.
9 And so we have to demonstrate that the State has destroyed
10 evidence in bad faith. Or that they destroyed evidence
11 that they possessed that was exculpatory and I've explained
12 to him what that is.

13 THE COURT: Okay.

14 MS. CAMPBELL: That's apparent, you know, before the
15 evidence was destroyed, and that you cannot obtain any
16 other evidence that in some other means.

17 So, in our situation the evidence was never obtained.
18 So it's not that they had it, you know, and destroyed it,
19 but they in effect destroyed it by not obtaining it. So
20 that if Mr. McKnight sitting here charged with these
21 indictments had wanted to obtain an expert to look at those
22 shell casings in reference to the gun, you know, we can't
23 do that. The road has been closed by the actions of law
24 enforcement and there is no remedy for this defendant,
25 none. And, we say it is bad faith because you can't now

1 say you had no idea that it was important. And you can't
2 now say, you as a law enforcement officer with many years
3 of experience, you certainly can't say that you didn't know
4 that a handgun being fired at the crime scene is not the
5 type of important critical valuable potentially exculpatory
6 evidence that you need to secure.

7 And so, with that, I would close on behalf of Mr.
8 McKnight and then, of course, if your Honor needs to hear
9 anything further we'd be prepared to do that.

10 That case for South Carolina is *State v. Mabe*, M-a-b-
11 e, 306 SC 355, it's a 1991 case. But of course the cases
12 that I cited in the motion itself *Arizona versus Youngblood*
13 I think would be the lead in South Carolina.

14 THE COURT: Just so I understand, when was Mr.
15 McKnight apprehended?

16 MS. CAMPBELL: The next day.

17 THE COURT: The next day?

18 MS. CAMPBELL: At school. He was taking some college
19 classes and he was arrested there at the next -- in class.

20 THE COURT: In class? Okay. And I assume no assault
21 rifle was found?

22 MS. CAMPBELL: There has never been any weapon
23 recovered; correct.

24 THE COURT: Okay. Yes, Ms. Swanson.

25 SOLICITOR SWANSON: Thank you, your Honor. As you

1 know, and as I've provided to the court, there are -- there
2 is a line of cases that deals with spoliation of evidence.
3 I did provide the Court with *State v. Cheeseboro*, that's
4 346 SC 526. The defense bears the burden of proof in this
5 motion to show that the State destroyed evidence in bad
6 faith, or that the evidence possessed an exculpatory value
7 apparent before the evidence was destroyed and the
8 defendant cannot obtain other evidence of comparable value
9 by other means.

10 I believe what you see on the body cam, you know
11 unfortunately it is like any other chaotic murder scene. I
12 know that your Honor sat on, and as did Defense counsel Ms.
13 Campbell, Midnight Soul Patrol Case, God knows how many
14 people in that scene kicking around shell cases, what have
15 you. There is only a certain amount of control that these
16 officers had at the scene.

17 Their duty was to go in and secure the scene, which
18 they did, to try and get EMS to treat the patient. They
19 did tape it off to the best of their knowledge and best of
20 their abilities at the time.

21 Marcus Miller and Zach Pouchprom were the responding
22 officers from Estill P.D., and they did keep a list of who
23 was going in and out the house. I believe there are
24 bystanders that certainly get close to where the shell
25 cases were found in the roadway, but of course, shell cases

1 where they fall depends on how a gun is held; it depends on
2 what sort of ground they fall on; whether or not they
3 bounce, things of that nature. So that's never, you know,
4 we can determine an area in where a gun is shot, not
5 necessarily that, you know, the exact position.

6 As far as Shamond Ling, I would not use the word lie
7 in characterizing his testimony or his statements to
8 police. Does he omit the fact that he returned fire? Of
9 course. And he does not -- And he's not ask.

10 THE COURT: Could I ask you a question? I'm not clear
11 having seen his two interviews and then what he said on
12 sight on the third body cam or that was marked as Defense
13 Exhibit, if he believed that McKnight was shooting at him,
14 or at the house and his sister? Because I keep hearing
15 this he was hiding behind his mother's Mercedes, and he
16 didn't even know he was there.

17 SOLICITOR SWANSON: Right.

18 THE COURT: Was that ever cleared up?

19 SOLICITOR SWANSON: Well I mean of course when I spoke
20 to him, because it was wishy washy.

21 THE COURT: Right.

22 SOLICITOR SWANSON: Obviously this happened very
23 quickly and he was very emotional the night of.

24 THE COURT: I mean I can tell you on that portion of
25 the video I had to play it three different times on Defense

1 Exhibit No. 3 because I'm still not clear what he said. I
2 head a Mo and I didn't know if it was me, if he was talking
3 about his sister.

4 SOLICITOR SWANSON: His version of events is Johnnie
5 McKnight once he goes down the road he comes back around;
6 his driver-side door is facing the house.

7 THE COURT: Right.

8 SOLICITOR SWANSON: He pulls out what looks to be an
9 AR 15 ---

10 THE COURT: Okay.

11 SOLICITOR SWANSON: --- or some witnesses are calling
12 it assault rifle.

13 THE COURT: Okay.

14 SOLICITOR SWANSON: But AR-15, begins to shoot at the
15 house. Shamond is already armed legally ---

16 THE COURT: Behind the - Right.

17 SOLICITOR SWANSON: --- is ducked behind the Mercedes
18 SUV ---

19 THE COURT: Right.

20 SOLICITOR SWANSON: --- and when he hears the shots
21 that's when he unholsters and shoots back three times.

22 Now, Johnnie doesn't know he's there until he shoots
23 back. And that's when he begins to shoot towards the SUV.

24 THE COURT: Okay.

25 SOLICITOR SWANSON: So if you look at the shots, I

1 mean the State's theory is there going house to SUV.

2 THE COURT: Okay.

3 SOLICITOR SWANSON: And you know, so left to right.

4 THE COURT: Okay.

5 SOLICITOR SWANSON: And it makes sense when you see
6 the bullet holes. But mind you Shamond -- this is
7 Shamond's residence.

8 THE COURT: Right.

9 SOLICITOR SWANSON: But when he was approached by Alex
10 Williams to come in and give him -- give a reported
11 interview, hey, you know we're hearing on the street that
12 you shot back. Yes I did, I shot back three times. Here
13 are the shell cases, I do have a concealed weapon permit
14 and all this.

15 He has no problem with bringing the firearm in.

16 THE COURT: Okay.

17 SOLICITOR SWANSON: He doesn't bring the firearm in
18 because he's never requested to because what are they going
19 to test it with?

20 THE COURT: When he admits that he had his firearm and
21 he admits that at a minimum that I see he shot three times.

22 That's what he said he did.

23 SOLICITOR SWANSON: Right. Chad Smith from SLED
24 analyzed the shell cases, the four shell cases that were
25 found at the scene in the roadway.

1 THE COURT: Uh-huh.

2 SOLICITOR SWANSON: He also analyzed a projectile that
3 was found in the residence, a fired projectile in the
4 residence.

5 THE COURT: Right.

6 SOLICITOR SWANSON: And then one that was found in
7 Shamond's Chevy Impala that was parked in the yard.

8 THE COURT: Right.

9 SOLICITOR SWANSON: Those projectiles were consistent
10 with each other and most consistent with coming from --
11 with a 223 - coming from a 223 cartridge case, not a .9
12 millimeter; could not have come from a .9 millimeter, and
13 that's what his testimony will be.

14 THE COURT: Okay.

15 SOLICITOR SWANSON: And so that does, that is
16 consistent with coming from an AR-15. But without a gun or
17 anything, I mean there is no conclusion about, you know
18 it's just what type of gun it could have come from.

19 THE COURT: Okay.

20 SOLICITOR SWANSON: And so, I would submit to the
21 Court that there was definitely no destruction of evidence
22 and nothing that was done in bad faith. There was no cover
23 up, no conspiracy, and I do not believe that the Defense
24 has met their burden in showing any of that.

25 THE COURT: Was the blue Honda ever recovered?

1 SOLICITOR SWANSON: It was.

2 THE COURT: Okay. And were there bullet holes in it?

3 SOLICITOR SWANSON: There was one bullet hole that we
4 could see in the driver-side door.

5 THE COURT: Was it consistent with a .99 millimeter or
6 not? I mean I know it could be from a different incident
7 so.

8 THE COURT: They couldn't tell and were unable to
9 retrieve a projectile from that. I mean the car has been
10 in impound the entire time. Defense could have certainly,
11 you know, had access to it, requested anything. I actually
12 set up a meeting for Ms. Campbell to review all the
13 evidence from this case. So, I mean she was there when we
14 went over everything.

15 THE COURT: Okay. Anything further from anyone?

16 MS. CAMPBELL: No. Thank you.

17 THE COURT: Well I will tell you, obviously I haven't
18 seen the videos. I am concerned that there potentially
19 could be some, I guess I would say not spoilation, but
20 maybe some contamination of the evidence at the scene. I
21 think that goes to the weight and not the admissibility and
22 I think it's a jury issue.

23 I don't think there are any perfect crime scenes. I
24 don't see where any law enforcement, regardless of which
25 agency, intentionally destroyed evidence or destroyed

1 evidence in bad faith. And again, I don't necessarily see
2 that any of the evidence that potentially could have been
3 destroyed really had any exculpatory value or could have.

4 It's my understanding this case is going to be a self
5 defense case by Mr. McKnight, and I don't think there are
6 anything that stops him from being able to do that in this
7 matter, so, respectfully I'm going to deny your motion to
8 dismiss. I think it's a jury issue as to what happened.

9 I think there's questions. But I would expect that
10 after all the testimony is put up, Ms. Campbell, you will
11 make your directed verdict motion based on what has been
12 produced, okay.

13 MS. CAMPBELL: Thank you.

14 THE COURT: Okay.

15 MS. CAMPBELL: So, with that matter resolved, your
16 Honor, Item No. 3 on Defendant's Pretrial Motions just to
17 first of all an inquiry to the State, I suppose, as to a ny
18 evidence that they feel may fall under 404 (B) or Lyle,
19 that they intend to introduce and we can take that up now.

20 THE COURT: Okay.

21 SOLICITOR SWANSON: Thank you, your Honor.

22 The things that the State would seek to introduce are
23 evidence of prior difficulties between the parties.

24 THE COURT: Are you talking about Mr. Ling?

25 SOLICITOR SWANSON: No.

1 THE COURT: Or are you talking about Ms. Ling?

2 SOLICITOR SWANSON: Actually Alyida Ling the victim --

3 THE COURT: Right. Okay.

4 SOLICITOR SWANSON: And Johnnie McKnight who were in a
5 relationship together.

6 THE COURT: And it was determined that the baby was
7 his; is that correct?

8 SOLICITOR SWANSON: That is correct.

9 THE COURT: Okay. And so what are the previous
10 altercations between the two of them?

11 SOLICITOR SWANSON: Well there was one that eventually
12 what -- well I say eventually - it was reported to police
13 but defense counsel was provided with a police report from
14 the incident. I have met with Gladys Roberts, who was the
15 victim's God mother, who witnessed a fight between Johnnie
16 and Alydia, verbal altercation which turned physical and
17 ended up with him brandishing a gun. And while he did not
18 point it at Alydia, he did waive it at Ms. Roberts.

19 But he also assaulted Alydia and that was witnessed by
20 her.

21 THE COURT: And that was in Ms. Roberts' presence?

22 SOLICITOR SWANSON: Yes.

23 THE COURT: Okay.

24 SOLICITOR SWANSON: In her presence. She reported
25 that to police and that's actually how police became aware

1 of Johnnie McKnight and Alydia Ling's relationship back in
2 2016. I mean I think she had maybe just turned 16 at that
3 point.

4 THE COURT: I think it's mentioned in some of the --
5 right on scene. I remember in a couple of the body cams
6 ---

7 SOLICITOR SWANSON: Right.

8 THE COURT: --- that that was -- one of them said, I
9 know, you know, people says its because of an incident.

10 SOLICITOR SWANSON: Right.

11 THE COURT: Okay.

12 SOLICITOR SWANSON: And so they were familiar with him
13 and her having been in a relationship. That's where Mom
14 sort of learned of the relationship as well because Alex
15 Williams and Michael Thomas brought her in, you know, to
16 say hey, look, do your best, keep an eye on this girl, you
17 know, I mean a 38-year-old man doesn't need to be messing
18 around with her. You know mom's an RN and can only do what
19 she can do but anyway, so then, there's that incident that
20 I just wanted to briefly get into. I mean it would not be
21 very long but I would be offering it as evidence of prior
22 difficulties just the Court noted.

23 THE COURT: And would you get that in through Ms.
24 Roberts or?

25 SOLICITOR SWANSON: Ms. Roberts.

1 THE COURT: Okay.

2 SOLICITOR SWANSON: Yes. And then there are text
3 messages between the defendant and the victim that came off
4 of the defendant's Samsung Galaxy phone. These were a
5 couple of months before the murder. And there are a series
6 of text messages specifically, I mean the ones that I think
7 are most important, but are 27 text in a row that are to
8 the victim that state "die bitch".

9 THE COURT: Is there any context for them?

10 SOLICITOR SWANSON: Well it's clear that they were --

11 THE COURT: I mean was there back and forth? I mean
12 was she emailing him as well?

13 SOLICITOR SWANSON: Was a little back and forth. It's
14 clear from reading the text messages that, you know, I mean
15 he's a jealous guy, he's controlling, he thinks she's
16 cheating on him and so, you know, there are a number of --

17 THE COURT: What's the time frame in his text messages
18 in relation to this incident?

19 SOLICITOR SWANSON: It is about two and a half months
20 before. And so it just shows --

21 THE COURT: So she's five and a half months pregnant
22 at the time roughly because she was eight months pregnant
23 when this occurred, correct?

24 SOLICITOR SWANSON: Yes. She was about two weeks away
25 from her due date, your Honor.

1 THE COURT: Okay.

2 MS. CAMPBELL: I'm curious. So who -- What witness
3 would these be coming in through? And, you know, we would
4 of course argue both matters are way too remote to this
5 particular incident but again, for the record and for the
6 Court's information, if you were to allow the text messages
7 where there are difficulties between the two, there are
8 just so many in the weeks right before August 31st where
9 every morning there is a loving exchange of messages
10 between the two of them. You know, good morning, babe, I
11 love you, you know, back and forth. What's going on today?

12 So I mean whatever may have been the difficulty a few
13 months before when there was as the solicitor said I have a
14 suspicion that she was out and about the town, you know,
15 certainly that matter had been long resolved. So if we can
16 put those messages in as well if these are allowed.

17 THE COURT: Okay.

18 MS. CAMPBELL: Thank you, Judge.

19 THE COURT: Okay. Ms. Swanson, can I see a copy of
20 those just so I know?

21 SOLICITOR SWANSON: Yes, ma'am. I did not print out
22 the eight hundred pages of them. If I may approach?

23 THE COURT: Certainly.

24 (DOCUMENTS RECEIVED UP BY THE COURT.)

25 SOLICITOR SWANSON: And I will say with this Samsung

1 it appears he started using another phone that we could not
2 get into so we do not have the text messages that occurred
3 right before the murder.

4 THE COURT: Okay.

5 SOLICITOR SWANSON: And the weeks before the murder as
6 Ms. Campbell is referring to.

7 THE COURT: Okay.

8 MS. CAMPBELL: Let me see. I'm sorry, I don't want to
9 misquote that, it's just some of this stuff is -- the
10 format that I thought --

11 SOLICITOR SWANSON: There are text messages of course,
12 you know, good morning, babe, love you, babe, and then it
13 turns terribly south, so just, I have notes of an extremely
14 toxic relationship and certainly of prior difficulties.

15 MS. CAMPBELL: I'm sorry, I didn't hear, who was the
16 witness, SLED?

17 SOLICITOR SWANSON: Oh, that would be Viann Brantley
18 who did the computer crime center examination report and
19 did the Celebrate done on it, yes.

20 MS. CAMPBELL: Okay. And what I can do for your Honor
21 is in the messages that we have copies of as well, the
22 eight hundred pages, certainly between now and the time
23 that individual testifies, we can extract the text messages
24 that are the other side of the relationship and present
25 those to your Honor.

1 THE COURT: Okay.

2 SOLICITOR SWANSON: I think that would be proper for
3 cross-examination.

4 MS. CAMPBELL: But again, as a threshold matter we
5 object to both the 2016, I think the State should have to
6 make s proffer of this woman's testimony before it's
7 allowed into this case. And Mr. McKnight was never
8 questioned, never charged. You know, whatever Officer
9 Williams thought may have happened based on what these two
10 women were telling him, he never even talked to Mr.
11 McKnight about it and he never got a warrant for him for
12 those charges. So he clearly -- I mean how could this
13 sworn law enforcement officer believe these two women that
14 Mr. McKnight's pointing a gun at them and not get a warrant
15 for his arrest? He didn't believe them so he didn't get a
16 warrant and now the prosecution wants to come in here and,
17 again, as the gate keeper ask your Honor to believe this
18 woman and allow her to testify to those facts. Thank you.

19 THE COURT: I think we can definitely do a proffer.

20 And so, Ms. Campbell, you have further of these text
21 messages?

22 MS. CAMPBELL: Again, I'll go through it ---

23 THE COURT: Okay.

24 MS. CAMPBELL: --- and make sure to give to the State
25 and to your Honor the messages that we would ---

1 THE COURT: Want in?

2 MS. CAMPBELL: --- talk to the SLED agent about, yes,
3 as well.

4 THE COURT: Okay.

5 SOLICITOR SWANSON: And, your Honor, ---

6 THE COURT: Yes, ma'am.

7 SOLICITOR SWANSON: --- Gladys Roberts is gonna be
8 here at 3:00 p.m., I believe.

9 THE COURT: Okay.

10 SOLICITOR SWANSON: And so we can do a proffer at that
11 time if your Honor --

12 THE COURT: That's absolutely fine. Okay.

13 Ms. Swanson, if we start tomorrow morning at 9:30,
14 when do you think you'll finish your case? What is timing
15 wise? I don't know if we've spoken about that.

16 SOLICITOR SWANSON: I think that we should be done
17 about lunch time on Wednesday.

18 THE COURT: Okay.

19 SOLICITOR SWANSON: I do have the majority of my SLED
20 witnesses' coming Wednesday morning just so that I would
21 not get to them at the end of Tuesday, but they should all
22 be relatively quick.

23 THE COURT: Okay. Yes, Ms. Campbell.

24 MS. CAMPBELL: And so the final motion that I think
25 we're dealing with are these photographs in this case, and

1 so if the State would like to, I guess the best way to
2 handle it would be for the State to mark the photographs
3 that they want to introduce and then we can be clear on the
4 record what we're talking about. And I've not been
5 provided that so we could take a moment to have that
6 provided to the Defense, and then it may be that I say, you
7 know, out of twenty-five photographs I only object to one
8 and five.

9 THE COURT: ,Okay. That's fine. Well why don't we do
10 this then, since that's the last motion as of right now,
11 why don't we go ahead and take a break?

12 Ms. Swanson, you go ahead and mark the ones that you
13 would like to introduce.

14 Ms. Campbell, you look at them and then let me know
15 and I'll come out and I'll look at them.

16 And if you don't mind, if we could just line them all
17 the way across the bar, I want to see them always in total
18 for what kind of impact they have, so if we can do that
19 that would be fine. Okay. Anything else?

20 MS. CAMPBELL: From us? I don't believe so, no.

21 THE COURT: Okay. Anything else?

22 SOLICITOR SWANSON: I don't think so, thank you.

23 THE COURT: All right. Well then -- I have your plea,
24 right? We have one guilty plea to go ahead and do so why
25 don't I go ahead and take that right now.

1 And, Ms. Swanson, why don't you come up with what
2 you're gonna use for photographs and you two can look at
3 them and maybe we can resolve that and then just break for
4 lunch unless there's other pleas that we need to if we've
5 got time, I'm happy to whatever we need to do.

6 If we could be at ease.

7 (COURT AT EASE IN THE MATTER OF STATE VERSUS JOHNNIE
8 MCKNIGHT AT 11:37 A.M.)

9 (THE MATTER OF STATE V. TREVONE ADDERLY PLEA, PRO SE.)

10 (COURT IN LUNCH RECESS AT 11:43 A.M.)

11 (COURT BACK IN SESSION AT 02:05 P.M.)

12 (JURY ROLL CALL BY MADAM CLERK OF COURT NETTLES.)

13 (ON THE RECORD AT 02:36 P.M.)

14 THE COURT: Please be seated. Well good afternoon,
15 ladies and gentlemen. It is a pleasure to see you , my
16 name is Carmen Mullen. I am one of two resident circuit
17 court judges in the Fourteenth Judicial Circuit which
18 includes, not only Hampton County, but also Beaufort,
19 Jasper, Allendale, and Colleton Counties.

20 Ladies and gentlemen, it's my pleasure this week to be
21 holding a term of criminal court here in Hampton County.

22 Ladies and gentlemen, you've been sworn in by Melinda
23 Nettles your Clerk of Court. There are a number of
24 questions that I am required to ask you by statute. Ladies
25 and gentlemen, I simply ask if you need to respond to one

1 of my questions, simply stand, give me your name and your
2 juror number, your last name and your juror number, and
3 then go ahead and respond to my question. I will tell you
4 that we are a court of record which means everything anyone
5 says here is being taken down by Wanda my court reporter,
6 so if I ask you to speak up please don't be offended, I
7 just want to make sure everybody can hear you and she can
8 get a good record for it. All right.

9 Is everyone okay? Yes. All right, we're ready to get
10 going then. Ladies and gentlemen, is there any member of
11 the jury panel who is not a citizen of the United States;
12 if so, please stand?

13 (NO RESPONSE.)

14 THE COURT: Is there any member of the jury panel who
15 is not a resident and citizen of Hampton County; if so,
16 please stand?

17 (NO RESPONSE.)

18 THE COURT: Is there any member of the jury panel who
19 is not able to read, write, speak, or understand the
20 English language; if so, please stand?

21 (NO RESPONSE.)

22 THE COURT: If you can't understand the English
23 language I have no idea how you are supposed to respond to
24 my question but I'm required to ask it.

25 Ladies and gentlemen, do I have any member on the jury

1 panel who has less than a sixth-grade education, or its
2 equivalent; if so, please stand?

3 (NO RESPONSE.)

4 THE COURT: Ladies and gentlemen, is there any member
5 of the panel who is unable because of mental or physical
6 infirmities to render efficient jury service and you
7 brought a doctor's note; if so, please stand?

8 (NO RESPONSE.)

9 THE COURT: Ladies and gentlemen, has any member of
10 the jury panel been convicted by guilty plea or a trial in
11 a state or federal court of record a crime punishable by
12 imprisonment for more than one year and your civil rights
13 have not been restored by pardon or amnesty?

14 Now, ladies and gentlemen, anything in your youth
15 doesn't count and driving convictions for the most part
16 don't count either.

17 Ladies and gentlemen, if at the very end of my
18 questioning if you do have a question about this question,
19 if you'll come ask me and we talk about what you possibly
20 have a conviction for, I can tell you whether or not it
21 excuses you from jury service, all right.

22 But do I have anyone at this time who would like to
23 respond to this question; if so, please stand?

24 (NO RESPONSE.)

25 THE COURT: Is there any member of the jury panel who

1 is a clerk, or a deputy clerk of court, constable, sheriff,
2 or other commissioned law enforcement officer, probate
3 judge, county commissioner, magistrate or other county
4 officer employed within the walls of any courthouse; if so,
5 please stand?

6 (NO RESPONSE.)

7 THE COURT: Do I have any jurors here who have
8 previously served on jury duty up here in Circuit Court,
9 not City Court, Magistrate Court, or Federal Court, during
10 the last calendar year; if so, please stand?

11 (NO RESPONSE.)

12 THE COURT: Do I have anyone on this panel who has
13 served as a member of the Hampton County Grand Jury during
14 the past several years; if so, please stand?

15 Sir, your name and Juror No.?

16 (WHITE MALE STANDING.)

17 A. Lunsford, 97.

18 THE COURT: Sir, when did you serve on our Grand Jury?

19 JUROR 97: It's been about four years.

20 THE COURT: About four years or so?

21 JUROR 97: Yes.

22 THE COURT: Sir, what I'm gonna do is this, there is
23 an exemption if you have served within the last five years.
24 Would you like me to except you from jury service as a
25 result of your prior Grand Jury service?

1 JUROR 97: Yes.

2 THE COURT: You are excused, sir. Thank you for being
3 here.

4 Sir, your name and juror number?

5 (WHITE MALE STANDING.)

6 A. 115.

7 THE COURT: Yes, sir.

8 JUROR 115: Like seven years.

9 THE COURT: It's been about seven years?

10 JUROR 115: I served two years.

11 THE COURT: You served for two years?

12 JUROR 115: I got --

13 THE COURT: You were held over, I understand. And
14 you're No. 115?

15 JUROR 115: Yes, ma'am.

16 THE COURT: I'm going to go ahead and excuse you as
17 well. And I'll explain to all of them what Grand Jury
18 service is. You're excused.

19 JUROR 115: I appreciate it. Thank you.

20 THE COURT: All right. You're welcome.

21 Anyone else?

22 (NO RESPONSE.)

23 THE COURT: All right. Ladies and gentlemen, we now
24 move to what are called jury exemptions for jury service
25 which is they go to just to request a jury exemption.

1 Ladies and gentlemen, do I have anyone here who is
2 sixty-five years of age, or older, who does not wish to
3 serve on jury duty this week; if so, please stand?

4 (NO RESPONSE.)

5 THE COURT: The next exemption concerns prior jury
6 service. No person is required to serve as a jury up here
7 in Circuit Court more often than once every three calendar
8 years. So do I have anyone who has served in the last two
9 years who does not wish to serve this week; if so, please
10 stand?

11 (NO RESPONSE.)

12 THE COURT: Ladies and gentlemen, as you just heard
13 with my other two persons anyone that's served as a Grand
14 juror in the last five or so years may also be exempted.

15 Do I have anyone else who served on our Grand Jury who
16 doesn't wish to serve this week?

17 (NO RESPONSE.)

18 THE COURT: Ladies and gentlemen, the next exemption
19 deals with those of you that have legal custody of young
20 children, and I respectfully ask that you listen carefully
21 to this exemption. It has four parts all of which must
22 apply for you to be able to claim this exemption.

23 Ladies and gentlemen, you would exempted from jury
24 service if you have a child, or small children, under the
25 age of seven and you have the legal custody of that child,

1 or children; and you have the principal care and control of
2 that child or children, and lastly you are unable to make
3 adequate arrangements for the care of your child, or
4 children, while you're performing jury duty.

5 Ladies and gentlemen, if you take your children to day
6 care or to school and go on to work, it's assumed that you
7 can do the same thing here. One caveat I have is that if
8 you have someone or have someone that needs to meet a
9 school bus, and you have no one else to meet that school
10 bus for children, I need to know about it because we can't
11 break during the middle of a trial for you to be able to go
12 grab kids at the bus stop, all right.

13 So do I have anyone that needs to claim this
14 exemption; if so, please stand?

15 All right. Ma'am, I'm going to start with you in the
16 orange. Give me your name and juror number.

17 (BLACK FEMALE STANDING.)

18 A. 131.

19 THE COURT: How old are your babies?

20 JUROR 131: He is six.

21 THE COURT: He's six? And do you stay at home with
22 that child?

23 JUROR 131: Ma'am?

24 THE COURT: Do you stay at home with that child?

25 JUROR 131: Yes.

1 THE COURT: And does that child go to school right
2 now?

3 JUROR 131: Yes. He's in Estill Elementary.

4 THE COURT: Okay. But you meet him after school; is
5 that correct?

6 JUROR 131: Yes, ma'am.

7 THE COURT: And you have no one else to meet him; is
8 that correct?

9 JUROR 131: No, ma'am.

10 THE COURT: All right. You are excused, ma'am. Thank
11 you. That was No. 6.

12 JUROR 131: Thank you.

13 THE COURT: The next lady in what looks like a jean
14 jacket. Yes, ma'am, your name and juror number.

15 (BLACK FEMALE STANDING.)

16 A. Antasia Bostic, I think it was 10.

17 THE COURT: And how old are your children?

18 JUROR 10: I have one he's going on almost two.

19 THE COURT: All right. And do you stay home with that
20 child?

21 JUROR 10: No, ma'am, I work.

22 THE COURT: Okay. Who has that child right now?

23 JUROR 10: My mom and she works.

24 THE COURT: She works as well. All right, so you
25 don't have anyone to care for your child if you have to

1 come here and work between 9:30 and 5:00?

2 JUROR 10: Uh-huh, besides her no, ma'am.

3 THE COURT: You don't have -- That's a no. And she has
4 a job as well.

5 JUROR 10: Uh-huh.

6 THE COURT: All right, ma'am, I'll go ahead and
7 excuse you as well. Thank you, you are excused.

8 Yes, ma'am.

9 (BLACK FEMALE STANDING.)

10 A. Khadjah Brown, No. 14.

11 THE COURT: Yes, ma'am. How old are your children?

12 JUROR 14: Six.

13 THE COURT: Six?

14 JUROR 14: Uh-huh.

15 THE COURT: And do you stay at home with that child?

16 JUROR 14: I work but on the day that . . .

17 THE COURT: Pardon?

18 JUROR 14: I work but Monday's, Wednesday's and
19 Friday's I have to have him picked up.

20 THE COURT: Okay. I'll go ahead and excuse you as
21 well. Thank you. What was your number, ma'am, I'm sorry?

22 JUROR 14: Fourteen.

23 THE COURT: Thank you.

24 Yes, ma'am.

25 (BLACK FEMALES STANDING.)

1 A. I have a question.

2 THE COURT: Yes, your name and juror number first.

3 A. Despina White, 164.

4 THE COURT: Yes, what is your question?

5 JUROR 164: Yes, my son he goes to school and I'm the
6 person to - -

7 THE COURT: Okay. How old is your child?

8 JUROR 164: He's eleven.

9 THE COURT: Okay. Well that doesn't exempt you
10 because we're gonna presume that your eleven-year-old can
11 go on line and do his homework.

12 JUROR 164: No, he has to have someone to be there at
13 all times with him.

14 THE COURT: Oh, at all times?

15 JUROR 164: Yes.

16 THE COURT: Okay.

17 JUROR 164: I'm his learning coach.

18 THE COURT: Pardon?

19 JUROR 164: I'm his learning coach.

20 THE COURT: Okay. So that means you stay home every
21 day while he's on line?

22 JUROR 164: Yes. Yes.

23 THE COURT: All right, ma'am, I'll go ahead and excuse
24 you as well.

25 JUROR 164: Thank you.

1 THE COURT: All right, ladies and gentlemen, is anyone
2 a primary care taker of a person sixty-five years of age,
3 or older, or of a person who suffers infirmities and you
4 don't have any one to care for them while you're here
5 performing jury duty? This would be for people who are a
6 little more difficult to get coverage for, or assistance
7 for, based on either special needs or an infirmity. Do I
8 have anyone that's in that situation; if so, please stand?

9 (NO RESPONSE.)

10 THE COURT: Ladies and gentlemen, the next exemption
11 involves those of you who may be attending school at this
12 time or working in some capacity with a school. Now if
13 this exemption applies to you and you wish to be exempted,
14 what I can do is transfer your jury service to a term of
15 court that doesn't conflict with your school
16 responsibilities. In other words, spring break, the summer
17 break, the next holiday break, ladies and gentlemen. I
18 cannot permanently excuse a teacher or a student or anyone
19 that's employed within the school system, but I can
20 transfer your service if this is absolutely the worst week
21 for you to be summoned for jury duty.

22 Do I have anyone in that situation; if so, please
23 stand?

24 (NO RESPONSE.)

25 THE COURT: Very good. Ladies and gentlemen, do I

1 have any member of the jury panel who is employed with the
2 Department of Corrections at a penitentiary; if so, please
3 stand?

4 (NO RESPONSE.)

5 THE COURT: Ladies and gentlemen, is there any juror
6 who performs services for a business, commercial or
7 agricultural enterprise that you are so essential to the
8 operation of that business or enterprise that if you are
9 required to serve on jury duty here this week that business
10 or enterprise would have to shut it's doors; if so, please
11 stand?

12 Yes, ma'am, your name and juror number?

13 (WHITE FEMALES STANDING.)

14 A. No. 3, Megan Barlet.

15 THE COURT: Yes, ma'am, what do you do?

16 JUROR NO. 3: Well I'm a tax preparer and prepare a
17 payroll and I'm at the company where I -- one of the
18 companies I work for I am the only one there that does
19 payroll.

20 THE COURT: All right. Well also they're in tax
21 season are we not?

22 JUROR NO. 3: We are.

23 THE COURT: Okay.

24 JUROR NO.3: Could you do what you said about
25 transferring me --

1 THE COURT: That's what I'm gonna do. I want you to
2 come up -- Mylinda, do you want her to come talk to you
3 about when's a better time?

4 MADAM CLERK: We'll just send her another notice.

5 THE COURT: Ma'am, you're just gonna get another
6 notice, and this is Juror No. 3. Don't even bother coming
7 up, it will be after tax season I assure you, okay.

8 JUROR NO. 3: God bless you. Thank you.

9 THE COURT: All right. Thank you.

10 Anyone else?

11 (NO RESPONSE.)

12 THE COURT: Ladies and gentlemen, that concludes the
13 statutory list of qualifications and exemptions for jury
14 service. Now maybe that you are qualified to serve and no
15 exemption applies to you, however, this is the absolute
16 worst week in all of the year that you could have been
17 summoned for jury duty. Ladies and gentlemen, I will tell
18 you that as far as my schedule for this week I'm the only
19 judge here, we have one case that is set before us that we
20 are ready to try this week, there are other cases behind
21 it, I will tell you that I expect this case to begin
22 tomorrow morning, Tuesday, and I expect it to conclude --
23 and I never quite know exactly when -- but I expect it to
24 conclude Thursday.

25 So, what I believe is that from this jury panel, from

1 this first jury that I intend to pull this afternoon, again
2 we will start tomorrow morning and we will finish probably
3 on Thursday. Do I have anyone who absolutely cannot be
4 here during that time period; if so, please stand?

5 (WHITE FEMALE STANDING.)

6 A. I just wanted to ask, I work as the school lunch room
7 cashier, I've missed four days in the last two weeks, I had
8 the flu last week and I still -- I feel like I'm over the
9 flu, but I'm just wondering could I be dismissed for
10 additional time?

11 THE COURT: Okay. What I can do is transfer your
12 service to a different term. Give me your name and juror
13 number.

14 A. I do not know my number, I think its 96, Brenda Long.

15 THE COURT: Ms. Long?

16 MS. LONG: Yes.

17 THE COURT: Ms. Long, we're gonna just gonna send you
18 another notice, all right? Feel better, okay?

19 MS. LONG: Thank you.

20 THE COURT: Thank you. Anyone else?

21 Do we have any DQ's?

22 SOLICITOR SWANSON: No, your Honor.

23 THE COURT: Thank you. All right, ladies and
24 gentlemen, does anyone have any reason whatsoever right now
25 that you cannot serve on jury duty with me this week? If

1 you get chosen on this first jury, again I expect you will
2 be here from tomorrow morning at 9:30 and you will be here
3 probably through Thursday, please just stand?

4 Okay.

5 (BLACK MALE STANDING.)

6 A. I probably won't be --

7 THE COURT: Sir, what is your name and number?

8 A. Patrick Williams and 169.

9 THE COURT: Okay. And what is your problem?

10 JUROR 169: I just start my new job and I about to take
11 off.

12 THE COURT: Okay. You just started a new job. Where
13 you working at?

14 JUROR 169: At --

15 THE COURT: All right. And do you have to work
16 Tuesday through Thursday of this week?

17 What's his number?

18 MADAM CLERK: 169, Patrick Williams.

19 JUROR 169: Yes.

20 THE COURT: All right. Mr. Williams, I'll go ahead
21 and excuse you. Thank you.

22 Yes, ma'am.

23 (BLACK FEMALE STANDING.)

24 A. My name is Yolanda Pinckney. I'm a cashier and today
25 I just took off for the day. I have to go to work

1 tomorrow, I got to pay my bills.

2 THE COURT: Ms. Pinckney, I understand that and most
3 people are in that same position. I will tell you this,
4 I'm gonna go ahead and excuse you for this week, but I can
5 tell you when you get another notice you're gonna have to
6 be prepared to serve, okay.

7 MS. PINCKNEY: All right, your Honor.

8 THE COURT: Thank you, ma'am, I appreciate that.

9 Yes, sir.

10 (BLACK MALE STANDS.)

11 A. Stokes, 147.

12 THE COURT: Yes.

13 JUROR 147: I came here from Hilton Head, actually I
14 drive down there, and I work there as well.

15 THE COURT: So do you need a ride?

16 JUROR 147: No, I'm saying I live in Hilton Head.

17 THE COURT: So do I.

18 JUROR 147: I got to do tomorrow night.

19 THE COURT: Well, sir, I can tell you even if you live
20 in Hilton Head if you're address is here in Hampton County
21 and this is where you live --

22 JUROR 147: This is not where I live. I got to change
23 my mailing address.

24 THE COURT: Pardon?

25 JUROR 147: This is not where I live. I live in

1 Hilton Head for the last two years now.

2 THE COURT: Okay. Have you changed your driver's
3 license?

4 JUROR 147: I was going to get to it but I haven't had
5 a chance.

6 THE COURT: Okay. It's been two years. This is what
7 your two choices are, all right. And I say this again
8 because I drive from Hilton Head everyday so its possible.
9 But what I'm telling you is this, you can either stay and
10 serve, or, you can by Friday of this week change your
11 driver's license because it will become invalid come Friday
12 if you don't change it. Do you understand?

13 JUROR 147: I understand.

14 THE COURT: Is that what you want to do?

15 JUROR 147: Yes. I'll change it.

16 THE COURT: All right. Give me your number again?

17 JUROR 147: 147.

18 THE COURT: All right. Mr. Pinckney, go change your
19 driver's license.

20 MADAM CLERK: Stokes.

21 THE COURT: I'm sorry, Stokes. Thank you. Go change
22 your driver's license. You're excused.

23 JUROR 147: Thank you.

24 THE COURT: Yes, ma'am.

25 (BLACK FEMALE STANDS.)

1 A. My number is 16, last name is Brown. I work at the
2 Federal Prison.

3 THE COURT: All right. Ma'am, you can if you would
4 like, be exempted. Its your choice. You can chose to
5 serve or not chose to serve. It's up to you.

6 JUROR 16: I chose not to.

7 THE COURT: Okay, ma'am. I'm gonna go ahead - What
8 do you do there?

9 JUROR 16: Dental assistant.

10 THE COURT: Ma'am, I'm going to go ahead and excuse
11 you but thank you for being here, okay.

12 Anyone else? Where is Ms. Harrison?

13 (WHITE FEMALE STANDS.)

14 THE COURT: Ms. Harrison, do you have to be in
15 Charleston tomorrow?

16 MS. HARRISON: I have, yeah, but I can change it if I
17 have to.

18 THE COURT: My question is how hard is it? If its -
19 Sometimes some appointments are impossible to change and I
20 appreciate - - -

21 MS. HARRISON: I probably won't get back in for like
22 three weeks.

23 THE COURT: Okay, this is what I'm gonna do.

24 Ms. Harrison, I'm going to put you in my back pocket
25 and if I have to keep you to have enough people I'm going

1 to, but if I can excuse you I will, okay. So I just want
2 you to sit tight for me. Give me your number.

3 MS. HARRISON: 67.

4 THE COURT: 67. All right. Thank you.

5 I have another lady is standing. Someone is standing.
6 Yes, ma'am.

7 (BLACK FEMALE STANDS.)

8 A. Yes, I just started a new job and I only got excused
9 for today.

10 THE COURT: Okay. Well, I can tell you that I can
11 make sure that you are excused if you need to be because
12 this is required. You just stated a new job?

13 A. Uh-huh.

14 THE COURT: Do you get paid if you're not there?

15 A. Huh-huh.

16 THE COURT: No? That's a no?

17 A. Uh-huh.

18 THE COURT: Ma'am, you need to say yes or no.

19 A. No.

20 THE COURT: Okay. I'll go ahead and excuse you then.

21 You're gonna get another notice, when you get another
22 notice you're gonna have to show up, okay.

23 A. Okay.

24 THE COURT: Thank you. And your number again?

25 A. 154.

1 THE COURT: Thank you. Anyone else?

2 (NO RESPONSE.)

3 THE COURT: Are you sure, everybody?

4 All right, I find this panel is qualified.

5 Solicitor, would you like ot go ahead and call --

6 Well, lets start at this. Does anyone need a break?

7 (NO RESPONSE.)

8 THE COURT: I'm going to pull this jury and we're
9 gonna do it rather quickly but it probably will take
10 another hour or so, so I want to make sure no one needs a
11 break before that. Anyone have to have a break?

12 (NO RESPONSE.)

13 THE COURT: All right, ladies and gentlemen, while I'm
14 doing this no one is gonna leave, just to let you know, all
15 right, because you have to be here to answer all the
16 questions I have relative to this case, okay.

17 So is everyone okay?

18 Yes, sir.

19 (BLACK MALE STANDING.)

20 A. I don't hear too well.

21 THE COURT: You don't hear too well?

22 A. Yes.

23 THE COURT: Have you been able to hear me?

24 A. Some of what you say, yes.

25 THE COURT: Some of what I say. All right. What's

1 your number?

2 A. Go slow and I can hear you.

3 THE COURT: Okay. What's your number, sir?

4 A. No. 2

5 MADAM CLERK: No. 2.

6 THE COURT: Sir, I'm going to excuse you.

7 JUROR 2: Thank you.

8 THE COURT: Thank you. Okay. You all I've already
9 qualified you.

10 Yes, sir.

11 (BLACK MALE STANDS.)

12 A. I'm got a bad case of -- I maybe can take a pill
13 or something but right now --

14 THE COURT: All right, give me your name and number.

15 A. Hicks and No. 73.

16 THE COURT: You're gonna stay with me. You're fine.

17 It's a big courtroom. If you need a break you stick
18 your hand up and I'll let you take a break, okay.

19 JUROR 73: I don't know when it's gonna go away.

20 THE COURT: I assure you you can take the stairs too,
21 okay, so you're fine. Sit with me, sir. All right.

22 All right, Solicitor, you want to go ahead and call
23 your case and introduce yourself and who's at counsel table
24 with you and then Ms. Campbell will do the same, all right.

25 SOLICITOR SWANSON: Thank you, your Honor.

1 My name is Hunter Swanson, I work as an assistant
2 solicitor in the Fourteenth Circuit. I've been with Duffy
3 Stone our elected solicitor since 2007, I believe. I
4 currently prosecute cases on four counties, Hampton,
5 Allendale, Jasper and Beaufort.

6 Sitting with me is Alex Williams with the Estil P D.
7 He is the lead investigator on this case. Bruce Davis an
8 investigator with our office is up here as well. The State
9 is calling the case of *State versus Johnnie Lee McKnight*
10 for trial. These are Indictment No's. 2017-GS-25-455, 462,
11 for two counts of murder. 2017-GS-25-456; 25-458 three
12 counts of attempted murder. 2017-GS-25-459 discharging a
13 firearm into a dwelling. And 2017-GS-25-460 for possession
14 of a weapon during a violent crime.

15 THE COURT: All right. Ladies and gentlemen, as
16 you've heard the State has called their case. And I
17 apologize, Ms. Campbell, yes I want you to introduce
18 yourself and who is at counsel table with you as well,
19 please.

20 MS. CAMPBELL: Thank you, your Honor. May it please
21 the Court. Good afternoon. My name is Trasi Campbell. I
22 am an assistant public defender with the Fourteenth
23 Judicial Circuit. I started back in Beaufort County in
24 1991 and I pretty much had just been in Beaufort County
25 until the last three years. I have the pleasure of sitting

1 with Stephanie Smart Gibbens here; is your Fourteenth
2 Judicial Circuit Chief Defender, so she covers all five
3 counties; that's Beaufort, Jasper, Hampton, Allendale and
4 Colleton County. And seated at this table with us is Mr.
5 Johnnie McKnight. And I'm gonna ask our client to stand so
6 that -- because your Honor will ask you if you recognize
7 him.

8 (DEFENDANT JOHNNIE MCKNIGHT STANDS.)

9 MS. CAMPBELL: Thank you.

10 THE COURT: Thank you all. Ladies and gentlemen, to
11 being, is anyone related by blood, connected by marriage, a
12 close personal friend, or have a special relationship, or
13 even is an acquaintance of the defendant in this case, Mr.
14 Johnnie McKnight; if so, please stand?

15 All right, ladies, I'm gonna go ahead and start with
16 you, ma'am, first. Your name and juror number.

17 (BLACK FEMALE STANDS.)

18 A. Williams, 166.

19 THE COURT: How do you know Mr. McKnight?

20 JUROR 166: My sister married his aunt's -- his mother
21 is - his mom is the grandma, grandmom of my grandson also.

22 THE COURT: Okay. Ma'am, I'm gonna go ahead and
23 excuse you from the trial of this case. Okay.

24 JUROR 166: Thank you.

25 THE COURT: Thank you for being here. You need to

1 call in Wednesday night after Six o'clock, okay. Just on
2 the off chance there's something we have to do this week,
3 okay.

4 JUROR 166: Okay.

5 THE COURT: I appreciate it.

6 Yes, ma'am.

7 (BLACK FEMALE STANDS.)

8 A. My number is 21, Trevesha Campbell, and his cousin
9 is my best friend.

10 THE COURT: Okay.

11 MS. CAMPBELL: I'm sorry, I didn't hear her juror
12 number.

13 THE COURT: 21. Did you say 21?

14 JUROR 21: Yes.

15 MS. CAMPBELL: Okay.

16 THE COURT: All right. Ma'am, I'm gonna go ahead and
17 excuse you from the trial of this case as well. Thank you.

18 Anyone else know Mr. McKnight, ladies and gentlemen?

19 (NO RESPONSE.)

20 THE COURT: Anyone ever have any business dealings
21 with him? Anything along those lines?

22 THE COURT: Yes, ma'am.

23 (BLACK FEMALE STANDS.)

24 A. I don't know Mr. McKnight but the other party.

25 THE COURT: How do you know Mr. McKnight?

1 A. I don't know Mr. McKnight. I know the other party.

2 THE COURT: The State's? Well I'm getting ready to
3 ask you that too so that's okay. All right, ladies and
4 gentlemen, its my understanding the alleged victim in this
5 case is Alydia Ling from Estil, South Carolina, and I am
6 gonna list a number of witnesses that are also going to
7 testify in this case some of which I anticipate are her
8 family members.

9 Ladies and gentlemen, is anyone related by blood,
10 connected by marriage, have a close personal relationship
11 or special friendship with any of the Lings; if so, please
12 stand?

13 And yes, ma'am, who did you - -

14 (BLACK FEMALE STANDS.)

15 A. I know the deceased. Erica Warren.

16 THE COURT: Who do you know, ma'am?

17 MS. WARREN: I was dating her brother.

18 THE COURT: Pardon?

19 MS. WARREN: I was dating her brother.

20 THE COURT: Her brother. All right. Ma'am, I'm gonna
21 ahead and excuse you from the trial of this case.

22 Anyone else?

23 (NO RESPONSE.)

24 THE COURT: Sorry, there's only a very few ways to get
25 out of here. All right, ladies and gentlemen, you were

1 also introduced to the lawyers at this table and the other
2 people that are here with them Mr. Davis, and also our lead
3 investigating officer. My question is this; is anyone
4 related by blood, connected by marriage, a close personal
5 friendship, have a special relationship with any of the
6 people either sitting at this table on behalf of the state
7 or anyone with Ms. Campbell on behalf of the defense; if
8 so, please stand?

9 Yes, sir, your name and juror number?

10 (BLACK MALE STANDING.)

11 A. Number 11, name is James Bostick, Junior.

12 THE COURT: Who do you know, sir?

13 JUROR 11: Mr. Davis.

14 THE COURT: How do you know him, sir?

15 JUROR 11: Just my wife is his sister.

16 THE COURT: My wife and his sister?

17 JUROR 11: My wife is his sister.

18 THE COURT: Is his sister?

19 JUROR 11: Yeah.

20 THE COURT: His blood sister?

21 JUROR 11: Ma'am?

22 THE COURT: Okay. I'm sorry, it's just so I
23 understand. Sir, I'm gonna go ahead and excuse you from
24 the trial of this case.

25 JUROR 11: All right. Very good.

1 THE COURT: Okay. Is there anyone else? Anyone ever
2 been employed by either the solicitor's office, the public
3 defender's office, or anybody that's sitting up here at
4 counsel table; if so, please stand?

5 (NO RESPONSE.)

6 THE COURT: All right. Ladies and gentlemen, the
7 following is a list of potential witnesses in this case. It
8 doesn't mean you're disqualified from hearing the case.
9 I'll just ask some followup questions about what the nature
10 of your relationship is and whether or not you can be fair
11 and impartial, all right.

12 Now, the following is a list of potential witnesses in
13 this case. Stuart Atkinson, Viann Brantley, Michelle
14 Bryan, Tim Carter, Adrienne Hefney, Verona Herrara or
15 Hererra, Cory Ling, Debra Ling, Shamond Ling, Deshawn
16 Manner or Maner, Marcus Miller, Jennifer Nates, Zatch
17 Pouchprom, Wayne Morris Ritter, Gladys Roberts, Doctor
18 Cynthia Schandl, Ila Simmons, Chad Smith, Michael Thomas,
19 Ernie Washington, Alex Williams, Desmond Williams.

20 Ladies and gentlemen, again is anyone related by
21 blood, connected by marriage, have a close personal
22 relationship or special friendship with any of these people
23 such that you might give their testimony more weight
24 because of that relationship?

25 Sir, your name and juror number.

1 (BLACK MALE STANDING.)

2 A. I don't know what my juror number but my name is
3 Jonathan Roberts.

4 THE COURT: Mr. Roberts, who do you know?

5 MR. ROBERTS: Corey Ling.

6 THE COURT: How do you know him?

7 MR. ROBERTS: Cousin.

8 THE COURT: He's your cousin?

9 MR. ROBERTS: Yes, ma'am.

10 THE COURT: All right, sir, I'm going to go ahead and
11 excuse you from the trial of this case.

12 Y'all I did not have -- I don't have the Indictments.
13 Solicitor, can I have them very quickly?

14 SOLICITOR SWANSON: I believe their --

15 THE COURT: Oh, I'm sorry, I apologize, I do have
16 them.

17 Ladies and gentlemen, I know you know nothing about
18 this case but the allegations, and they are simply
19 allegations, are that in Hampton County on or about August
20 31st of 2017 it's my understanding, is this correct, in
21 Estil, is that correct, Solicitor

22 SOLICITOR SWANSON: That is correct.

23 THE COURT: In Estil that the Defendant did shoot and
24 kill Alydia Ling and that she died as a result of it.

25 Again, this occurred allegedly back on August 31st of

1 2017 in Estil.

2 Ladies and gentlemen, does anyone have any independent
3 knowledge about this case? Independent knowledge about
4 this case; have heard about it, seen about it, read about
5 it? It could be in the newspaper or on the news ladies and
6 gentlemen, or on the radio, or just on the street; if so,
7 please stand?

8 (BLACK FEMALE STANDS.)

9 THE COURT: Yes, ma'am, your name and juror number?

10 A. Rosezine McClay, 100.

11 THE COURT: Ma'am, how have you heard about it?

12 JUROR 100: I heard about it in the street and read it
13 in the newspaper.

14 THE COURT: You read it in the newspaper?

15 JUROR 100: Also it was right down the street from
16 where I live.

17 THE COURT: It is down the street where you live.

18 Ma'am, this is what I need to know. First off,
19 whatever you read in the newspaper I want to make sure that
20 if you get chosen as a juror you can put that aside and
21 understand that there is nothing factual that's written in
22 the newspaper.

23 JUROR 100: Yes, ma'am.

24 THE COURT: And that you can't use that or consider
25 that. Secondly, if you have neighbors that have talked

1 about it, or something along those lines, can you place
2 that out of your mind, ma'am, and decide the case based on
3 the facts here in the courtroom?

4 JUROR 100: Yes, ma'am.

5 THE COURT: And, ma'am, when this occurred, did you go
6 on the scene or afterwards go to the scene?

7 JUROR 100: No.

8 THE COURT: No. Ma'am, can you be fair and impartial
9 in the trial of this case?

10 JUROR 100: Yes, ma'am.

11 THE COURT: And of all these witnesses' that I have
12 read out, you do not know any of them; is that correct?

13 JUROR 100: I know the mother.

14 THE COURT: You know the mother?

15 JUROR 100: Yes, ma'am.

16 THE COURT: All right. Ma'am, what's the nature of
17 your relationship with the mother?

18 JUROR 100: She is just a friend.

19 THE COURT: She is a friend?

20 JUROR 100: Yes, ma'am.

21 THE COURT: All right, ma'am, I'm going to excuse you
22 from the trial of this case. Thank you.

23 JUROR 100: Thank you.

24 THE COURT: Anyone else?

25 (NO RESPONSE.)

1 THE COURT: Ladies and gentlemen, I need to make sure
2 that no one here is a friend or family member related in
3 any way to either Mr. McKnight, or the Ling's in this case
4 of Estil. If you are I need you to stand now.

5 (BLACK MALE STANDS.)

6 THE COURT: Sir, your name and juror number?

7 A. Christopher Lennon, 91.

8 THE COURT: Who do you know?

9 JUROR 91: Her son.

10 THE COURT: You know what?

11 JUROR 91: Her son used to work --

12 THE COURT: Her son. Okay. Well that doesn't mean --

13 JUROR 91: Well I work with him and I know him.

14 THE COURT: And what is his name?

15 JUROR 91: I don't know his name, his real name.

16 THE COURT: Okay. Sir, it doesn't matter if you know
17 other jurors or anyone through the jury. I need to know if
18 you know any people on this witness list.

19 JUROR 91: Yes. I used to work with him.

20 THE COURT: With the son? Okay. Number one, you mean
21 the mother -- Where did she work at?

22 JUROR 91: The granary.

23 THE COURT: Okay. So you worked with the son at the
24 granary?

25 JUROR 91: Yes. He worked there too.

1 THE COURT: And you don't know his name?

2 JUROR 91: I can't recall his name.

3 THE COURT: And was it Shamond?

4 JUROR 91: I don't know his real name. I only know
5 him by his nickname.

6 THE COURT: Y'all, could it be the same person?

7 MS. CAMPBELL: I think his nickname is Shannon.

8 JUROR 91: Yeah, Shannon.

9 THE COURT: Okay. All right, sir, I'm gonna go ahead
10 and excuse you from the trial of this case. And thank you
11 for giving me the nickname. I thought I just misheard it
12 the whole time.

13 Ladies and gentlemen, again, a potential witness in
14 this case is a Shannon Ling. Does anyone know a Shannon
15 Ling?

16 SOLICITOR SWANSON: He also goes by Shamond.

17 THE COURT: And goes by Shamond as well.

18 SOLICITOR SWANSON: The family calls him Shannon.

19 THE COURT: Okay.

20 MS. CAMPBELL: And just for my record, I missed this --
21 that juror's number, your Honor, I apologize.

22 THE COURT: Mylinda, what was it?

23 SOLICITOR SWANSON: 91.

24 MADAM CLERK: 91.

25 MS. CAMPBELL: Thank you.

1 THE COURT: Thank you. Ladies and gentlemen, is there
2 any member of the jury panel who is a member of law
3 enforcement, or a member of your immediate family is
4 employed or a member of law enforcement; if so, please
5 stand?

6 (WHITE FEMALE STANDS.)

7 THE COURT: Ma'am, your name and juror number?

8 A. Juror No. 31, my husband is chief of police in
9 Cottageville, South Carolina.

10 THE COURT: Of where?

11 JUROR 31: Cottageville, South Carolina.

12 THE COURT: Cottageville, South Carolina.

13 Ma'am, you may be seated.

14 (WHITE MALE STANDS.)

15 THE COURT: Sir.

16 A. Juror No. 103. I have a brother-in-law who is in law
17 enforcement and then I have a cousin who is in law
18 enforcement.

19 THE COURT: Where is your brother-in-law and cousin in
20 law enforcement?

21 JUROR 103: DNR. DNR.

22 THE COURT: Oh, okay, DNR. Both of them?

23 JUROR 103: Yes, ma'am.

24 THE COURT: All right, sir, you may sit down. Thank
25 you.

1 (WHITE MALE STANDS.)

2 THE COURT: Yes, sir.

3 A. Juror 30 and my uncle is a chief of police in
4 Cottageville.

5 THE COURT: Thank you. You may be seated.

6 (BLACK FEMALE STANDS.)

7 THE COURT: Yes, ma'am.

8 A. My son works at the Detention Center.

9 THE COURT: Here at the Detention Center?

10 A. Yes.

11 THE COURT: Who is your son?

12 A. Michael Smith, Junior.

13 THE COURT: Ma'am, can you be fair and impartial in
14 the trial of this case?

15 A. Not . . .

16 THE COURT: Okay. Ma'am, stand up one more time for
17 me. What was your number again?

18 A. 143.

19 THE COURT: All right, ma'am, my question to you was
20 does your son work -- Does the Detention Center work for
21 the Sheriff as well, Mylinda, here?

22 MADAM CLERK: No.

23 THE COURT: No. Ma'am, what I need to know is whether
24 or not you can be fair and impartial in a trial of this
25 case.

1 JUROR 143: I can.

2 THE COURT: Thank you, ma'am. You may be seated.

3 Ladies and gentlemen, do I have anyone here who is
4 employed by, or related by blood or marriage to, or have a
5 close friend who works at the Attorney General's Office,
6 the Solicitor or Prosecutor's Office, or any prosecuting
7 attorney's office; if so, please stand?

8 (NO RESPONSE.)

9 THE COURT: Ladies and gentlemen, do I have anyone
10 here who has ever been in the past, or currently, employed
11 by any civilian or military law enforcement agency, or have
12 any past law enforcement experience; if so, please stand?

13 (NO RESPONSE.)

14 THE COURT: Is any member of the jury panel a member
15 of or contributor to any group which has as it's primary
16 concern the promotion of law enforcement or victim's
17 rights? This would include such groups as CAP or CAV,
18 CADRA, MADD, SAD, or any victim advocacy centers; if so,
19 please stand?

20 (NO RESPONSE.)

21 THE COURT: Ladies and gentlemen, is any member of the
22 jury panel ever been a witness in a criminal trial; if so,
23 please stand?

24 (NO RESPONSE.)

25 THE COURT: Other than the one woman who disclosed

1 that she read something about this I understood in the
2 newspaper and I excused her, has anyone else read anything
3 about this case, seen anything about this case, heard
4 anything about this case, in any type of news report or on
5 the internet or anything along those lines; if so, please
6 stand?

7 (NO RESPONSE.)

8 THE COURT: Is any member of the jury panel ever read
9 stories from the Fourteenth Circuit Solicitor's web site or
10 Facebook or social media platforms; if so, please stand?

11 (NO RESPONSE.)

12 THE COURT: Has any member of the jury panel ever
13 viewed the Fourteenth Circuit Solicitor's Office web site
14 and or watched what they have -- they call them little --
15 they are cuts or mini movies associated with the
16 prosecution of their cases in the Fourteenth Circuit.

17 (NO RESPONSE.)

18 THE COURT: Has any member of the jury panel ever been
19 a volunteer for the Hampton County Sheriff's Office or for
20 any other law enforcement agency?

21 (NO RESPONSE.)

22 THE COURT: Has any member of the jury panel ever
23 participated in or had a member of their immediate family
24 participate in a citizen's police academy or other such
25 programs where the public is allowed to work with and train

1 with law enforcement officers; if so, please stand?

2 (NO RESPONSE.)

3 THE COURT: Ladies and gentlemen, is there anyone here
4 who has a close -- I will say an immediate family member or
5 a close personal relationship with anyone that works either
6 for the Hampton County Sheriff's Office, or the Estil
7 Police Department; if so, please stand?

8 (NO RESPONSE.)

9 THE COURT: Ladies and gentlemen, is there anything
10 about the nature of this case, it is an allegation or an
11 allegation of a shooting. Is there anything about this
12 case being a homicide or a shooting that would cause you to
13 hesitate and have difficulties in sitting and being on this
14 case; understanding you have to be fair and impartial to
15 both the State of South Carolina and the Defendant Mr.
16 McKnight in this case? Do I have anyone that has a concern
17 about that; if so, please stand?

18 MS. CAMPBELL: Your Honor, may we approach?

19 THE COURT: Of course.

20 (SIDE BAR CONFERENCE OFF THE RECORD OUT OF THE HEARING
21 OF THE JURY AT 03:15 P.M.)

22 THE COURT: All right. Ladies and gentlemen, the
23 allegations in this case as you were told there are two
24 charges of murder against the Defendant, and the
25 allegations include that Alydia Ling, the woman who

1 allegedly died in this case, was eight-months pregnant is
2 my understanding, roughly, at the time, so the second
3 Indictment is for the death of that child because allegedly
4 that child did not survive as well.

5 ladies and gentlemen, understanding that that's the
6 potential nature and is involved in this case, do I have
7 anyone who because of that cannot be fair and impartial in
8 the trial of this case? Again, both as to the State and as
9 to the Defendant; if so, please stand?

10 (NO RESPONSE.)

11 THE COURT: Okay. Anything further requested from the
12 State?

13 SOLICITOR SWANSON: Nothing from the State.

14 THE COURT: From the Defense?

15 MS. CAMPBELL: Your Honor, I would ask that the court
16 inquire Defendant's No. 16.

17 THE COURT: I'm sorry, thank you.

18 MS. CAMPBELL: Thank you, Judge.

19 THE COURT: Ladies and gentlemen, is any member of the
20 jury panel, or any member of your immediate family,
21 currently or in the past been a victim of a violent crime?
22 Or, has any member of your family been a victim of a
23 homicide; if so, please stand?

24 (WHITE FEMALE STANDS.)

25 THE COURT: Ma'am, give me your name and juror number.

1 A. 133, Morgan Shinaberry.

2 THE COURT: Yes, ma'am, who was it?

3 JUROR 133: My cousin was murdered five or six years
4 ago I believe.

5 THE COURT: Okay. And where does your cousin live or
6 did your cousin live?

7 JUROR 133: He lived in Hampton County.

8 THE COURT: All right. Ma'am, can you be fair and
9 impartial in the trial of this case?

10 JUROR 133: Yes, ma'am.

11 THE COURT: Thank you. You may be seated.

12 (WHITE MALE STANDS.)

13 THE COURT: Sir, your name and juror number.

14 A. Jonathan Whittington, 165. My cousin Michael Stanley,
15 he was actually murdered, shot in his home about roughly a
16 year ago.

17 THE COURT: All right, sir. Can you be fair and
18 impartial in the trial of this case understanding that you
19 had a cousin who --

20 JUROR 165: Honestly I have a lot of things still
21 about it because there's a lot that's still hasn't been
22 brought to justice kind of --

23 THE COURT: All right. Sir, I'm going to go ahead and
24 excuse you from the trial of this case. Thank you for
25 being here.

1 That's 165.

2 Anyone else?

3 (NO RESPONSE.)

4 THE COURT: All right, anything further, Ms. Campbell?

5 MS. CAMPBELL: No, ma'am.

6 THE COURT: All right. Ladies and gentlemen, what is
7 going to happen is this, those fof you that have been
8 qualified as jurors your name is being placed into the
9 computer. It is going to randomly draft a list. What I'm
10 going to ask you to do, ladies and gentlemen, is when your
11 name is called, I'm gonna have you come forward right here,
12 turn around and face the jury panel.

13 Ladies and gentlemen, each side is permitted a certain
14 amount of strikes. In other words they can excuse jurors
15 if they choose to for any host of reasons. Ladies and
16 gentlemen, again, you will either be told to come take a
17 seat up here in the jury box which will be your signal to
18 know that you're obviously going to sit on this jury, or
19 you're excused to go back to your seat or just back here in
20 the courtroom but just don't leave yet, okay. So, with
21 that said it's going to take a minute.

22 (PAUSE.)

23 (PETIT JURY STRUCK AT 03:20 P.M.)

24 MADAM CLERK: When I call your name please come
25 forward. No. 53, Kimber Freeman.

1 (WHITE FEMALE COMES FORWARD.)

2 THE COURT: Ms. Freeman, come right up to here, right
3 by the microphone, and just turn around. Step back a
4 little bit more. They just want to see who you are.

5 MS. CAMPBELL: That's good.

6 THE COURT: Perfect.

7 MADAM CLERK: What says the State?

8 SOLICITOR SWANSON: Please present this juror.

9 MADAM CLERK: What says the Defense?

10 MS. CAMPBELL: Judge, you said five and ten?

11 THE COURT: Five and ten.

12 MS. CAMPBELL: Please excuse the jury from this trial.

13 THE COURT: All right, ma'am, you can go back and take
14 a seat back in the gallery. Thank you.

15 MADAM CLERK: No. 167, Lee Williams.

16 (BLACK MALE COMES FORWARD.)

17 MADAM CLERK: Come forward just a little bit. Okay.
18 Now turn around.

19 What says the State?

20 SOLICITOR SWANSON: Please excuse this jury.

21 MADAM CLERK: Mr. Williams, you can have a seat.

22 No. 26, Timothy Clifton.

23 (WHITE MALE COMES FORWARD.)

24 SOLICITOR SWANSON: What says the State?

25 SOLICITOR SWANSON: Please present this juror.

1 MADAM CLERK: What says the Defense?

2 MS. CAMPBELL: Please swear the juror.

3 THE COURT: Come on over here, sir.

4 MADAM CLERK: No. 39, Kevin Delgado.

5 (HISPANIC MALE COMES FORWARD.)

6 MADAM CLERK: What says the State?

7 SOLICITOR SWANSON: Please present this juror.

8 MADAM CLERK: What says the Defense?

9 MS. CAMPBELL: Please swear the juror.

10 MADAM CLERK: You can have a seat in the jury box.

11 No. 56, Rodnessa Glover.

12 (BLACK FEMALE COMES FORWARD.)

13 MADAM CLERK: What says the State?

14 SOLICITOR SWANSON: Please present this juror.

15 MADAM CLERK: What says the Defense?

16 MS. CAMPBELL: Please swear the juror.

17 MADAM CLERK: No. 31, Shelley Cook.

18 (WHITE FEMALE COMES FORWARD.)

19 MADAM CLERK: What says the State?

20 SOLICITOR SWANSON: Please present this juror.

21 MADAM CLERK: What says the Defense?

22 MS. CAMPBELL: Please excuse the juror from this
23 trial.

24 MADAM CLERK: No. 133, Morgan Shinaberry.

25 (WHITE FEMALE COMES FORWARD.)

1 MADAM CLERK: What says the State?

2 SOLICITOR SWANSON: Please present this juror.

3 MADAM CLERK: What says the Defense?

4 MS. CAMPBELL: Please excuse this juror.

5 MADAM CLERK: No. 80, Wesley Jarrell.

6 (WHITE MALE COMES FORWARD.)

7 MADAM CLERK: What says the State?

8 SOLICITOR SWANSON: Please present this juror.

9 MADAM CLERK: What says the Defense?

10 MS. CAMPBELL: Please excuse the juror from this case.

11 MADAM CLERK: No. 65, Nicholas Harriott.

12 (WHITE MALE COMES FORWARD.)

13 MADAM CLERK: What says the State?

14 SOLICITOR SWANSON: Please present this juror.

15 MADAM CLERK: What says the Defense?

16 MS. CAMPBELL: Please swear the juror.

17 MADAM CLERK: No. 30, Michael Cook.

18 (WHITE MALE COMES FORWARD.)

19 MADAM CLERK: What says the State?

20 SOLICITOR SWANSON: Please present this juror.

21 MADAM CLERK: What says the Defense?

22 MS. CAMPBELL: Please excuse the juror.

23 MADAM CLERK: No. 121, Amber Riley.

24 (BLACK FEMALE COMES FORWARD.)

25 MADAM CLERK: What says the State?

1 SOLICITOR SWANSON: Please excuse this juror.

2 MADAM CLERK: You can have a seat.

3 MS. CAMPBELL: I'm sorry, what was her number again?

4 MADAM CLERK: 121.

5 MS. CAMPBELL: 121.

6 MADAM CLERK: No. 117, Michael Pennington.

7 (WHITE MALE COMES FORWARD.)

8 MADAM CLERK: What says the State?

9 SOLICITOR SWANSON: Please present this juror.

10 MADAM CLERK: What says the Defense?

11 MS. CAMPBELL: And this is Juror 117?

12 MADAM CLERK: Yes.

13 MS. CAMPBELL: Please excuse the juror from this
14 trial.

15 MADAM CLERK: No. 4, Donna Beall.

16 (WHITE FEMALE COMES FORWARD.)

17 MADAM CLERK: What says the State?

18 SOLICITOR SWANSON: Please present this juror.

19 MADAM CLERK: What says the Defense?

20 MS. CAMPBELL: Please excuse the juror.

21 MADAM CLERK: No. 40, Erin Deloach.

22 (WHITE FEMALE COMES FORWARD.)

23 MADAM CLERK: What says the State?

24 SOLICITOR SWANSON: Please present this juror.

25 MADAM CLERK: What says the Defense?

1 MS. CAMPBELL: Please swear the juror.

2 MADAM CLERK: No. 104, Jessie Mole.

3 (WHITE FEMALE COMES FORWARD.)

4 MADAM CLERK: What says the State?

5 SOLICITOR SWANSON: Please present this juror.

6 MADAM CLERK: What says the Defense?

7 MS. CAMPBELL: Please swear the juror.

8 MADAM CLERK: No. 143, Vicky Smith.

9 (BLACK FEMALE COMES FORWARD.)

10 MADAM CLERK: What says the State?

11 SOLICITOR SWANSON: Please present this juror.

12 MADAM CLERK: What says the Defense?

13 MS. CAMPBELL: Please swear the juror.

14 MADAM CLERK: You can have a seat.

15 No. 69, Corey Heape.

16 (WHITE MALE COMES FORWARD.)

17 MADAM CLERK: What says the State?

18 SOLICITOR SWANSON: Please present this juror.

19 MADAM CLERK: What says the Defense?

20 MS. CAMPBELL: Please swear the juror.

21 MADAM CLERK: No. 77, Eric Hutchinson.

22 (BLACK MALE COMES FORWARD.)

23 MADAM CLERK: What says the State?

24 SOLICITOR SWANSON: Please present this juror.

25 MADAM CLERK: What says the Defense?

1 MS. CAMPBELL: Please swear the juror.

2 MADAM CLERK: No. 173, Carl Wright.

3 (BLACK MALE COMES FORWARD.)

4 MADAM CLERK: What says the State?

5 SOLICITOR SWANSON: Please present this juror.

6 MADAM CLERK: What says the Defense?

7 MS. CAMPBELL: Please excuse this juror.

8 MADAM CLERK: No. 18, Ryan Brunson.

9 (WHITE FEMALE COMES FORWARD.)

10 MADAM CLERK: What says the State?

11 SOLICITOR SWANSON: Please present this juror.

12 MADAM CLERK: What says the Defense?

13 MS. CAMPBELL: And that's Juror 18?

14 MADAM CLERK: Yes, ma'am.

15 MS. CAMPBELL: Please swear the juror.

16 MADAM CLERK: No. 73, Willie Joe Hicks.

17 (BLACK MALE COMES FORWARD.)

18 MADAM CLERK: What says the State?

19 SOLICITOR SWANSON: Please excuse this juror.

20 MADAM CLERK: You can have a seat.

21 No. 29, Donnie Cook.

22 (WHITE MALE COMES FORWARD.)

23 MADAM CLERK: What says the State?

24 SOLICITOR SWANSON: Please present this juror.

25 MADAM CLERK: What says the Defense?

1 MS. CAMPBELL: Please excuse the juror in this case.

2 MADAM CLERK: No. 28, Michelle Connelly.

3 (WHITE FEMALE COMES FORWARD.)

4 MADAM CLERK: What says the State?

5 SOLICITOR SWANSON: Please present this juror.

6 MADAM CLERK: What says the Defense?

7 MS. CAMPBELL: Please swear the juror.

8 MADAM CLERK: No. One Hundred and Seventy, Scott
9 Williams.

10 (BLACK MALE COMES FORWARD.)

11 MADAM CLERK: What says the State?

12 SOLICITOR SWANSON: Please present this juror.

13 MADAM CLERK: What says the Defense?

14 MS. CAMPBELL: Please swear the juror.

15 THE COURT: All right, the strikes are one and two and
16 we're gonna go to at least two alternates if not we need to
17 agree. Okay.

18 MADAM CLERK: No. 99, Rebecca Martin.

19 (WHITE FEMALE COMES FORWARD.)

20 MADAM CLERK: What says the State?

21 SOLICITOR SWANSON: Please present this juror.

22 MADAM CLERK: What says the Defense?

23 MS. CAMPBELL: Please excuse this juror.

24 MADAM CLERK: No. 103, Joshua Mixson.

25 (WHITE MALE COMES FORWARD.)

1 MS. CAMPBELL: I'm sorry, I missed the number.

2 MADAM CLERK: 103.

3 MS. CAMPBELL: Thank you, ma'am.

4 MADAM CLERK: What says the State?

5 SOLICITOR SWANSON: Please excuse this juror.

6 MADAM CLERK: No. 110, Larry Murdaugh.

7 (BLACK MALE COMES FORWARD.)

8 MADAM CLERK: Does the State have cause to strike?

9 SOLICITOR SWANSON: No cause to strike.

10 MADAM CLERK: What says the Defense?

11 MS. CAMPBELL: Please swear the juror.

12 MADAM CLERK: No. 88, Samuel Koon.

13 (WHITE MALE COMES FORWARD.)

14 MADAM CLERK: What says the State?

15 SOLICITOR SWANSON: Please present this juror.

16 MADAM CLERK: What says the Defense?

17 MS. CAMPBELL: Please excuse the juror.

18 MADAM CLERK: No. 125, Timothy Rose.

19 (WHITE MALE COMES FORWARD.)

20 MADAM CLERK: What says the State?

21 SOLICITOR SWANSON: Please present this juror.

22 MADAM CLERK: What says the Defense?

23 MS. CAMPBELL: Please swear the juror.

24 MADAM CLERK: No. 85, Justice Kelly.

25 (BLACK FEMALE COMES FORWARD.)

1 MADAM CLERK: What says the State?

2 SOLICITOR SWANSON: Please excuse this juror.

3 MADAM CLERK: No. 25, Robert Clifton

4 (WHITE MALE COMES FORWARD.)

5 MADAM CLERK: What says the State? Oh, does the State
6 have cause to strike, sorry?

7 SOLICITOR SWANSON: No cause for a strike.

8 MADAM CLERK: And what says the Defense?

9 MS. CAMPBELL: Please excuse the juror.

10 MADAM CLERK: No. 94, Dustin Lightsey.

11 (WHITE MALE COMES FORWARD.)

12 MADAM CLERK: Does the State have cause to strike?

13 SOLICITOR SWANSON: No.

14 MADAM CLERK: What says the Defense?

15 MS. CAMPBELL: Please swear this juror.

16 THE COURT: All right, are there any matters of law we
17 need to take up the regarding the jury selection process
18 from the State?

19 SOLICITOR SWANSON: Nothing from the State.

20 THE COURT: From the Defense?

21 MS. CAMPBELL: One moment, please?

22 THE COURT: Yes, ma'am.

23 MS. CAMPBELL: After discussing the jury selection
24 with my client we have no motions at this time.

25 THE COURT: Thank you. All right, welcome ladies and

1 gentlemen. As you know you are my jury for the trial in
2 this case. If you'll just sit tight for a quick moment.

3 Ladies and gentlemen, those of you back here, I am
4 going to ask that you call into the juror line on Wednesday
5 evening at Six o'clock. It will tell you whether or not
6 you need to report on Thursday or if it just excuses you
7 for the week. Go about your business, go about everything
8 else you need to do, and again, just call that jury line
9 after 6:00 p.m. Don't call before. There won't be
10 anything on that line until after 6:00, all right.
11 Whatever it tells you to do, do, okay.

12 You are excused. Thank you for being here. If you
13 need a work excuse for this afternoon you can go down to
14 the Clerk of Court's office and they'll provide you one,
15 okay.

16 (JURY DISMISSED AT 03:41 P.M.)

17 THE COURT: Again, welcome, ladies and gentlemen. As
18 I told you my name is Carmen Mullen and I'm going to be the
19 trial judge here this week for this trial. As I told you I
20 expect it to possibly last until Thursday. It could be
21 earlier, but that's just to let you know our scheduling.

22 I need to give you a few rules before we break for the
23 evening. I am going to ask that you return tomorrow
24 morning at 09:30 a.m., where we are going to start the
25 trial of this case, all right. But at this time, ladies

1 and gentlemen, a couple of things I need to tell you first.

2 When you come in tomorrow please do not bring your
3 cell phone. There is so much information you can get off a
4 cell phone these days; I wouldn't want anyone tempted so
5 leave it in the car ladies and gentlemen or leave it back
6 at home.

7 If you need to use the phone while you're here
8 performing jury duty, simply ask the bailiffs. That's what
9 they're here for, they will take care of you, all right,
10 and they will take you to a phone.

11 Also, you are not to discuss this case with anyone.
12 And that includes each other until the case goes to you for
13 your deliberations. But when you go home tonight you're
14 gonna hear me say this every time we part, or I send you
15 back to the jury room, do not discuss this case. You may
16 tell a family member or loved one that you've been chosen
17 as a juror in a criminal trial. You cannot say the parties
18 involved, the lawyers involved or what it is it involves.
19 The reason is this: Someone is gonna try to tell you
20 something about something when they know nothing about this
21 case. You're gonna have everything you need to decide this
22 case right here in this courtroom. It would be highly
23 inappropriate for anyone to talk to you or influence you in
24 your performance of that duty so I just tell you don't
25 speak about it.

1 Also, I don't think there's gonna be anything in the
2 newspaper or the news or TV on this case but out of the
3 abundance of caution I have to order you if there is you
4 are not to read, watch, listen to, or do any independent
5 research whatsoever in regards to this case.

6 Ladies and gentlemen, also if you are someone that
7 goes on Facebook or any type of social media, you are not
8 to post in any that you've been chosen as a juror in a
9 trial, and the reason why is it just invites comment and we
10 wouldn't want anyone to reach out to you.

11 Ladies and gentlemen, also as a jury you are secret
12 jury for a lack of a better word. In other words you are
13 anonymous, people do not know who you are, and I don't want
14 you going out and saying that you're jurors or members of
15 this jury panel.

16 Also, the lawyers, the parties, the witnesses' in this
17 case have been instructed in coming and going from the
18 courthouse not to speak to you and the reason is this; even
19 an innocent conversation, isn't it gorgeous outside
20 finally, will be reported back and I will have to ask you
21 about it and it will be misconstrued. So out of the
22 abundance of caution when they pass you they don't even say
23 anything, they're not supposed to, please understand that,
24 all right.

25 Lastly, I need you all to be on time. I have to have

1 all fifteen of you here to even begin the trial tomorrow
2 morning. So if anyone falls sick over the evening, or has
3 car trouble, or any type of issue whatsoever, you call
4 immediately to the Clerk of Court's Office. And we'll come
5 get you, we'll take care of you, we'll do whatever we have
6 to do, all right. Because again, I can't start until all
7 fifteen of you are here. Okay.

8 Ladies and gentlemen, thank you for your service. I
9 appreciate it. I want you to know that you are not only
10 going to resolve this case for us but there are many cases
11 on the docket that we resolved in other matters simply by
12 having people willing to serve on jury duty and to decide
13 these cases. So again, we appreciate it and thank you for
14 doing the business of the county to resolve these issues.

15 With that said I'm going to go ahead and excuse you
16 back to your jury room. You're gonna be told where you
17 report tomorrow, you're not gonna come straight through the
18 courtroom, and they're gonna get some good phone numbers
19 from you and a good address just in case something happens
20 over the evening, okay.

21 Ladies and gentlemen, also I need to tell you, if for
22 any reason anyone reaches out to you in regards to this
23 case, attempts to talk to you about it, does anything along
24 those lines, you are to immediately come to me. You don't
25 tell anyone else on the jury. You immediately say you need

1 to come talk to me. Just tell the bailiffs and they'll
2 bring you immediately to me. Okay.

3 All right. You're excused back to your jury room.

4 Mr. Matthews is gonna take some information from you
5 and then we'll you tomorrow morning at 9:30. Thank you.

6 (PETIT JURY EXITS COURTROOM AT 03:46 P.M.)

7 THE COURT: All right. Do either one of you need five
8 minutes or are you ready to go ahead and go forward?

9 SOLICITOR SWANSON: The State's ready to proceed.
10 There was one other matter in addition to Gladys Roberts
11 proffer.

12 THE COURT: Okay. Do you need a break?

13 MS. CAMPBELL: My client needs to use the restroom.

14 THE COURT: Of course.

15 MS. CAMPBELL: And I understand that that may involve

16 --

17 THE COURT: All right. Let's go ahead and take a
18 five, ten minute break; however long until you get back.

19 Okay.

20 MS. CAMPBELL: Thank you.

21 THE COURT: All right, you guys go take a quick break,
22 okay. Thank you.

23 You can go ahead, sir.

24 (COURT AT EASE AT 03:47 P.M.)

25 (COURT BACK IN SESSION AT 03:58 P.M.)

1 (WHEREUPON, STATE'S EXHIBIT NO. 1 THROUGH 35 PREMARKED
2 FOR IDENTIFICATION.)

3 THE COURT: Ms. Roberts, is that correct?

4 MS. ROBERTS: Yes.

5 THE COURT: Okay. Ms. Roberts, come on forward up
6 here.

7 (WITNESS TAKES WITNESS STAND.)

8 THE COURT: Ma'am, I'm gonna swear you in apparently.
9 Please raise your right hand.

10 (WHEREUPON, GLADYS ROBERTS,
11 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

12 THE COURT: Thank you, ma'am. Can you give us your
13 name for the record, please?

14 MS. ROBERTS: My name is Gladys Roberts.

15 THE COURT: And, Ms. Roberts, I just want you to know
16 as you can see there is no jury here right now. This is
17 just what's called a proffer to see what you're testimony
18 will be at trial, whether or not I'm going to allow it to
19 be admitted, okay?

20 MS. ROBERTS: Uh-huh.

21 THE COURT: So the Solicitor is going to ask you some
22 questions and then the Defense attorney is going to ask you
23 some questions as well, okay.

24 MS. ROBERTS: Yes, ma'am.

25 THE COURT: All right.

GLADYS ROBERTS: DIRECT BY SOLICITOR SWANSON - PROFFER

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1 SOLICITOR SWANSON: Thank you.

2 DIRECT EXAMINATION

3 GLADYS ROBERTS BY SOLICITOR SWANSON:

4 Q. Ms. Roberts, how did you know Alydia Ling?

5 A. She was my God daughter.

6 Q. All right. And so did you have a relationship with
7 her?

8 A. Yes.

9 Q. And would she talk to you about her relationships?

10 A. Yes.

11 Q. Were you familiar and had you met Johnnie McKnight?

12 A. I met him twice.

13 Q. Okay. And did you know if Alydia and Johnnie were in
14 a relationship together?

15 A. She did admit to me that she was dating him.

16 Q. Well without saying what she said, did you ever see
17 them together?

18 A. No.

19 Q. You never saw them in the same place?

20 A. Besides when one time when they pulled up to my house
21 together but that was only one time, the first time I met
22 him.

23 Q. Okay. And let's talk about the second time you met
24 him. Was that in about July of 2016?

25 A. I would say it was during the summer.

1 Q. Summer of 2016?

2 A. Yes.

3 Q. The summer before she was killed?

4 A. Uh-huh.

5 Q. Okay. And tell us what you were doing and where you
6 were and what happened.

7 A. Me and Alydia was at her mother's work place, one of
8 her work places, and we was outside. And then Johnnie
9 pulled up and hopped out of the car and immediately
10 attacked her on the back porch of Ms. Gloria's residence.
11 When I noticed he was attacking her I ran up on the porch
12 and helped. I was so -- We was so like fighting him. And
13 after that Johnnie ran to his car and pulled out a gun and
14 said that he would shoot me -- but my Fat A-s-s -- and he
15 told Alydia also don't play with me. He kept saying don't
16 play with him.

17 Q. Okay. Did you report this incident to police?

18 A. Yes I did.

19 Q. And did you ever give Alydia any advice about her
20 relationship with Johnnie?

21 A. Yes. I was trying to get her to leave him.

22 Q. And what did you tell her?

23 A. I told her that he's no good for you.

24 Q. All right. Did you tell her she needed to stay away
25 from him?

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CROSS BY MS. CAMPBELL - PROFFER

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1 A. I did.

2 Q. Do you recall anything else about this incident from
3 the summer of 2016?

4 A. No, not that I can recall.

5 Q. When you say that he was fighting her, with words or
6 physically?

7 A. Physically.

8 Q. And you don't know what the fight was about?

9 A. No. I don't know if she was texting him and they was
10 arguing over the phone but she wasn't on the phone with
11 him. She probably was texting him something at the time.

12 I'm not sure.

13 Q. Okay.

14 SOLICITOR SWANSON: Thank you.

15 THE COURT: Ms. Campbell.

16 CROSS-EXAMINATION

17 GLADYS ROBERTS BY MS. CAMPBELL:

18 Q. Good afternoon. The Solicitor has provided me with
19 a copy of your criminal record. Are you aware of any other
20 convictions other than the assault and battery that you
21 have on here?

22 A. No.

23 Q. Have you been arrested for drugs though?

24 A. No.

25 Q. What is it that you do? Do you have a job?

1 A. I previously had a job which was at McDonald's in
2 Hardeyville was my last current job.

3 Q. What did you do in Hardeyville?

4 A. I was a cook.

5 Q. Where did you cook?

6 A. At McDonald's.

7 Q. So, you live where now?

8 A. I live in Estil.

9 Q. Okay. You live in Estill and you're a cook in
10 Hardeyville at McDonald's; is that right?

11 A. Yes. That was my last current job.

12 Q. And how old are you?

13 A. Twenty-seven.

14 Q. Twenty-seven. And Alydia in the summer of 2016 would
15 have been what, fourteen, fifteen?

16 A. She was sixteen.

17 Q. She was sixteen in the summer of 2016?

18 A. Yes.

19 Q. Is that what she told you?

20 A. No. I knew her age. Her birthday was in March so
21 she would have been seventeen.

22 Q. Okay. And so, you are her God mother did you say?

23 A. Yes.

24 Q. Is that something like you were there when she was
25 baptized God Mother?

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1 A. No. It's something where her mother chosed.

2 Q. Okay.

3 A. As a guardian.

4 Q. Okay. So, officially no, but just sort of in the
5 family you're called her God mother?

6 A. Yes.

7 Q. Okay. And you had taken Alydia out with you around
8 town; is that right?

9 A. I took her out when we were going out of town on trips
10 to get her out of Estil.

11 Q. I'm sorry, say that again.

12 A. When I took her around I took her out of town on trips
13 to get her out of Estil.

14 Q. Okay. And where were these places you took her?

15 A. I took her to Myrtle Beach, I took her to Georgia a
16 lot. And we also traveled to Florida once.

17 Q. And when you would take these trips did you and Alydia
18 stay in hotels together?

19 A. Yes.

20 Q. Okay. And you are aware that during the course of the
21 investigation they recovered cell phones and cameras and
22 things with photos on them. Are you not aware of that?

23 A. Yes.

24 Q. And some of those pieces of evidence involved Alydia
25 and Johnnie McKnight. Are you aware of that?

1 A. No. I never looked in her phone.

2 Q. I'm not asking you if you looked in her phone. I'm
3 just asking you if you understand that there are photos in
4 evidence in this case related to Alydia and Johnnie. Do
5 you understand that?

6 A. Uh-huh.

7 Q. Okay. And have you ever provided Alydia crack
8 cocaine?

9 A. No.

10 Q. Have you ever used Alydia as a prostitute and put her
11 out in those hotels when you traveled?

12 A. No. We was on family trips. It was my whole family,
13 mother and father.

14 Q. Did you ever put her out as a prostitute in Estil,
15 South Carolina or in Hampton County?

16 A. No.

17 Q. Okay. And so when Johnnie came up and you were with
18 Alydia, you said he got angry with Alydia and was
19 attacking her I think is what you said. Did you not hear
20 what he was saying to her?

21 A. No.

22 Q. Okay.

23 A. They was on the porch every time. I was on the bench.
24 I ran off the bench to the porch, the back porch.

25 Q. And you had never seen this man before that?

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1 A. I seen him prior once when he came to my house with
2 Alydia in his car and Alydia tried to run him in my house.
3 I told her no he looked like he was our daddy.

4 Q. I'm sorry, what?

5 THE COURT: You said his what?

6 A. Our father. He looked real old.

7 Q. Oh. He looked too old for her is what you're saying?

8 A. Yes.

9 Q. And so when you -- I mean know you use the word
10 attack, but can you be specific as to what exactly you saw
11 Johnnie doing with Alydia on the porch?

12 A. He had her hair and he was punching her.

13 Q. He was punching her?

14 A. Yes.

15 Q. Okay. Let's go back there. So was that a closed
16 fist or a slap? Which one was it?

17 A. It was -- I'm not sure. I was at a distance too far
18 to see whether it was open or closed.

19 Q. You're so far away you can't hear what he's saying
20 but you see him pulling on her hair; right?

21 A. Uh-huh.

22 Q. Did she have the long braids in her hair then?

23 A. Yes.

24 Q. And the strength with which he was using to pull on
25 those braids, none of those braids came out; right?

1 A. Yeah, I ended up putting some of 'em back for her.

2 Q. Oh, okay. So he pulled her hair so hard that it
3 pulled the braids out of her head. Is that what your
4 testimony is?

5 A. Yes.

6 Q. Uh-huh. And you had to put them back in her hair?

7 A. Uh-huh.

8 Q. Okay. And does anybody else know that that happened
9 or just you?

10 A. There was some witnesses' that ran because they
11 heard commotion.

12 Q. Witnesses who ran?

13 A. Over to the yard because they heard it.

14 Q. Now, when -- did you report this attack as you're
15 calling it?

16 A. Yes.

17 Q. Did you report it to this officer here?

18 A. I'm not sure which officer it was.

19 Q. Did this officer, Officer Williams, interview you
20 about this and take down what you say happened?

21 A. I think it was him and a female if I'm not -- I know
22 it was a female there.

23 Q. But your testimony today is everything you've
24 testified to today that he ripped her braids out of her
25 hair and that he punched her, you told to law enforcement;

GLADYS ROBERTS: CROSS BY MS. CAMPBELL - PROFFER

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1 right?

2 A. Yes.

3 Q. Okay. And so that would be reflected in their
4 reports?

5 A. Uh-huh. Yes, ma'am.

6 Q. And the punches that you saw her receive, where were
7 they on her body?

8 A. I would say her lower shoulder right up in this area.
9 Somewhere up in there.

10 (WITNESS INDICATED TO UPPER BODY.)

11 Q. The front?

12 A. Yes.

13 Q. So he's punching her in the front shoulder area?

14 A. Uh-huh.

15 Q. Okay.

16 THE COURT: That's a yes or no?

17 A. Yes.

18 Q. And how many times did he punch her?

19 A. I would say about three.

20 Q. Three times?

21 A. Yes. Because I noticed they was fighting and I
22 jumped in.

23 Q. Well wait a minute. So you ran off far enough where
24 you can't hear what's being said, and you can't see whether
25 he's hitting her with a closed fist or an open slap move,

1 but then you ran back up and you jump in and separate them;
2 is that your testimony?

3 A. I jumped in and helped fight him.

4 Q. Okay. You helped her fight him?

5 A. Uh-huh.

6 Q. Okay. So how did things then get resolved?

7 A. They -- he stopped fighting because he wasn't even
8 hitting me back. He stopped fighting. He ran to his blue
9 car and he grabbed a gun.

10 Q. Uh-huh.

11 A. And when he ran back on the porch he pointed it at
12 me and said, I will shoot you you Fat A.

13 Q. Goes to the car, gets the gun, comes back. How close
14 was he to you when he pointed the gun at you?

15 A. We was there in front of each other.

16 Q. Dead front?

17 A. Uh-huh.

18 Q. Okay. So which hand did he hold the gun in?

19 A. His right hand.

20 Q. In his right hand?

21 Q. Yes.

22 Q. Up, down?

23 A. It was pointed dead at me.

24 Q. Straight at your head?

25 A. It was pointed in this area.

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REDIRECT BY SOLICITOR SWANSON - PROFFER

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1 (WITNESS INDICATED TO FACIAL AREA.)

2 Q. Your face?

3 A. Face.

4 Q. Okay. And you told this officer that this man pointed
5 a gun straight in your face just a feet away from you. Is
6 that your testimony?

7 A. Yes.

8 Q. Okay.

9 MS. CAMPBELL: Thank you.

10 THE COURT: Okay. Nothing further?

11 SOLICITOR SWANSON: Just briefly.

12 REDIRECT EXAMINATION

13 GLADYS ROBERTS BY SOLICITOR SWANSON:

14 Q. Ms. Roberts, when you talk about the braids, were
15 those extensions or her natural hair?

16 A. They was extensions, weaves.

17 Q. Right. So you helped her actually replace those
18 after the assault?

19 A. Yes.

20 Q. Okay. And was your testimony that you ran off when
21 Johnnie approached, or you were just on a bench and Alydia
22 was on the porch?

23 A. Yeah. I was on the bench and I'm figuring Alydia
24 already knew Johnnie was coming because she was trying to
25 make it in the house once I knowed that Johnnie already

GLADYS ROBERTS: REDIRECT BY SOLICITOR SWANSON - PROFFER
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1 was there.

2 Q. Now, do you know for a fact that it was Alex Williams
3 that you spoke with or could it have been Michael Thomas
4 with Estill P.D.?

5 A. I'm not sure. I know it was a male and a female
6 there.

7 Q. And you would have no way of knowing what they
8 actually put in the report do you? You just know what you
9 told them?

10 A. Well I received a copy of the ----

11 Q. Okay.

12 A. --- incident report.

13 Q. Thank you.

14 THE COURT: Anything further? Can she step down?

15 MS. CAMPBELL: I forgot to ask her --

16 THE COURT: Sure.

17 RECROSS-EXAMINATION

18 GLADYS ROBERTS BY MS. CAMPBELL:

19 Q. Could you describe the gun that was pointed in your
20 face?

21 A. It was a small black gun.

22 Q. A small black gun.

23 A. Yes.

24 Q. Like a handgun?

25 A. Yes.

1 MS. CAMPBELL: Okay.

2 SOLICITOR SWANSON: Nothing further.

3 THE COURT: Okay. You may step down, ma'am, thank
4 you.

5 (WITNESS LEAVES WITNESS STAND.)

6 THE COURT: All right, Ms. Campbell, anything?

7 MS. CAMPBELL: I have really no further argument again
8 except to say that we object to this prior difficulty in an
9 entire year almost a year and a half, over a year, this
10 particular testimony prior to August of 2017.

11 This witness could not even say what the difficulty
12 was about. And I just have to say, again, that I find it
13 absolutely fantastical that these young women would go to
14 their local police department and tell them I have been
15 attacked, my hair has been ripped out, and a man has put a
16 black handgun in my face, and then these officers would not
17 then go and arrest that man and charge him for two hours
18 maybe more. Alydia was interviewed, those videos are in
19 evidence and ultimately the result is that they didn't do
20 anything.

21 And they didn't get an arrest warrant and they --

22 THE COURT: They took a police report is what they
23 did?

24 MS. CAMPBELL: They took down a police report. And
25 I'm just saying that the first level of credibility for

1 this story are the officers that we're now, you know,
2 through this trial gonna be presenting them, you know, as
3 credible to this jury. And so, the credibility they found
4 in that allegation was none. And so I would just again
5 harken back to this is their decision, they didn't do
6 anything about it, they found nothing credible to go on,
7 and to allow the testimony certainly would be more
8 prejudicial than probative of anything that the State needs
9 to prove in this matter. Thank you, your Honor.

10 THE COURT: All right. Ms. Swanson.

11 SOLICITOR SWANSON: Thank you. Just briefly to
12 respond to why the incident wasn't charged. I mean
13 actually Alydia was interviewed, clearly protecting Johnnie
14 McKnight. She was also a fifteen-year-old at the time
15 having a sexual relationship which is well documented on
16 all of Mr. McKnight's phones, computers, what have you. He
17 was a big fan of taking self images of her doing various
18 things.

19 But anyway, this is how law enforcement got wind of
20 the relationship. She was not cooperative so they didn't
21 have anyone to corroborate what was going on. She was
22 actually the victim of the physical assault. According to
23 the case law there's certainly no requirement for there,
24 you know, be an arrest or anything regarding these prior
25 difficulties. And actually the details are such that the

1 details are not admissible. It's just the fact that there
2 were prior difficulties that are -- and a lot of them deal
3 with relationships and evidence and marital discord. This
4 would obviously be a relationship discord. *State v.*
5 *Williams*, a long list of cases, that would be 321 S.C. 327.
6 Also *State v. Taylor* that's 333 S.C. 159 Supreme case that
7 deals with a romantic relationship that goes south.

8 THE COURT: Ms. Swanson, do you have anything as far
9 as the timing is concerned that this was a year and a half
10 prior to this event? And I'm gonna agree with you. I
11 think all she can testify to is that she was present and
12 there was a prior altercation between Mr. McKnight and Ms.
13 Ling.

14 She obviously can't go into details other than there
15 was an altercation between the two of them but she got in
16 between. But do you have any case law about timing?

17 And does any of that require more than one
18 interaction? If that makes sense. You need to try and
19 show a pattern; not that one shows a pattern.

20 SOLICITOR SWANSON: Well, I mean not more than one.
21 The evidence of previous quarrels, ill feelings, or hostile
22 acts. And again, we do have the text messages that we
23 brought up before which are about two months before she was
24 murdered. The *State v. Taylor* case that I just mentioned
25 does deal with the romantic relationship that went south in

1 June of one year and then the woman was murdered by the
2 husband, or ex-husband, or paramour, in August 31st of that
3 year.

4 So we are talking about with the text messages from
5 about mid-June to August 31st as well in 2017. I get that
6 this is, you know, the summer prior but, you know, being
7 that it's a romantic relationship, you know these things do
8 last a while. I mean I think its certainly relevant and
9 probative to show the animus between the parties and the
10 discord. We're also dealing with a fifteen-year-old girl
11 and a thirty-eight year-old man, you know, which is an
12 element -- there's an element of control there and it does
13 go to the State's theory as to why.

14 You know, I mean if he's jealous and he doesn't want
15 her to be with anyone else, I mean maybe he doesn't think
16 that's his baby. I don't know. But, you know, there's an
17 element of malice that can be argued there as well.

18 THE COURT: Okay. Well what I'm gonna do is I'm gonna
19 take that under advisement over night. If anyone has any
20 case law or wants to email anything to me you're certainly
21 welcome to send it to Julia and she will forward it on to
22 me, okay.

23 MS. CAMPBELL: Yes, your Honor. And just to clarify,
24 if your Honor does allow Ms. Roberts to come in with this
25 story about this thing that she says happened, while I know

1 the State would be limited to their, you know, bare bones,
2 you know, assertions, but that doesn't prohibit me from
3 fulling cross-examining her.

4 THE COURT: You want to open up the door all over the
5 place you're welcome to.

6 MS. CAMPBELL: And again, once it's allowed in I think
7 she certainly, and everything that is about her and her
8 credibility is laid bare for cross-examination.

9 THE COURT: I don't think there's any question about
10 that.

11 MS. CAMPBELL: All right.

12 THE COURT: Unless there's something I don't know
13 about.

14 SOLICITOR SWANSON: Right. Except for, you know, I
15 mean unless there is some indication that Ms. Roberts was
16 pimping her out I would object to that line of questioning.
17 I mean you got the answer that you got.

18 MS. CAMPBELL: Okay.

19 THE COURT: All right. Tomorrow morning y'all be here
20 about 9:15 or so, okay.

21 SOLICITOR SWANSON: Yes, your Honor.

22 THE COURT: Anything else before we start? No?
23 Okay.

24 SOLICITOR SWANSON: I did -- I'm sorry, I did show Ms.
25 Campbell the one additional picture. I don't know if she

1 had anything she needed to put on the record about it.

2 MS. CAMPBELL: I would object to the additional
3 picture that was added. It was taken off of an SD card
4 that was taken out of the blue Honda Accord.

5 THE COURT: What's an SD card?

6 MS. CAMPBELL: There's a camera that was found in the
7 blue Honda Accord ---

8 THE COURT: Okay.

9 MS. CAMPBELL: --- after the search warrant. The blue
10 Honda Accord was abandoned on the highway.

11 THE COURT: Okay.

12 MS. CAMPBELL: And law enforcement secured it and it
13 was towed to a yard somewhere, and so when they got the
14 search warrant and they went through the car they found
15 some items and one of the items was a camera.

16 THE COURT: Uh-huh.

17 MS. CAMPBELL: And so Officer Williams pulled the SD
18 card out of the camera and downloaded some items and one of
19 the items that -- and there are many pictures.

20 THE COURT: Okay.

21 MS. CAMPBELL: And so the one that the Solicitor
22 wishes to use is of an assault style rifle and money lying
23 on a bed that she would like to introduce as belonging to
24 Mr. McKnight. Now there's no distinguishing factor other
25 than his -- some of his photo -- he appears in some of the

1 photos on the camera.

2 THE COURT: Okay.

3 MS. CAMPBELL: But I won't know if this officer can
4 say well this picture was taken at this date and this time.
5 You know what does the background to just this piece of
6 paper and this photo that was on the SD card? So in terms
7 of where it came from, and whose items those are, I don't
8 know that anybody can testify to that.

9 And then secondarily there is a -- the weapon is of
10 the same genre of weapon that Shamond Ling accuses Mr.
11 McKnight of using on the night that Alydia was killed which
12 is an assault style weapon. And I'm just not sure how the
13 State with sufficient reliability and credibility can tie
14 that particular photo of items to Mr. McKnight. Well, I
15 don't believe that they can and if they can't then it would
16 be inadmissible.

17 I'll just add this too.

18 THE COURT: How are you gonna do --

19 MS. CAMPBELL: That blue Honda Accord?

20 THE COURT: It was registered to someone in
21 Walterboro; correct?

22 MS. CAMPBELL: Yeah, right. It's registered to Robert
23 Lee Miminger and again, while I know that some photos of
24 Mr. McKnight, his personage, appear on those items, that
25 doesn't mean that he's the owner of those items. There are

1 other people, places, and things on those items as well.

2 But in getting back to the blue Honda Accord. You
3 know, and I'll be frankly having to object to really
4 anything that came out of the blue Honda Accord that they
5 -- I ask, they didn't have it, but I finally got it with
6 the tow record, for the tow company that they say towed
7 that car, and they list it as a green Honda.

8 So, I'm not really sure that the chain of custody on
9 this vehicle is as it should be quite frankly. So did that
10 company tow a green Honda? They say they did. And it's
11 clearly a blue Honda that their making the allegation
12 belongs to Mr. McKnight -- no, this Mr. Miminger, but they
13 want to tie this blue Honda Accord to him, but it's not
14 registered to him.

15 THE COURT: They're gonna have to some how tie it to
16 him. We're assuming you can do that.

17 SOLICITOR SWANSON: Right. I mean there's a
18 description of the car, the car being a couple of miles
19 from Bruton Plantation where his father worked and where he
20 took the F 150 that had the keys in it and ran off to
21 Denmark.

22 But, yeah, there were several of his personal items in
23 that car. One of which was a JVC camera with this SD card,
24 several selfies of him in various states of undress and
25 dress that he had taken sex acts with the victim in this

1 case.

2 THE COURT: There are photographs of her on there?

3 SOLICITOR SWANSON: Oh, yes.

4 MS. CAMPBELL: Well I mean --

5 SOLICITOR SWANSON: So, I mean I - I'm sorry. I'm
6 trying to complete my - -

7 MS. CAMPBELL: I mean you know --

8 THE COURT: Let her finish, Trasi. Let her finish.

9 MS. CAMPBELL: Thank you.

10 SOLICITOR SWANSON: Consensual with a fifteen-year-old
11 but yes. So anyway, I mean this is the most probative
12 photo that I was choosing because it does appear to be an
13 AR 15 which is what Shamond Ling, the witness, described
14 and it appears to be on his bed and his SD card on his
15 camera that's located in his car. His car did have
16 temporary tags because he had just bought it, but I believe
17 it's probative and admissible and any question about
18 whether or not it was his would go to the weight and not
19 the admissibility.

20 You know it's this AR 15 with a .30 round clip.

21 THE COURT: I think it's clearly relevant that's not
22 the issue.

23 SOLICITOR SWANSON: Right. And a search warrant, the
24 car is still in the impound lot. I mean it's --

25 THE COURT: Okay. And did you find other items in the

1 car that belonged to him as well?

2 SOLICITOR SWANSON: Yes.

3 THE COURT: Like what?

4 SOLICITOR SWANSON: A laptop, a surface pro tablet.
5 What else was in there?

6 THE COURT: I think you can probably use that as
7 things to establish that it is his car.

8 SOLICITOR SWANSON: Sure.

9 THE COURT: And I think it is relevant and tells the
10 story.

11 SOLICITOR SWANSON: Thank you.

12 THE COURT: Okay.

13 SOLICITOR SWANSON: I'll go over all that on direct
14 with Mr. -- Lieutenant Williams.

15 THE COURT: Okay. Anything else before tomorrow?

16 All right. Send me any cases if you find anything as
17 far as the previous fight. Okay.

18 SOLICITOR SWANSON: Thank you, your Honor.

19 THE COURT: Thank you, you all, see you tomorrow
20 morning at 9:15.

21 (COURT IN EVENING RECESS AT 04:30 P.M.)

22 (COURT IN SESSION IN THE MATTER OF STATE VERSUS
23 JOHNNIE LEE MCKNIGHT TUESDAY, FEBRUARY 5, 2019 AT 09:44
24 A.M.)

25 THE COURT: All right. Just to take up a quick -- a

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1 few things before we start this morning as far as the --
2 the two issues I think we had, first with the text
3 messages, in reference to the back-and-forth. And I think
4 that clearly those fall within -- to show the animus
5 between the parties. I think it's easy to describe it just
6 as you said, Ms. Campbell, as a, you know, a lovers'
7 back-and-forth type of thing that changes. But I do think
8 it's appropriate to show the nature of their relationship.

9 I also think that the previous difficulty that the
10 deceased had with Mr. McKnight, I think it is admissible,
11 again, to show in this case that there was some back-and-
12 forth. Of course, it is limited to strictly her testimony
13 of they had a prior difficulty, and not specifics. All
14 right?

15 However, Ms. Campbell, of course, if you want to open
16 the door and ask specifically about it, you are more than
17 welcome to, obviously. All right? In light of the ruling.
18 Okay? Anything else other than that? Okay?

19 SOLICITOR SWANSON: Nothing further.

20 MS. CAMPBELL: No, your Honor.

21 THE COURT: All right. Well, if you all are ready,
22 the jury's all here. I'd like to bring them out, and we'll
23 get going. Okay?

24 MS. CAMPBELL: Yes, ma'am.

25 THE COURT: Thank you. Let's go. All right.

1 (JURY ENTERS COURTROOM AT 9:46 A.M.)

2 THE COURT: Good morning, ladies and gentlemen, it is
3 a pleasure to see you all.

4 At this time we are going to go ahead and begin the
5 trial of this case. What is going to happen is that Ms.
6 Meadows, your Clerk of Court, is going to swear you in as
7 the jury for the trial of this case, I'm going to make just
8 a few brief remarks, and then each of the attorneys has an
9 opportunity to do opening statements to you in regards to
10 the case. All right? So at this time, if you would all
11 please rise, raise your right hand, and when you accept the
12 jurors' oath, say, I do, and take a seat.

13 (WHEREUPON, PETIT JURY SWORN AT 09:47 A.M.)

14 THE COURT: Thank you. You may be seated.

15 Ladies and gentlemen, what I am now going to say to
16 you is intended to serve as an introduction to the trial of
17 this case. These remarks are not a charge on the law. I'm
18 going to charge you on the law that's applicable to this
19 case at the very end of the case. This is just simply a
20 roadmap so you can understand what's happening.

21 Now, ladies and gentlemen, the defendant in this case,
22 Mr. McKnight, is charged by bills of indictment filed in
23 this court with the offenses of two counts of murder, three
24 counts of attempted murder, possession with -- I'm sorry --
25 possession of a weapon during the commission of a violent

1 crime, and discharging a firearm into a dwelling, the
2 elements of which I will explain to you at the end of the
3 case.

4 Ladies and gentlemen, these indictments are simply the
5 charges by which a case is brought into the courtroom, and
6 they are not in any sense evidence of any of the
7 allegations that they contain.

8 Now, in this case the defendant, Mr. McKnight, has
9 pled not guilty to these indictments. The State,
10 therefore, has the burden of proving each of the elements
11 of each of the indictments beyond a reasonable doubt. It
12 is your duty, ladies and gentlemen of the jury, to decide
13 whether the State has met that burden.

14 Now, your purpose as jurors is to find and determine
15 the facts. You, the jury, are the sole judge of all facts
16 of this case. If, at any time, I make any comment
17 regarding the facts of this case during the trial, you must
18 disregard it; and you are to only determine the facts of
19 the case from the testimony that you're going to hear right
20 here from the witness stand, as well as any other physical
21 evidence that's entered into this case. Please understand
22 that it is up to you to determine the inferences which you
23 feel may properly be drawn from the evidence.

24 Now also understand that it is especially important
25 that you perform your duty of determining the facts

1 diligently and conscientiously, because ordinarily there is
2 no way to correct an erroneous determination of the facts
3 by a jury. On the other hand, and with equal emphasis, the
4 same law that makes you, the jury, the judge of the facts,
5 makes me the judge of the law. The law that is given by
6 the Court is the only law you may consider. You must
7 accept it and follow it, even though you may disagree with
8 it.

9 I cannot tell you what the facts of this case are, and
10 you cannot disagree with me about what the law is, or what
11 you think the law ought to be. At the end of this trial,
12 your job is going to be to take the law exactly as I give
13 it to you and apply it to the facts as you find them, and
14 from there render a true and just verdict.

15 Now, ladies and gentlemen, until I advise you to begin
16 your deliberations, you must not discuss this case with
17 anyone, and that includes each other, until you have heard
18 all of the evidence, you've heard the closing arguments
19 from the lawyers, and I've charged you on the law that's
20 applicable to this case.

21 Also, ladies and gentlemen, during the trial of this
22 case you are not to read anything, watch anything, or view
23 anything about this case, and that includes anything that
24 could be in the newspaper or the news, or on the radio or
25 the Internet. It is important that you keep an open mind

1 and not decide any issue until all of the evidence has been
2 presented in this case, the parties have made their closing
3 arguments, and again, I've instructed you on the law.

4 Ladies and gentlemen, in just a moment the solicitor
5 is going to make what's called an opening statement, in
6 which she's going to explain what she believes the issues
7 are in this case. And then the Defense attorney, Ms.
8 Campbell, is also going to make an opening statement,
9 although she is not required to do so. What these lawyers
10 tell you in their opening statements is not evidence in
11 this case. Again, the evidence comes from the witness
12 stand, as well as any other physical evidence. Their
13 opening statements are simply their argument as to what
14 they believe is going to come out in the case.

15 Now, I want you to know that from time to time you may
16 hear the lawyers say something like, your Honor, we have a
17 question on the law; or I may motion them to come talk to
18 me; or I may send you all back to your jury room to discuss
19 something with the lawyers. I want you to know something,
20 we're not hiding anything from you. Oftentimes, when I
21 have to rule as a matter of law whether or not certain
22 things are admitted, or evidence is admitted in this case,
23 I may make a comment on the facts in the case, and because
24 I would never want anything I do to influence you in your
25 determination of the facts, out of an abundance of caution

1 we simply just do it outside of your presence.

2 Now, in determining what the true facts are in this
3 case, you must decide whether or not the testimony of the
4 witnesses is believable. It's my responsibility to rule as
5 a matter of law whether or not certain testimony is
6 admitted, but once it is admitted, whether or not you
7 believe it is for you to determine. In deciding whether to
8 believe a witness, you have the right to consider the
9 interest of that witness, the bias of that witness, the
10 prejudice of that witness; and you can also look at the
11 opportunity that witness had to have seen the things and
12 matters about which the witness may testify.

13 You can also look at the way the witness acts on the
14 witness stand. You have the right to consider anything
15 that is in the record that will help you evaluate the
16 testimony of the witness. Therefore, ladies and gentlemen,
17 I ask that you pay close attention to a witness's testimony
18 so at the very end of this trial you can accurately
19 remember the testimony that was given.

20 Now, in order to pay -- or I'm sorry -- in order to
21 preserve the rights of all parties, is there any exceptions
22 or additions from the State to my opening comments,
23 Solicitor? No?

24 SOLICITOR SWANSON: No, your Honor.

25 THE COURT: Anything, Ms. Campbell?

1 MS. CAMPBELL: No, your Honor.

2 THE COURT: Ladies and gentlemen, we will now begin
3 the trial of this case. If you'd give Ms. Swanson your
4 attention, please.

5 SOLICITOR SWANSON: Thank you, your Honor. May it
6 please the Court?

7 THE COURT: Yes.

8 THE BAILIFF: She's not gonna be able to see.

9 THE COURT: Oh, okay. Thank you. I appreciate it.

10 THE BAILIFF: I'm sorry.

11 THE COURT: No, that's all right. Thank you. All
12 right.

13 OPENING STATEMENT BY SOLICITOR SWANSON:

14 SOLICITOR SWANSON: It was on August 31st of 2017, a
15 Thursday night, when the Ling's family lives were changed
16 forever at the hands of Johnnie McKnight. Thirty-eight-
17 year-old Johnnie McKnight, at the time, was carrying on a
18 sexual relationship with sixteen-year-old Alydia Ling, a
19 high school kid. She was pregnant with his baby, and that
20 night he came to her house on 5th Street in Estill. It was
21 about 9:30 at night. She was standing on the sidewalk
22 outside of her house. Her older brother, Shamond, was
23 standing by the front stairs of their porch. Johnnie pulls
24 up in his blue, four-door Honda Accord, and he yells at
25 Alydia, get in, get in, get in! She didn't get in, and her

1 older brother Shamond said, Alydia, get back in the house.

2 As you might imagine, the family did not support this
3 relationship, okay. Johnnie, at that point, had some
4 choice words for Shamond, and he drove on down the street.
5 And what he should've done is, he should've kept driving,
6 kept on driving down that street. But he didn't.

7 And now, today, he sits in this courtroom, indicted
8 for two counts of murder, three counts of attempted murder,
9 discharging a firearm into a dwelling, and possession of a
10 weapon during a violent crime. Because what he did was, he
11 turned around, came back by the Ling family household, and
12 hung out the window with an AR-15, and sprayed it with
13 bullets. Standing right inside the doorway of the
14 residence, right inside the screen door, was Alydia Ling,
15 eight-and-a-half months pregnant with his unborn son.

16 Bullets went through the screen door, they went
17 through the vinyl siding of the house, they went through
18 pictures on the wall. They whizzed by Wayne Morris
19 Ritter's head, who was a guest at the house, and was on the
20 back porch. They hit the shed in the back and two cars
21 that were parked in the driveway. He unloaded.

22 And the worst shot was the one that went through
23 Alydia Ling's left cheek, piercing her brain stem, and
24 exiting through the right side of her neck. She died
25 almost instantly, as did her child. All in front of her

1 mother, and while her mother cradled her in her arms.

2 What Johnnie did after that was, he fled. And you're
3 going to hear that when Shamond saw Johnnie turn around, he
4 tells his mama and his sister, get inside, get inside;
5 because he knows something's not right. He's not sure
6 what's going to happen, but he thinks something's about to
7 go down. And what he does is, he crouches down behind his
8 mother's SUV that's in the driveway.

9 Now, you're going to hear that Shamond was an armed
10 security guard. He has a concealed weapon's permit. He
11 was carrying a .9-millimeter that day, and he did shoot
12 back, once Johnnie McKnight began shooting at the house.
13 And when Johnnie realized Shamond was over by the car, he
14 began shooting that way. And you're going to see pictures,
15 because the house is right here, Johnnie is approaching
16 this way as he's shooting, and all of the bullet holes go
17 this way, as he's -- as he's coming this way, down 5th
18 Street, and then fleeing.

19 One of those bullets likely pierces the driver's-side
20 door of Johnnie's Honda, but as you can see he's perfectly
21 fine today, all right. And he got over to Allendale County
22 real quick, until his Honda Accord got two flat tires.
23 Tires shredded. Not sure how that happened. He abandoned
24 that car. Panicking, he's like, what am I going to do?
25 Well, luckily he's only a couple of miles from his father's

1 place of work, Groton Plantation. He gets over to Groton
2 Plantation, and he takes one of their work trucks that has
3 the keys in it. And he goes to Denmark, and he starts just
4 going about his daily life, as if his mother -- as if the
5 mother of his child were not being prepared for autopsy.

6 Now, it's the State's burden of proof, and so as a
7 prosecutor I must prove to you by placing witnesses on the
8 stand, introducing evidence, pictures, things of that
9 nature, that Mr. McKnight is guilty beyond a reasonable
10 doubt; and Judge Mullen will tell you more about what
11 beyond a reasonable doubt means. But essentially, it means
12 that you must be firmly convinced that Johnnie McKnight is
13 the man who committed these crimes, and that he did commit
14 these crimes, okay. It's not beyond any doubt, because as
15 the judge will tell you, very few things in life are
16 certain, but you must be firmly convinced, your doubt must
17 be reasonable.

18 As jurors, it is your duty to determine what the truth
19 is, what really happened, the facts of the case, and apply
20 it to the law as Judge Mullen charges you at the end. And
21 at the end, I will get to speak to you again, and I will be
22 asking for justice for the Ling family. There's nothing
23 that can make this family whole again, but Johnnie McKnight
24 must be held accountable for the lives he took, the lives
25 he tried to take, and the lives that he forever changed,

1 and I'll be asking you to return guilty verdicts on all
2 charges. Thank you.

3 THE COURT: Thank you. Ms. Campbell.

4 OPENING STATEMENT BY MS. CAMPBELL:

5 MS. CAMPBELL: Good morning.

6 Everything that the Solicitor just talked to you about
7 comes from one source, essentially. That's Shamond Ling.
8 For about six hours that night, he interacted with and
9 videotaped, audio tape interview by the Estill Police
10 Department, trying to find out what happened, because he
11 was the only witness. And that night, and for an entire
12 week after that, he never told them that he was firing a
13 gun that night in that yard. He was engaged with the blue
14 Honda Accord, shooting at it, shooting in the yard.

15 Sometime in the week after, you'll hear testimony that
16 this officer here pulls him down to the EPD, and he says,
17 you know, I've been hearing from Mr. McKnight's family that
18 he shot at you in self-defense, that you shot at him and
19 his car first, and now, we need to talk about this. And he
20 goes on to say things like, I'm going to need that gun.
21 What were you using that night? And Shamond says, I carry
22 a .9-millimeter. And then, Lieutenant Williams says, well,
23 I'm going to need you to give me that gun so I can compare
24 it, you know, to the evidence in this case; because you'll
25 hear about something called Item 4.

1 Item 4 is the only bullet that was retrieved by these
2 investigators from that scene, and it was retrieved inside
3 the house, in the doorway of Shamond's bedroom. And that
4 Item 4, of course, could be analyzed against different
5 weapons. You'll hear from the forensic expert from SLED,
6 you can take a gun and you can test-fire a bullet and
7 determine whether or not it fired the -- the Item 4. And
8 you need to get your gun, but he never does. Never does
9 give that gun.

10 And then, he says I'm going to need you to give me
11 your shell casings from that night. Did you collect your
12 shell casings from the yard that night, or anything out
13 there in the last week? Well, yes, I did, sir. And then
14 where are those shell casings? Well, they're right here in
15 my pocket. May I have them? Sure. And he turns over what
16 he purports to be three shell casings from that night.

17 Now, you'll hear that, past that, the Estill Police
18 Department did not go and get a search warrant to look in
19 Shamond Ling's room or his car, or anywhere else for that
20 matter, for any of his weapons, to use in analyzing the
21 evidence in this case. And as you listen to the witness,
22 as you listen to Shamond testify before you today, I would
23 suggest that you consider, perhaps, that he told Officer
24 Williams that his gun -- that he had his gun that night on
25 the porch, sitting on the porch, and that he had it in a

1 shoulder holster. And that when Johnnie drove up, that
2 he'd asked -- that he said to Alydia to get in the car, and
3 Shamond Ling said no, you get in the house, and Alydia went
4 in the house, that her mother was in the house, along with
5 Wayne Ritter. I think he lived there with Deborah, the
6 mother.

7 And so, those three were in the house, and then
8 Shamond weaves the story as he jumps off the porch and
9 takes cover behind the cars, because, you know, he -- he
10 knows when Johnnie turns around and comes back to the house
11 that he's gonna -- something is gonna happen.

12 But think to yourself, again, throughout this trial,
13 the deliberate, the calculated effort to conceal what
14 really happened that night, in that yard, with those three
15 people, Shamond, Alyida, and Johnnie; that he took off the
16 holster, and he hid it. And he took that gun, and he hid
17 it. And even after EPD knew about the holster and knew
18 about the gun, they never retrieved it.

19 So what you may hear about reminds me of a situation a
20 long time ago. And I have an eight-year-old. Some of you
21 may have children. And so, in first grade when they come
22 home from school and they say, I know who the first
23 President of the United States was, it's a big
24 accomplishment. They say, oh, George Washington. And I
25 said, yes, that's right. But do you know who the second

1 President of the United States was? And so, you get that
2 look, right.

3 Well, it was John Adams. And John Adams was an
4 attorney before he became President, and he lived with his
5 wife Abigail and their children in Boston. And in Boston,
6 you know, at that time we didn't want to be part of the
7 British empire any more, we wanted to be free. And so, you
8 had the colonists in Boston, and you had the soldiers in
9 Boston, and they didn't like one another. And sometimes in
10 the street, there were skirmishes. And on this particular
11 day the British soldiers were accused of firing on the
12 colonists, and shooting and killing the colonists.

13 And you know, you can imagine in Boston, there was
14 cries in the street for justice. We need justice, we need,
15 you know, an eye for an eye. These soldiers need to hang.
16 And so, then ---

17 (MS. CAMPBELL RAPS/KNOCKS ON JURY BOX BENCH.)

18 MS. CAMPBELL: --- on Mr. Adams' door. Mr. Adams,
19 from the Court, I need you to take up the case of the
20 British soldiers. That was a hard thing to do, not a
21 popular thing to do, but he did what he was asked to do.

22 As I stand before you today, I have taken up the case
23 of Johnnie McKnight as John Adams did two hundred or so
24 years ago. And I stand before you as the story ends, as I
25 believe it will end in this case, that after investigation,

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1 the jurors in that case, after looking at all the evidence,
2 after asking themselves what really happened, what bullet
3 really pierced the colonist, what bullet really pierced
4 Alydia?

5 Their judgment in that case, which was a hard verdict
6 to return, but the right verdict, was not guilty. Because
7 you see, after hearing the testimony, they realized that
8 the British soldiers, hated though they were, had acted in
9 self-defense.

10 I thank you for your attention, and I look forward to
11 talking to you again, after you hear all the testimony in
12 this case. Thank you.

13 THE COURT: Thank you, Ms. Campbell. The State will
14 call their first witness.

15 SOLICITOR SWANSON: Thank you, your Honor. State
16 calls Desmond Williams.

17 MADAM CLERK: Place your left hand on the Bible and
18 raise your right hand.

19 (WHEREUPON, DESMOND WILLIAMS,
20 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

21 DIRECT EXAMINATION

22 DESMOND WILLIAMS BY SOLICITOR SWANSON:

23 Q. Good morning, Mr. Williams.

24 A. Good morning.

25 Q. Thank you for being with us. Who do you work for?

1 A. Hampton County 911.

2 Q. Okay. And how long have you been there?

3 A. It will be five years in May.

4 Q. Okay. What do you guys do there?

5 A. We receive non-emergent and emergent 911 calls, and we
6 dispatch them to the appropriate personnel, whether it be
7 law enforcement, fire, EMS. We also handle after hour
8 water calls, and we also handle NCIC paperwork of the
9 cases.

10 Q. And when someone calls 911, is that call recorded?

11 A. Yes, ma'am.

12 Q. All right. And are those recordings kept in the
13 regular course of business?

14 A. Yes, ma'am.

15 Q. All right. I'm going to show you what's been marked
16 as State's Exhibit 36 and ask if you can identify this for
17 me.

18 A. Yes, ma'am. This is the 911 call.

19 Q. Okay. And I think that disc contains four of them
20 that you guys received that night?

21 A. Yes, ma'am.

22 Q. All right. And how do you know that's the disc with
23 the four 911 calls that I had you listen to?

24 A. Because I initialed it. I initialed it.

25 Q. Okay. Thank you.

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1 A. Yes, ma'am.

2 Q. And was that a fair and accurate depiction of those
3 calls?

4 A. Yes, ma'am.

5 Q. All right.

6 SOLICITOR SWANSON: The State would move State's 36
7 into evidence at this time, and request to ---

8 MS. CAMPBELL: No objection.

9 SOLICITOR SWANSON: --- publish.

10 THE COURT: Without objection, and you can go ahead
11 and publish it.

12 (WHEREUPON, STATE'S EXHIBIT NO. 36, IDENTIFIED AND
13 MARKED, RECEIVED INTO EVIDENCE.)

14 SOLICITOR SWANSON: We don't need the screen for this
15 but the audio should come up.

16 We tested it with the screen. I'm sorry, your Honor.

17 I do have another speaker. All right.

18 (WHEREUPON, STATE'S EXHIBIT NO. 36, PUBLISHED TO THE
19 JURY AT 10:27 A.M.)

20 SOLICITOR SWANSON: Thank you. I have nothing
21 further.

22 MS. CAMPBELL: No questions.

23 THE COURT: All right. Sir, you may be excused.

24 Thank you.

25 (WITNESS LEAVES WITNESS STAND.)

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1 THE COURT: State will call their next witness.

2 SOLICITOR SWANSON: State calls Marcus Miller.

3 THE COURT: Okay.

4 MADAM CLERK: Place your left hand on the Bible and
5 raise your right hand.

6 (WHEREUPON, MARCUS MILLER,
7 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

8 DIRECT EXAMINATION

9 MARCUS MILLER BY SOLICITOR SWANSON:

10 Q. Good morning, Officer Miller. How are you?

11 A. Good morning, ma'am. I'm all right.

12 Q. Who do you work for?

13 A. Estill Police Department.

14 Q. All right. And how long have you worked for Estill
15 Police Department?

16 A. Approximately two years.

17 Q. And were you on duty the night of August 31st of 2017?

18 A. Yes, ma'am.

19 Q. All right. Do you have a copy of your report in front
20 of you?

21 A. No, ma'am.

22 Q. Okay.

23 SOLICITOR SWANSON: If I may, your Honor, I'd like to
24 hand up a copy of his report, just to aid in his testimony.

25 Ms. Campbell, do you have any objection?

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1 MS. CAMPBELL: No.

2 BY SOLICITOR SWANSON:

3 Q. I'm going to grab this back from you after your
4 testimony. Tell us what you recall about the night of
5 August 31st, 2017. What were you doing?

6 A. I was actually outside in the parking lot of the
7 Estill Police Department, and I was speaking with the
8 parents of two juveniles who was involved in reckless
9 driving the night before.

10 Q. Okay. And did you hear anything strange?

11 A. Yes, ma'am. When I was outside speaking to those
12 juveniles' parents, I heard several shots out in the
13 distance, and being familiar with the town and the area, I
14 guess -- guesstimated, or I could approximate it was coming
15 from the northeast side of town. So I ran back inside and
16 notified, at the time it was Corporal Pouchprom, I notified
17 him that we had shots fired, and we headed towards where we
18 heard the shots at, and then dispatch came over the radio
19 and gave us an address to where we responded.

20 Q. Okay. So you were actually in route, blue lights
21 running, before dispatch even alerted you?

22 A. Yes, ma'am.

23 Q. Okay. And when you said you heard shots fired from
24 the Estill Police Department parking lot, do you recall how
25 many?

1 A. It was several. I can't be exact with it, but I would
2 estimate it was several, probably about five or six, that I
3 heard.

4 Q. Okay. And do you recall what they sounded like?

5 A. Yes, ma'am.

6 Q. And what did they sound like?

7 A. Like, pop, pop, pop, pop, pop! Pop, pop!

8 Q. Okay. So rapid succession?

9 A. Rapid succession, yes, ma'am.

10 Q. All right. And where did you eventually respond?

11 A. We eventually responded over to Ms. Ling's residence.

12 Her address --

13 Q. And where was that?

14 A. Ms. Ling's address was on 5th Street.

15 Q. Okay. What is the address of that residence?

16 A. It's at 861 5th Street East, Estill.

17 Q. Okay. And is that within the town of Estill?

18 A. It's in the town limits of Estill. Yes, ma'am.

19 Q. And in Hampton County?

20 A. Yes, ma'am.

21 Q. What time did dispatch alert you all of shots fired?

22 A. I recall with the report, ma'am, it's 21:37 which is
23 9:37 p.m.

24 Q. And what was your response time?

25 A. Our time was 21:39, which is 9:39 p.m.

OFFICER MARCUS MILLER: DIRECT BY SOLICITOR SWANSON

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1 Q. Okay. So you guys got to the scene two minutes after
2 shots were fired, were two to three minutes?

3 A. Roughly, because when I heard them we headed to the
4 general area, and then we waited for dispatch to give us an
5 exact location.

6 Q. Okay. Do you recall about how long that wait was?
7 Was it a short time?

8 A. It was a short time, I recall.

9 Q. I'm going to show you what's been marked as State's 1,
10 and ask if you can identify what's in this photograph.

11 A. This is the Ling residence, where we responded to 5th
12 Street.

13 Q. Okay. And is that the way it appeared that -- that
14 night?

15 A. From what I recall, yes, ma'am.

16 SOLICITOR SWANSON: State would move 1, or request
17 that 1 be entered into evidence and be published to the
18 jury.

19 MS. CAMPBELL: No objection.

20 THE COURT: Without objection, it's in evidence.
21 You may publish it.

22 SOLICITOR SWANSON: Thank you.

23 And you guys will have copies of these pictures back
24 in the jury room, so.

25 (WHEREUPON, STATE'S EXHIBIT NO. 1, IDENTIFIED AND

1 MARKED, RECEIVED INTO EVIDENCE, PUBLISHED TO THE JURY AT
2 10:27 A.M.)

3 BY SOLICITOR SWANSON:

4 Q. All right. So when you get to the Ling residence at
5 861 5th, what do you find?

6 A. When I responded I was ahead of Corporal Pouchprom, we
7 saw Shamond Ling, who was wearing a white -- for lack of a
8 better word, it's a wife beater ---

9 Q. Um-hmm.

10 A. --- tank top, he was wearing a white tank top. And he
11 was in the road and he was yelling, so I pulled up, jumped
12 out. He was saying he just shot my -- my sister, he shot
13 my sister, so I ran to the door. And when I ran to the
14 door I saw Ms. Ling, the mother, holding her daughter. The
15 ground was full of blood, I stepped on the side of it, and
16 went outside and Shamond Ling says you knew who did it. He
17 said he was driving a blue car. He gave us the general
18 direction he was going, and then I left, in pursuit, trying
19 to find the vehicle, and Corporal Pouchprom stayed back.
20 And I don't know who he notified our chain of command,
21 which would be Captain Williams but at the time he was
22 Lieutenant Williams and then Chief -- Chief -- I can't
23 think -- notified the Chief, so. But I didn't -- I didn't
24 -- I wasn't there for the phone call.

25 Q. Okay. So immediately when you come on-scene, you hear

OFFICER MARCUS MILLER: DIRECT BY SOLICITOR SWANSON

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1 Shamond Ling shouting a description of the car, and the
2 name of the person who did the shooting?

3 A. Yes, ma'am. He gave his exact name.

4 Q. Okay. What was his exact name? What did he give?

5 A. He said it was Johnnie Mack?

6 Q. Johnnie Mack? Okay. And what was his demeanor like
7 at the time?

8 A. Shamond?

9 Q. Yes.

10 A. It was erratic.

11 Q. Was he upset?

12 A. Yes, ma'am.

13 Q. Highly upset?

14 MS. CAMPBELL: Objection. Leading, your Honor.

15 BY SOLICITOR SWANSON:

16 Q. How upset was he?

17 THE COURT: Thank you.

18 A. He seemed very upset at the time.

19 Q. Okay. Did you see anything that appeared to be bullet
20 holes in the house?

21 A. When I immediately walked in, I saw the victim, the
22 daughter. I saw him -- I saw her laying on the -- on the
23 ground in a pool of blood, and her mother was holding her
24 and saying, oh, my baby, oh, my baby! I didn't immediately
25 see any -- any bullet wounds, or bullet entries into the

1 house. Not when I first -- all I saw was the mother and
2 the daughter laying on the ground.

3 Q. Okay. Later, did you take Shamond to the office to
4 interview him?

5 A. No.

6 Q. I'm sorry. Did Corporal Pouchprom take Shamond to the
7 office to interview him?

8 A. Yes, ma'am.

9 Q. Okay. So he transported him. And then, did you
10 conduct the interview at the office?

11 A. I did.

12 Q. Okay. And was that interview recorded?

13 A. To my knowledge, yes, ma'am.

14 Q. All right. And later, when Johnnie McKnight was
15 apprehended, did you go to the Bamburg Detention Center and
16 retrieve any items from his property?

17 A. I did.

18 Q. All right. And what were those items?

19 A. It was two cell phones.

20 Q. I'm going to hand you Items 38 and 39, and ask you if
21 these were the two items that you retrieved, and what they
22 are.

23 A. One appears to be a pink in color I-Phone.

24 Q. And which item number is that?

25 A. Item No. 38.

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1 Q. Okay.

2 A. And Item No. 39 is a black in color Galaxy S-6. And
3 both of these were the phones that I signed for.

4 Q. Okay. And this came out of Johnnie McKnight's
5 property at the detention center in Bamberg?

6 A. Yes, ma'am.

7 Q. Okay. Thank you.

8 SOLICITOR SWANSON: At this time I would like to enter
9 38 and 39 into evidence. The physical things, not the
10 content.

11 MS. CAMPBELL: Yes, ma'am.

12 (WHEREUPON, STATE'S EXHIBIT No. 38 AND 39, IDENTIFIED
13 AND MARKED, RECEIVED INTO EVIDENCE.)
14 BY SOLICITOR SWANSON:

15 Q. When you went to the detention center, did you serve
16 Johnnie McKnight with warrants for two counts of murder,
17 three counts of attempted murder, discharging a firearm
18 into a dwelling, and possession of a weapon during a
19 violent crime?

20 A. Yes, ma'am.

21 Q. Okay. And can you identify the man that you served
22 with those warrants?

23 A. He's to my right wearing a striped tie over here.

24 Q. All right. Thank you.

25 SOLICITOR SWANSON: I have nothing further at this

1 time.

2 CROSS-EXAMINATION

3 MARCUS MILLER BY MS. CAMPBELL:

4 Q. Morning.

5 A. Good morning, Ms. Campbell.

6 Q. How you doing?

7 A. I'm all right. Yourself?

8 Q. I'm good, thank you. When you testified with the
9 solicitor, she talked a little bit about you interacting
10 with Shamond Ling on August 31st of 2017, right?

11 A. Yes, ma'am.

12 Q. Okay. So on that night you were wearing what we call
13 a body camera, correct?

14 A. Yes, ma'am.

15 Q. Okay. And so, all of your activities that night, from
16 the moment you step out into that area until you conclude
17 your work, sometime in the wee morning hours of the next
18 day, that body camera is running, right?

19 A. To my knowledge, yes, ma'am.

20 Q. Okay. And it's taking down everything, essentially,
21 that you are seeing, right?

22 A. To my knowledge, yes, ma'am.

23 Q. Because that's its purpose, correct?

24 A. Yes, ma'am.

25 Q. To record what you're seeing, right?

OFFICER MARCUS MILLER: CROSS BY MS. CAMPBELL

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1 A. Yes, ma'am.

2 Q. Perfect. And so, when you describe Shamond Ling's
3 behavior as erratic, that would be recorded on your body-
4 cam video, right?

5 A. It should've been.

6 Q. Okay. And part of that erratic behavior on the body-
7 cam and, I assume, what you can remember, is a bit of an
8 altercation that you kind of almost get into with him,
9 because he is trying to take evidence away from that scene.
10 He jumps in his car and tries to drive it out of the police
11 line tape. Isn't that true?

12 A. I don't recall that.

13 Q. Okay. You don't recall running over to the Chevy and
14 him being in the driver's seat, and you shining the
15 flashlight in the car, and pleading with him to stop,
16 Shamond, stop; what are you doing; you can't leave, you
17 can't move this car out of here. You have no recollection
18 of that?

19 A. No, ma'am.

20 Q. Okay. If it's on the -- the body-cam video and I show
21 that to you, do you think that that would help refresh your
22 recollection?

23 A. I believe so.

24 Q. Okay. Then, what I'm going to do is, I'll cue that
25 up, and we'll come back to that in just a moment.

1 MS. CAMPBELL: It's just me, so I'll try to do that at
2 the end.

3 THE COURT: Okay.

4 MS. CAMPBELL: And we will come back to that.

5 THE COURT: Absolutely.

6 BY MS. CAMPBELL:

7 Q. So in the entire night, again, you're a sworn law
8 enforcement officer, right?

9 A. Yes, ma'am.

10 Q. Okay. So you would take note of any statements that
11 are made to you at a crime scene of that nature, correct?

12 A. Yes, ma'am.

13 Q. Okay. And in response to the solicitor, you said that
14 when you drove up that Shamond Ling was only wearing, as
15 you called it, a wife-beater shirt, the white tank top tee-
16 shirt, correct?

17 A. Yes, ma'am.

18 Q. Okay. So there was no holster where you would put a
19 gun on him at that time, correct?

20 A. I don't recall seeing one.

21 Q. Okay. And so, during the course of the seven or eight
22 hours that you were on-scene, and that you spent
23 interviewing Shamond Ling at the Estill Police Department,
24 you were never told by Shamond Ling that he had fired a gun
25 that night in that yard, were you?

OFFICER MARCUS MILLER: CROSS BY MS. CAMPBELL

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1 A. No, ma'am.

2 Q. Okay. And if you had been told that, you would've
3 made a notation about that to tell your lieutenant,
4 correct?

5 A. I believe I would.

6 Q. Okay. Because you might need to be taking GSR samples
7 from his hands, correct?

8 A. I believe so.

9 Q. And you might need to be going to that yard, then,
10 that night, and looking for shell casings from where he was
11 shooting, correct?

12 A. I believe so.

13 Q. And that's the kind of evidence that you would be
14 involved, as a sworn law enforcement officer, in
15 collecting, correct?

16 A. Yes, ma'am.

17 Q. Okay. And you didn't do any of that because you were
18 never told that he was firing a gun that night, right?

19 A. I do not recall.

20 Q. Well, you don't recall, you just -- we just went
21 through you recalling it all.

22 A. That was -- I don't recall him saying that to me at
23 all.

24 Q. Yeah. No, right. He didn't tell you, you didn't look
25 for the evidence. And you didn't look for it because you

1 didn't know that he was firing a gun, right?

2 A. Right.

3 Q. Okay. Isn't it true that, also, in the video of your
4 body-cam that night, that you are several times involved
5 with Shamond and trying to calm him down and tell him that
6 he needs to stay right where he is, and he can't leave and
7 go anywhere else? He's trying to leave, isn't he?

8 A. I don't recall.

9 Q. Okay.

10 MS. CAMPBELL: I'm going to have to obtain the discs.

11 THE COURT: Okay.

12 MS. CAMPBELL: And -- that we have.

13 COURT REPORTER: Pretrial?

14 MS. CAMPBELL: Yes. Yes, ma'am.

15 THE COURT: Let's go ahead and take a brief recess,
16 ladies and gentlemen, ---

17 MS. CAMPBELL: Okay.

18 THE COURT: --- back in your jury room. Do whatever
19 you need to do. Ladies and gentlemen, do not discuss this
20 case, it wouldn't be appropriate to do so. Go refresh
21 yourselves, grab a cup of coffee, ladies and gentlemen.
22 We'll bring you right back out when we've got the disc cued
23 up. Okay? Thank you.

24 (JURY EXITS COURTROOM AT 10:39 A.M.)

25 THE COURT: All right. Sir, you're welcome to step

OFFICER MARCUS MILLER: CROSS BY MS. CAMPBELL

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1 down while the jury is out; you just can't discuss your
2 testimony. All right?

3 OFFICER MILLER: Yes, ma'am.

4 THE COURT: We're going to go ahead and just take a
5 quick five-minute recess, so you can go down.

6 Wanda, and same thing, Trasi, just get it cued up and
7 we'll be right back. Okay?

8 MS. CAMPBELL: Thank you.

9 THE COURT: Absolutely.

10 (COURT AT EASE AT 10:40 A.M.)

11 (COURT BACK IN SESSION AT 11:04 A.M.)

12 THE COURT: All right. I understand we're cued up, I
13 understand the jury had taken a smoke break and they're
14 ready to go. You ready to go, Ms. Campbell?

15 MS. CAMPBELL: Yes. And what I'm going to do is, I'll
16 have this on mute.

17 THE COURT: Okay.

18 MS. CAMPBELL: And I'm just going to show him the
19 video, which is about twenty or thirty seconds.

20 THE COURT: Okay.

21 MS. CAMPBELL: And then he'll remembers seeing that
22 happen or not.

23 THE COURT: Okay. Is he going to be able to see it on
24 his, or does he need to step down to be able to see it?

25 MS. CAMPBELL: I'm going to pull my computer right up

1 to him.

2 THE COURT: Okay.

3 MS. CAMPBELL: And no one will see it but him.

4 THE COURT: Okay.

5 SOLICITOR SWANSON: Your Honor, I would object to it
6 being on mute. I mean, I'll provide the Defense with
7 headphones. But I mean, I think it's important to know the
8 context of -- because when I viewed the video, which I do
9 not believe is Officer Miller's, it's Officer Pouchprom's
10 body-cam, or one of the Hampton County Sheriff's Office
11 body-cams. And what they do is they tell Shamond Ling not
12 to take the car away.

13 What he's trying to do is, he's trying to get in his
14 car to go to Charleston, and notify his brother that his
15 sister just got shot, and that's all on audio, on the body-
16 cams. So I think it's a little disingenuous to, you know,
17 just show him a body-cam with no audio and provide no
18 context, when it's not even his.

19 THE COURT: Okay. So how do we show it to him, Trasi,
20 without -- I do think he should be entitled to hear the
21 audio. He's not going to remember everything ---

22 MS. CAMPBELL: And --

23 THE COURT: --- just like he just said he didn't
24 remember it.

25 MS. CAMPBELL: And I apologize. I'm a little bit out

OFFICER MARCUS MILLER: CROSS BY MS. CAMPBELL

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1 of my element. My headphones are in my car, and my car is
2 parked --

3 THE COURT: There's some right there.

4 MS. CAMPBELL: So, you know, I'm riding with Mr.
5 Harris. So I'm trying to make sure I have everything. But
6 we'll put the headphones on him and let him listen to it,
7 and let him see it. And all I'm asking is if he recalls
8 this happening.

9 THE COURT: Okay.

10 MS. CAMPBELL: And if he says no, fine.

11 THE COURT: Okay.

12 MS. CAMPBELL: Because certainly, Mr. Ling will recall
13 it happening.

14 THE COURT: Okay.

15 MS. CAMPBELL: Thank you.

16 THE COURT: Okay. So, let's go. So, Trasi, are you
17 going to bring the computer up to him?

18 MS. CAMPBELL: I am. I'm just going to walk it right
19 up there after you bring the jury in.

20 THE COURT: Okay. Let's bring the jury in. Thank
21 you. All right. And if for some reason it's not coming
22 through and you can't hear it just let me know, okay?

23 OFFICER MILLER: Yes, ma'am.

24 THE COURT: Thank you.

25 (JURY RE-ENTERS COURTROOM AT 11:07 A.M.)

1 THE COURT: All right. Welcome back, ladies and
2 gentlemen.

3 MS. CAMPBELL: May it please the Court?

4 THE COURT: Yes, ma'am.

5 BY MS. CAMPBELL:

6 Q. So, Officer Miller, if you recall we were just talking
7 about the body-cams that night, and whether or not you
8 recall Shamond Ling trying to leave in his car. And if
9 you'll just put those on. And then, all you need to do is
10 review this, and if you recall it, fine; if you don't,
11 fine. You just let us know. All right.

12 (OFFICER MILLER REVIEWS VIDEO/AUDIO.)

13 Q. So, Officer Miller, after having viewed the video, do
14 you recall anything about Shamond Ling trying to leave in
15 his car that night?

16 A. No, ma'am. That's not my video.

17 Q. And you have no independent recollection of him trying
18 to leave?

19 A. No, ma'am.

20 Q. Okay. Thank you.

21 THE COURT: Okay.

22 BY MS. CAMPBELL:

23 Q. So Zatch Pouchprom also had a body-cam on, correct?

24 A. Yes, ma'am.

25 Q. And there are Hampton County Sheriff's deputies there

OFFICER MARCUS MILLER: CROSS BY MS. CAMPBELL

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1 with body-cams, correct?

2 A. Yes, ma'am.

3 Q. And Zatch works for the EPD, you work for the EPD.

4 Who is the other EPD officer that had a body-cam that
5 night?

6 A. I don't recall.

7 Q. Okay. Who was the other EPD officer that was on-scene
8 that night?

9 A. I believe it was Officer Wiley. She was posted at the
10 door. It was -- then, it was Lieutenant Williams and then
11 Chief Collins was there as well.

12 Q. But he wouldn't have had a body-cam?

13 A. I don't believe so.

14 Q. Right. Do you recall having to counsel Shamond Ling
15 that night in his bedroom area that he needs to calm
16 himself down and stop putting on all black, and don't go
17 out there in the street doing something crazy? Do you
18 remember having that conversation with him, telling him
19 about how you grew up and things that had happened to you
20 in your past?

21 A. Yes, ma'am.

22 Q. Okay. And so, it sounded like you were afraid he --
23 this erratic behavior you've described, that he was going
24 to act on it. Were you afraid that he would act out in the
25 street?

1 A. No, ma'am.

2 Q. Okay. So you're counseling him not to do that. Where
3 did that come from?

4 A. Just advice.

5 Q. Just advice. You didn't feel he needed the advice,
6 but you just gave it anyway?

7 A. Yes, ma'am.

8 Q. Okay. You're not a friend of Shamond Ling's, right?

9 A. No, ma'am.

10 Q. Okay. You're not even from this area, right?

11 A. No, ma'am.

12 Q. Okay. So you don't know any of these people, right?

13 A. No, ma'am.

14 Q. Okay. And when you interviewed Shamond Ling, you
15 taped that interview, right?

16 A. Yes, ma'am.

17 Q. And during, I don't know, it's twenty-five minutes or
18 so, taped, of you asking him what happened out there
19 tonight. Do you remember that?

20 A. Yes, ma'am.

21 Q. Okay. Good. And what happened, he tells you a story,
22 right?

23 A. Yes, ma'am.

24 Q. Okay. And that story does not include him firing on
25 anyone that night, right?

OFFICER MARCUS MILLER: REDIRECT BY SOLICITOR SWANSON

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1 A. No, ma'am.

2 MS. CAMPBELL: That's all I have.

3 THE COURT: Ms. Swanson?

4 SOLICITOR SWANSON: Thank you. Just briefly.

5 REDIRECT EXAMINATION

6 MARCUS MILLER BY SOLICITOR SWANSON:

7 Q. Going back to when Ms. Campbell asked you about
8 Shamond trying to take evidence away from the scene. To
9 your knowledge, was Shamond Ling's Chevy Impala ever
10 impounded as evidence?

11 A. Not to my knowledge, no, ma'am.

12 Q. All right. And regarding your interview with Shamond
13 that night, do you recall ever asking him if he'd fired
14 back?

15 A. I don't recall, no, ma'am.

16 Q. Okay. And is it unusual, in your experience -- and
17 have you responded to murder scenes before?

18 A. Yes, ma'am.

19 Q. Okay. Is it unusual, in your experience, for a family
20 member to be upset about --

21 MS. CAMPBELL: Objection, your Honor. Number one,
22 it's not relevant. It calls for his opinion on people's
23 psychiatric and emotional responses at the crime scene, and
24 I don't think it's relevant.

25 THE COURT: Will you repeat the question again?

1 MS. CAMPBELL: What he thinks --

2 THE COURT: Will you repeat the question?

3 SOLICITOR SWANSON: If it's unusual for a family
4 member of a murder victim to be upset the night that it
5 happened.

6 THE COURT: Okay. I'm going to allow it. Go ahead.

7 I think it's relevant to your previous questioning.

8 BY SOLICITOR SWANSON:

9 A. No, it's not unusual.

10 Q. All right. So did you take some time to talk to
11 Shamond?

12 A. Yes, I did.

13 Q. And did you ask him to just let you do your job?

14 A. Yes, ma'am.

15 Q. Thank you.

16 THE COURT: Anything further, Ms. Campbell?

17 MS. CAMPBELL: No.

18 THE COURT: You may be excused. Thank you, sir. Any
19 objection to him being released?

20 SOLICITOR SWANSON: No. May he please?

21 MS. CAMPBELL: No objection.

22 THE COURT: You are released, sir. Thank you.

23 OFFICER MILLER: Thank you.

24 (WITNESS LEAVES WITNESS STAND.)

25 THE COURT: Call your next witness.

OFFICER ZATCH POUCHPROM: DIRECT BY SOLICITOR SWANSON

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1 SOLICITOR SWANSON: State calls Zatch Pouchprom.

2 (WHEREUPON: ZATCH POUCHPROM,

3 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

4 DIRECT EXAMINATION

5 OFFICER ZATCH POUCHPROM BY SOLICITOR SWANSON:

6 Q. Good morning, Officer.

7 SOLICITOR SWANSON: And if I may beg the Court's

8 indulgence, I believe we're going to need to pull the

9 screen down for this witness.

10 THE COURT: Okay.

11 SOLICITOR SWANSON: Might as well do that before I

12 begin my questioning.

13 THE COURT: Go ahead.

14 SOLICITOR SWANSON: Okay.

15 Q. All right. Officer, who do you work for?

16 A. I work for the Estill Police Department.

17 Q. All right. And how long have you been working for
18 Estill Police Department?

19 A. I began my employment there in July of 2015, so
20 approximately three years and seven months.

21 Q. All right. And were you on duty August 31st of 2017?

22 A. Yes, I was.

23 Q. You were on duty that night?

24 A. Yes, I was.

25 Q. And do you recall responding to a call about, at

1 around 9:30?

2 A. Yes, I do.

3 Q. All right. And did you actually get alerted to shots
4 fired, or how did that come about? How did you respond?

5 A. Originally, my partner and I, Officer Miller, we were
6 dealing with a traffic stop involving two juvenile
7 individuals. We were at the police department with them
8 and their parents, their respective sets of parents. I was
9 in the office with one set of parents and one of the
10 juveniles, and Officer Miller was outside in the parking
11 lot with the other set of parents and the juvenile.

12 Officer Miller rushed into the office and informed me
13 that it -- there was multiple shots fired, coming from, I
14 believe it was the northeast section of the town, so we
15 both rushed out and basically began canvassing the area.
16 We didn't have a call, a particular call at that moment. A
17 few minutes later the dispatch did come on the radio and
18 informed us that we had a shooting incident on 5th Street.

19 Q. Okay. And so, eventually you respond to 5th Street.

20 A. Yes.

21 Q. And what residence do you respond to?

22 A. Originally, the call came out on 5th Street, but the
23 dispatcher didn't give a particular address. I believe the
24 first numerics were incorrect.

25 Q. Okay. And being and working in Estill, are the street

OFFICER ZATCH POUCHPROM: DIRECT BY SOLICITOR SWANSON

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1 numbers for houses sequential in that area?

2 A. No, they're not.

3 Q. All right. So there was some confusion about the
4 exact address?

5 A. Yes, there was.

6 Q. Okay. But eventually, you did get to the correct one,
7 right?

8 A. Yes, we did.

9 Q. Okay. And that night, were you wearing a body camera?

10 A. Yes, I was.

11 Q. All right. And you had it on?

12 A. Yes. Actually, I believe it had been activated during
13 the stop for the two juveniles, and it continued to run
14 throughout.

15 Q. Okay.

16 A. So it remained on the entirety of the time.

17 Q. All right. And you turned that video into evidence?

18 A. Yes, I did.

19 Q. All right. I'm going to hand you what's been marked
20 as State's Exhibit 37.

21 All right. Officer, I'm handing you State's 37. And
22 I'm going to ask you if that is a couple of minutes of when
23 you first responded to the scene on 5th?

24 A. Yes, it is.

25 Q. Okay. And how do you know that?

1 A. I reviewed it earlier today, and was able to identify
2 it as being footage from my body camera.

3 Q. All right. And so that was fair and accurate video
4 footage from that night?

5 A. Yes, it is.

6 Q. All right.

7 SOLICITOR SWANSON: State would move 37 into evidence,
8 and move to publish at this time.

9 MS. CAMPBELL: And no objection, your Honor. My
10 understanding is, it's about two and a half minutes of
11 video.

12 THE COURT: Okay. Okay.

13 MS. CAMPBELL: From the whole night. Thank you.

14 THE COURT: Okay.

15 SOLICITOR SWANSON: Thank you, your Honor.

16 THE COURT: And you know what portion it is, yes?

17 MS. CAMPBELL: I've been informed by the State what
18 portion it is, yes.

19 THE COURT: Okay. Thank you.

20 (WHEREUPON, STATE'S EXHIBIT NO. 37, IDENTIFIED AND
21 MARKED, RECEIVED INTO EVIDENCE.)

22 THE COURT: Is that on?

23 MADAM CLERK: Yes, ma'am.

24 THE COURT: I just can't tell from the volume.

25 (WHEREUPON, STATE'S EXHIBIT NUMBER 37, PUBLISHED AT

OFFICER ZATCH POUCHPROM: DIRECT BY SOLICITOR SWANSON

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1 11:22 A.M.)

2 BY SOLICITOR SWANSON:

3 Q. All right. So, Office Pouchprom, is this the scene
4 that you responded to?

5 A. Yes, it was.

6 Q. Folks were upset?

7 A. Yes. Multiple -- multiple people were very
8 emotionally charged. It was somewhat of a chaotic scene
9 when we arrived.

10 Q. Okay. And you guys arrived before EMS; is that right?

11 A. Yes, we did.

12 Q. Did you interview Shamond Ling at the scene?

13 A. Yes, I spoke with him, Shamond Ling.

14 Q. And he gave you the name of a suspect?

15 A. Yes, he did.

16 Q. All right. And a description of the car that man was
17 driving?

18 A. Yes, he did.

19 Q. Okay. And what did he say?

20 A. when I spoke to him, he did identify the suspect. He
21 specifically said that it was an individual named Johnnie
22 McKnight, and that he was driving a blue Honda, I believe
23 was the vehicle that he described to me.

24 Q. All right. And did you ask him where the shooting was
25 coming from?

1 A. Yes. I spoke with him, actually, several times while
2 on the scene, and he was able to pinpoint the spot where
3 the shooter -- or yeah, where the shooter was at when he
4 opened fire.

5 Q. Okay. And I'm going to stop you right there and --
6 and ask if you recognize what's depicted in State's 2 and
7 3.

8 A. That is the location in front of the house, and it's
9 also the area where Shamond Ling pointed to me and said
10 that that's where the shooter was at when he opened fire.

11 Q. Okay. And did you find anything in that area?

12 A. Yes, we did. During the course of our search later
13 on, after the response, he pointed out to the specific
14 spot. My myself was able to see several shell casings that
15 appeared to be rifle casings on the ground.

16 Q. Okay. And so, do State's 2 and 3 depict those shell
17 cases that you found that night?

18 A. Yes.

19 Q. Or identified that night?

20 A. Yes, they do.

21 Q. Okay. And you aren't the one that actually collected
22 them, were you?

23 A. No, ma'am.

24 Q. Okay.

25 SOLICITOR SWANSON: State would move 2 and 3 into

OFFICER ZATCH POUCHPROM: DIRECT BY SOLICITOR SWANSON

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1 evidence at this time, and move to publish.

2 MS. CAMPBELL: No objection.

3 THE COURT: Without objection, and you may publish.

4 Thank you.

5 (WHEREUPON, STATE'S EXHIBIT NO. 2 AND 3, IDENTIFIED
6 AND MARKED, RECEIVED INTO EVIDENCE/PUBLISHED TO THE JURY AT
7 11:25 A.M.)

8 BY SOLICITOR SWANSON:

9 Q. And Officer Pouchprom, do you recall, when you're
10 asking him where Johnnie McKnight was shooting, did you
11 ever ask Shamond if he was shooting back?

12 A. No, I did not.

13 Q. At some point do you recall Shamond trying to get into
14 his car?

15 A. Yes, I do.

16 Q. Okay. And do you have any idea why he was trying to
17 get into his car?

18 A. This --

19 MS. CAMPBELL: Objection. Calls for speculation.

20 THE COURT: Okay. It does call for speculation unless
21 --

22 SOLICITOR SWANSON: Okay.

23 Q. Did you review your body camera?

24 A. Yes, I did.

25 Q. Footage. Okay. And do you recall if your body camera

1 footage -- actually, I'll just wait and let Ms. Campbell
2 ask her questions. To your knowledge, was the Chevy
3 Impala, a car that belonged to Shamond Ling?

4 A. Not to my knowledge.

5 Q. Okay. Do you recall him trying to get into the Chevy
6 Impala?

7 A. Yes. Later on during the night, I believe possibly
8 twenty to thirty minutes into our response, he did attempt
9 to get into a vehicle, and we had to ask him not to do
10 that; and also, he was very emotional, so we had to
11 somewhat restrain him.

12 Q. Okay. And did he comply with that request?

13 A. Yes, he did. He didn't put up any kind of bodily
14 resistance.

15 Q. All right. And eventually, did he just go willingly
16 to the police department with you?

17 A. Yes, he did.

18 Q. Okay. To your knowledge, was the Chevy Impala ever
19 impounded for evidence?

20 A. Not to my knowledge.

21 Q. Thank you.

22 SOLICITOR SWANSON: Please answer any questions that
23 Ms. Campbell may have for you.

24 CROSS-EXAMINATION

25 ZATCH POUCHPROM BY MS. CAMPBELL:

OFFICER ZATCH POUCHPROM: CROSS BY MS. CAMPBELL

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1 Q. Good morning.

2 A. Good morning.

3 Q. So it would be fair to say that on this particular
4 night you were at this scene for several hours, right?

5 A. Yes, ma'am. I believe it was longer than an hour,
6 approximately maybe two.

7 Q. Okay. And during the course of that time, well, I
8 think you just told the solicitor that you were in close
9 proximity to the Chevy, right?

10 A. Yes, ma'am. I believe, best of my recollection, it
11 was to my right, most of the time. If you face from my
12 vantage point when I first got there, facing outward from
13 the porch, I believe it was parked to the left-hand side.

14 Q. So -- I'm not being difficult here, so you didn't stay
15 in one place, you moved all around that area, didn't you?

16 A. Yes, ma'am.

17 Q. Okay. So you were in the yard, you were by the cars,
18 you were in the street, right?

19 A. Yes.

20 Q. Okay. And during that period of time, those hours
21 that you're moving around in that area, you came in contact
22 with Deborah Ling's Mercedes Benz, right?

23 A. I don't remember this Mercedes Benz.

24 Q. Okay. So the two cars that are parked in the yard
25 that night, you don't recall what they were?

1 A. I do remember the Chevy Impala. Yes, ma'am.

2 Q. Okay. But you don't recall the Mercedes Benz parked
3 right next to it?

4 A. Not directly, no.

5 Q. Okay. But you wouldn't argue with me that it was
6 parked right there next to it, would you?

7 A. No, I would not.

8 Q. Thank you. So do you recall when you were in close
9 proximity to the Chevy Impala -- well, let me ask you this
10 first. Later on that night, maybe sometime after midnight,
11 did it not start raining in that area?

12 A. I -- not to my knowledge. When I was there I don't
13 believe it rained.

14 Q. Exactly. While you were there it had not been
15 raining, correct?

16 A. That's correct.

17 Q. Okay. Good. So being in close proximity to the
18 Chevy, and another car that you can't recall at this
19 moment, do you recall that the Chevy was wet, but the
20 Mercedes Benz was dry? Do you have any recollection of
21 seeing that discrepancy in the two cars in the yard?

22 A. No, I don't.

23 Q. Okay. You said that you asked Shamond Ling to point
24 out to you where the person in the blue Honda Accord, as he
25 called out Johnnie McKnight, where that car was located

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1 when it fired into the yard area, right?

2 A. Yes, I did.

3 Q. And at that time, Shamond Ling came down from wherever
4 he was, and he pointed to an area that was actually
5 underneath a Hampton County Sheriff's Department cruiser,
6 right?

7 A. That's correct.

8 Q. Okay. So you guys had to have them move the cruiser
9 to locate what's depicted in the photographs, right?

10 A. That's correct.

11 Q. Okay. And that was kind of just sort of at the
12 driveway area, correct?

13 A. Yes, ma'am. It was in the shoulder of the road, right
14 there between the front lawn and the roadway.

15 Q. More aligned with the automobiles than the house,
16 correct? The end of the driveway is more aligned with the
17 cars than the front of the house, correct?

18 A. You mean the location of the shell casings? I'm
19 sorry, I don't understand your question.

20 Q. Okay. This is simple

21 A. Uh-huh.

22 Q. The end of the driveway.

23 A. Uh-huh.

24 Q. Where Shamond Ling pointed out to you the shell
25 casings, that location is more aligned with the cars than

OFFICER ZATCH POUCHPROM: CROSS BY MS. CAMPBELL

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1 it is with the front of the house, right?

2 A. The driveway, yes.

3 Q. And at the end of the driveway were these four shell
4 casings, right?

5 A. Yes. I believe the shell casings were -- if you're
6 facing the house from the roadway ---

7 Q. Right.

8 A. --- it went slightly to the left of the driveway if
9 I'm --

10 Q. Okay. So at the end of the driveway, slight to the
11 left, more in line with the cars than the house, correct?

12 A. I don't know if I can make that characterization.

13 Q. Okay. So would you need to see a photograph, then, of
14 the location in order for you to make that determination,
15 you'll independently remember it?

16 SOLICITOR SWANSON: Your Honor, I would object. I
17 believe he's answered this question. He doesn't
18 specifically recall the Mercedes SUV or where it was
19 located, and he's already testified to where the casings
20 were.

21 MS. CAMPBELL: That's fine.

22 THE COURT: Okay.

23 MS. CAMPBELL: Thank you, Officer. I don't have
24 anything else.

25 THE COURT: Anything further?

MICHELLE BRYAN: DIRECT BY SOLICITOR SWANSON

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1 SOLICITOR SWANSON: Nothing further, your Honor.
2 Thank you.

3 THE COURT: You may step down. Any objection to this
4 officer being excused?

5 SOLICITOR SWANSON: No, and I would ask that he be.

6 MS. CAMPBELL: No objection.

7 THE COURT: You're excused, sir. Thank you.

8 OFFICER POUCHPROM: Thank you, your Honor.

9 (WITNESS LEAVES WITNESS STAND.)

10 THE COURT: Call your next witness.

11 SOLICITOR SWANSON: State calls Michelle Ryan.

12 MADAM CLERK: Place your left hand on the Bible and
13 raise your right hand.

14 (WHEREUPON, MICHELLE BRYAN,
15 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

16 DIRECT EXAMINATION

17 MICHELLE BRYAN BY SOLICITOR SWANSON:

18 Q. Good morning, Ms. Bryan. Who do you work for?

19 A. Hampton County EMS.

20 Q. And how long have you worked for EMS?

21 A. I've been back in Hampton County since 2017, but I've
22 been at EMS since 2002.

23 Q. Okay. And what position do you hold with EMS?

24 A. I'm a paramedic.

25 Q. When did you become a paramedic?

1 A. In 2005.

2 Q. And does that require special training?

3 A. Yes.

4 Q. And what does being a paramedic allow you to do?

5 A. It allows me to initiate advanced life-saving
6 procedures beyond just the basic level.

7 Q. Okay. Were you on duty the night of August 31st of
8 2017?

9 A. Yes, ma'am.

10 Q. And can you tell us about the call that you went on
11 that night?

12 A. We got turned out to a gunshot victim. We were told
13 to stage for law enforcement. We staged for probably less
14 than a minute of when we were cleared to go to the scene.
15 Found a young female, who was pregnant, laying on her back
16 inside the doorway of the residence; not breathing, without
17 a pulse, with blood around her.

18 Q. Okay. Now, when you guys got there, you said law
19 enforcement was already there?

20 A. Yes.

21 Q. And so, what time were you dispatched to that
22 residence?

23 A. Our dispatch time was 9:35.

24 Q. And what time were you cleared to go in to the
25 patient?

MICHELLE BRYAN: DIRECT BY SOLICITOR SWANSON

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1 A. We went on-scene at 9:40, so probably less than thirty
2 seconds before that.

3 Q. Okay. And when you got to the scene, what did you see
4 outside.

5 A. Chaos. There were officers, there were citizens. The
6 girl's mother was there, some other family members. It was
7 just -- just chaos everywhere.

8 Q. And what were the family members' demeanor like?

9 A. Very distraught, inconsolable.

10 MS. CAMPBELL: Your Honor, State's 4 would be subject
11 to my previous objection.

12 THE COURT: Thank you. Subject to your prior
13 objection.

14 You can go ahead and have her identify it.

15 SOLICITOR SWANSON: Thank you.

16 Q. I'm showing you State's 4, and I'd like to ask you if
17 you recognize what's contained in this picture?

18 A. Yes.

19 Q. And what is it?

20 A. The pregnant female who had been shot.

21 Q. Okay. Is that the position that you found her in?

22 A. Yes, it is.

23 Q. All right. And that picture is in black and white,
24 right?

25 A. Yes, it is.

1 Q. Okay.

2 SOLICITOR SWANSON: State would move 4 into evidence
3 at this time, and request to publish.

4 THE COURT: Obviously, you may go ahead and publish.
5 Subject to your prior objection.

6 (WHEREUPON, STATE'S EXHIBIT NO. 4, IDENTIFIED AND
7 MARKED, RECEIVED INTO EVIDENCE/PUBLISHED AT 11:36 A.M.)
8 BY SOLICITOR SWANSON:

9 Q. Okay. And so, you found the pregnant female. How old
10 was she?

11 A. I believe she was sixteen. Let me -- yes, sixteen.

12 Q. She was just within the doorway?

13 A. Yes, ma'am.

14 Q. And was there a screen door on the outside that was
15 open?

16 A. I believe so. Yes, ma'am.

17 Q. Did you notice anything about that screen door?

18 A. Maybe not specifically the screen door, but I noticed
19 that there were nicks around the door facing, where we
20 walked in.

21 Q. Okay. Nicks. Do you mean grazes or holes?

22 A. That's what it looked like to me. Yes, ma'am.

23 Q. Okay. When you reached the patient, did she have any
24 signs of life?

25 A. No, ma'am.

MICHELLE BRYAN: DIRECT BY SOLICITOR SWANSON
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1 Q. And were you able to perform any lifesaving measures
2 to her or the baby?

3 A. No, ma'am.

4 Q. Okay. And in your experience, would the baby be
5 able to survive if the mother was deceased?

6 A. No, ma'am. There's a very small window from the time
7 the mother takes her last breath 'till the time that the
8 time that the baby is viable.

9 Q. Okay. And that's because the baby wouldn't have any
10 oxygen, right?

11 A. That's correct.

12 Q. And so, are we talking about just a few minutes, or?

13 A. Well less than - less than five minutes I what I've
14 understood throughout my education.

15 SOLICITOR SWANSON: Thank you, Ms. Bryan.

16 I have no further questions at this time.

17 THE COURT: Cross.

18 MS. CAMPBELL: Thank you, your Honor.

19 CROSS-EXAMINATION

20 MICHELLE BRYAN BY MS. CAMPBELL

21 Q. So, just to follow up briefly. I think what I'm
22 hearing you saying in response to the solicitor's
23 questions is that five minutes after the shot, or the last
24 breath, you wouldn't expect for the baby to survive, is
25 that right?

1 A. That's correct. It's probably less than five minutes.
2 That was reaching.

3 Q. Okay. And so, you -- you arrived -- I'm sorry, how
4 fast did you get there?

5 A. The call was dispatched at 9:35, and we arrived at
6 9:40.

7 Q. So five minutes?

8 A. Uh-huh.

9 Q. Okay. So -- Okay. That's all I have. Thank you.

10 THE COURT: Okay.

11 SOLICITOR SWANSON: Just briefly. Actually, no, I'm
12 -- I'm going to withdraw the question I was going to ask,
13 and I do not have any further questions for this witness,
14 and I would ask that she be excused.

15 MS. CAMPBELL: No objection.

16 THE COURT: You are excused. Thank you.

17 (WITNESS LEAVES WITNESS STAND.)

18 SOLICITOR SWANSON: State calls Shamond Ling.

19 MS. CAMPBELL: Your Honor, I would ask that we pause
20 and take a break at this time.

21 THE COURT: Sure. Ladies and gentlemen of the jury,
22 we are going to take a very short recess. If possible, I
23 would like not to have to take a smoke break at this time.
24 We will do a quick break, if you would.

25 Mr. Matthews, we're going to take them back out for

1 just a second and we're going to take a short break, okay.

2 Ladies and gentlemen, do not discuss the case. It
3 wouldn't be appropriate to do so at this time. We'll be
4 right back with you shortly. All right? Go refresh
5 yourself.

6 (JURY EXITS COURTROOM AT 11:40 A.M.)

7 THE COURT: Anything we need to put on the record?

8 Trasi, there's nothing on the record, but you just
9 need to use the restroom?

10 MR. PUBLIC DEFENDER: Yes, ma'am.

11 THE COURT: Trasi, perfect? You all, we're just going
12 to be at a break for five minutes. Okay? All right.

13 (COURT IN RECESS AT 11:41 A.M.)

14 (COURT BACK IN SESSION AT)

15 THE COURT: All right. You all ready to go?

16 SOLICITOR SWANSON: State's ready.

17 THE COURT: You ready, Ms. Campbell?

18 MS. CAMPBELL: Yes, your Honor.

19 THE COURT: Let's bring the jury in.

20 (JURY RE-ENTERS COURTROOM AT 12:02 P.M.)

21 THE COURT: All right. Welcome back, ladies and
22 gentlemen.

23 The State can now call their next witness.

24 SOLICITOR SWANSON: Thank you. State calls Shamond
25 Ling.

SHAMOND LING: DIRECT BY SOLICITOR SWANSON

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1 MADAM CLERK: Place your left hand on the Bible and
2 raise your right hand.

3 (WHEREUPON, SHAMOND LING,
4 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

5 DIRECT EXAMINATION

6 SHAMOND LING BY SOLICITOR SWANSON:

7 Q. All right, Shamond, thank you for being here. Tell us
8 what your nickname is, what your family calls you.

9 A. Shannon.

10 Q. Shannon? So it's either Shannon or Shamond, we may
11 hear both, right?

12 A. Yes, ma'am.

13 Q. Okay. And where were you living in August of 2017?

14 A. On 5th Street at my mother's house.

15 Q. All right. And who all lived in that house?

16 A. Me, my mother, and my little sister Alydia.

17 Q. Alydia? How old was Alydia in the Summer of 2017?

18 A. Sixteen.

19 Q. Okay. And let me ask you, were do you work?

20 A. I do security.

21 Q. Okay. You do armed security?

22 A. Yes, ma'am.

23 Q. And do you work -- where do you do armed security?

24 A. I do courthouses and night clubs and everything.

25 Q. Okay. And what kind of weapon do you carry when

SHAMOND LING: DIRECT BY SOLICITOR SWANSON

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1 you're doing armed security?

2 A. I carry a Smith and Wesson .9-millimeter.

3 Q. All right. And back in the Summer of 2017, what kind
4 of firearms did you own?

5 A. A Smith and Wesson .9-millimeter, and a Jimenez .9-
6 millimeter.

7 Q. All right. So do you have a concealed weapons permit?

8 A. Yes, ma'am.

9 Q. Okay. And let's go to August 31st of 2017. Tell us
10 what you recall happening that night.

11 A. I was outside smoking a cigarette in front of my
12 house. Alydia walked down the road, walked back. When she
13 -- when she got back to the residence, a car pulled up. It
14 pulled up and Alydia, get in the car, get in the car. I
15 told Alydia to come back in the house. The car pulled off,
16 went down to the stop sign at the end of the street, turned
17 around and came back in front of the house. At that point
18 in time I just stepped off the porch in front of the -- in
19 front of my mother's truck. Pull back up yelling and
20 raging and everything like that. I was -- I got beside my
21 mother's truck and the next thing I know just -- just start
22 shooting but that's when I pulled my weapon and returned --
23 and tried to return fire.

24 Q. And so, you said Alyida was walking down the street.
25 Was she on the street or the sidewalk?

1 A. Sidewalk.

2 Q. All right. And you said a car pulled up?

3 A. Yes, ma'am.

4 Q. Do you recall what kind of car?

5 A. A little four-door blue Honda.

6 Q. All right. Four-door blue Honda. And do you know who
7 was in that car?

8 A. Yes, ma'am.

9 Q. Who was that?

10 A. Johnnie McKnight.

11 Q. You knew him by name?

12 A. Yes, ma'am.

13 Q. Okay. And was there anyone else in the car?

14 A. Not from -- not from my vision, no, ma'am.

15 SOLICITOR SWANSON: Beg the Court's indulgence.

16 Q. Shamond, for identification purposes, I'm going to
17 show you State's 28, and ask if you recognize what's
18 contained in this picture.

19 A. The blue Honda.

20 Q. Does that appear to be the same blue Honda that you
21 saw that night?

22 A. Yes, ma'am.

23 SOLICITOR SWANSON: And your Honor, I'm not going to
24 enter this photo at this time. I'm going to ask the Court
25 if Mr. Ling may step down. And I have a demonstrative aid

SHAMOND LING: DIRECT BY SOLICITOR SWANSON

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1 ---

2 THE COURT: You may step down, Mr. Ling.

3 SOLICITOR SWANSON: --- that I'd like him to refer to,
4 and further describe this incident.

5 (WHEREUPON, STATE'S EXHIBIT NO. 42, PREMARKED FOR
6 IDENTIFICATION.)

7 Q. Yeah. If you can stand right here so everyone can
8 hear you, and I'm going to place this up here. And what
9 I'm going to do is give you a -- can you hold it real quick
10 for me?

11 A. Yes, ma'am.

12 Q. Give you a dry-erase marker, and I'm going to ask you
13 some questions. And if you can mark where things happened,
14 okay?

15 Now, Shamond, where was your mother's Mercedes SUV
16 located?

17 A. Right here, where the truck is right there.

18 Q. Okay. And where was your Chevy Impala located?

19 A. Right there, the spot right there.

20 Q. Okay. And you can draw it on there, or just ---

21 A. Okay. My car was ---

22 Q. --- you can just do a circle.

23 A. --- right there.

24 Q. Okay. And then, let's put C, for Chevy. And then,
25 SUV right here. All right. And where was Lydia when the

1 Honda Accord pulled up?

2 A. She was about right here, off the side walk right
3 there in the grass spot right there.

4 THE COURT: All right. Mr. Ling, after you put
5 something on there will you stand to one side so they can
6 see, okay, what you just marked.

7 MR. LING: Oh. Okay, I'm sorry. Sorry about that.

8 THE COURT: So you might want to point out where you
9 just pointed, okay?

10 A. Okay. All right. Lydia she was about - she was
11 about right here.

12 Q. Just an L right there. Because you guys call her
13 Lydia, right?

14 A. Yeah.

15 Q. Her name's Alydia?

16 A. Yes, ma'am.

17 Q. Okay. And then, when Johnnie McKnight pulled up in
18 the four-door, blue Honda Accord, where did he pull up?

19 A. He came from that direction right there on the road
20 and he pulled up about right here, and telling Lydia to --
21 telling Alydia to get in the car, get in the car. At that
22 point in time, I was about right here, by the steps,
23 telling Lydia to come back in the house. She came, walked
24 straight on across, back in the house. And he pulled off
25 going that way down the road; went down to the end of the

SHAMOND LING: DIRECT BY SOLICITOR SWANSON

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1 road to the stop sign, turned around, came right on back
2 and pulled right here, right here, in this spot right here.

3 Q. Okay. And so, is this his driver's-side door ---

4 A. Yes, ma'am.

5 Q. --- that is facing the house?

6 A. Yes, ma'am.

7 Q. Okay. And where did he first start shooting?

8 A. In this spot right here. The first bullets went
9 towards the house. I was right there. That's when I could
10 a -- I started returning fire. He must a saw where I was,
11 started shooting in that direction, so I tried to went to
12 the other side, got off maybe a few more rounds, and then
13 that's when the bullets started hitting the back right
14 here, and two went directly over my head, right here
15 through the rear-view mirror on the passenger side.

16 Q. Okay. Where all did you find bullet holes or see
17 bullet holes after the shooting occurred?

18 A. Bullet holes was right here, in the house. The door
19 right here. One was inside the back of the Mercedes truck,
20 right there. Two was in the mirror, over there. And one
21 struck my car, right there, through the -- through the
22 headlight.

23 Q. Okay. At any time, Shamond, were you shooting towards
24 the house?

25 A. No, ma'am.

1 Q. All right. You were shooting toward the roadway?

2 A. Yes, ma'am.

3 Q. Toward Johnnie?

4 A. Yes, ma'am.

5 Q. After he began shooting ---

6 A. Yes, ma'am.

7 Q. --- at your house?

8 A. Yes, ma'am.

9 Q. And the house that contained your mother and your
10 sister?

11 A. Yes, ma'am.

12 Q. Did you shoot your sister?

13 A. No, ma'am.

14 Q. Okay. Do you -- did you have a rifle at that time?

15 A. No, ma'am.

16 Q. Did you have an AR-15?

17 A. No, ma'am.

18 Q. Did you have .223 shell cases?

19 A. No, ma'am.

20 Q. Thank you. You can re-take the stand.

21 (WITNESS RETAKES THE WITNESS STAND.)

22 BY SOLICITOR SWANSON:

23 Q. At some point, was your mom out on the porch?

24 A. Yes, ma'am.

25 Q. And where did she end up?

SHAMOND LING: DIRECT BY SOLICITOR SWANSON

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1 A. She was -- she was right by -- she was right by the
2 doorway.

3 Q. All right. Next to Lydia?

4 A. Yes, ma'am.

5 Q. All right. And was the screen door the only thing
6 that was closed? Was there --

7 A. Yes, ma'am. From my knowledge, yes, ma'am.

8 Q. Now, when you talked to police that night, obviously
9 you were upset, right?

10 A. Yes, ma'am.

11 Q. Were you extremely upset?

12 MS. CAMPBELL: Objection. Leading.

13 SOLICITOR SWANSON: I'm sorry.

14 Q. How upset were you that night?

15 A. I was pretty upset. Just seeing my sister die right
16 there, yes, I was pretty upset.

17 Q. And were you aware she was pregnant?

18 A. Yes, ma'am.

19 Q. All right. And were you -- did you know who the
20 father was?

21 A. As I kept asking her -- keep asking her, I asked her,
22 yes, she did say his name.

23 Q. Okay. And were you aware that Lydia and Johnnie were
24 in a relationship?

25 A. No, ma'am. I never even -- I didn't even know the guy

1 before that.

2 Q. But you knew him by name ---

3 A. Yes, ma'am.

4 Q. --- and you recognized him?

5 A. Yes, ma'am.

6 Q. You just didn't know him as a friend?

7 A. I didn't. Yes, ma'am.

8 Q. Okay. So you never gave her any advice about Johnnie?

9 A. No, ma'am. I couldn't give her nothing if I don't --
10 if I didn't know the guy.

11 Q. Okay. You didn't grow up with him or anything like
12 that?

13 A. No, ma'am.

14 Q. Is he -- is he from Estill?

15 A. Not to my knowledge.

16 Q. All right. That night, when law enforcement talked to
17 you -- no, let me go back. Did you call 911?

18 A. Yes, ma'am.

19 Q. Okay. And did you call 911 right after your sister
20 got shot?

21 A. Yes, ma'am.

22 Q. All right. How long did it take police to get there?

23 A. Three minutes, I guess. Like, a few minutes.

24 Q. A few minutes?

25 A. Yes, ma'am.

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1 Q. Okay. There wasn't any big delay, right?

2 A. No, ma'am, not to my knowledge.

3 Q. You talked to several different law enforcement
4 officers that night, right?

5 A. Yes, ma'am.

6 Q. Okay. And they asked you what happened?

7 A. Yes, ma'am.

8 Q. Did they ever ask you if you fired back?

9 A. Yes, ma'am.

10 Q. They did?

11 A. At that -- at the second time, they asked me did I --
12 did I -- did I return fire, and then I told them I returned
13 fire, and gave them the shell casings.

14 Q. Right. A week later, right?

15 A. Yes, ma'am.

16 Q. So at first, when you first talked to law enforcement
17 officers that night, did you ever tell them that you had
18 returned fire?

19 A. I don't think so. No, ma'am.

20 Q. Okay. Do you remember if they ever asked you?

21 A. No, ma'am.

22 Q. Okay. But when Lieutenant Williams did ask you if you
23 returned fire?

24 A. Yes, ma'am. I told him I did.

25 Q. Okay. And you brought him -- what kind of shell

1 casings were they?

2 A. .9-millimeters.

3 Q. All right. And for identification purposes I'm going
4 to hand you what has been marked as State's 42, and ask if
5 these appear to be the shell casings that you provided to
6 Lieutenant Williams. And you can put them in your hand if
7 you need to.

8 A. Yes, ma'am.

9 Q. Thank you. That night, Shamond, do you recall trying
10 to get in your car?

11 A. Yes, ma'am.

12 Q. And what were you trying to do?

13 A. I was just getting in my car, trying to -- trying to
14 leave. I just had a lot of things going through my head
15 and everything at that point in time.

16 Q. Okay. Do you have a brother that lives in Charleston?

17 A. Yes, ma'am.

18 Q. Could you get in touch with him?

19 A. No, ma'am. You mean, like, right now?

20 Q. No, no, no. That night.

21 A. Oh, that night? Oh, no.

22 Q. Were you trying to get in touch with him?

23 A. At first - at first, later on, once the police got
24 done and everything I was trying to call him and let him
25 know what had been going on and everything.

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1 Q. Right. And were you able to get in touch with him?

2 A. No, ma'am.

3 Q. Do you recall if you told someone that you were trying
4 to go to Charleston to reach him?

5 A. I said I was trying to get him on the phone. That's
6 the only way I could a tried to get him at that point in
7 time.

8 Q. When officers told you not to get in your car, and
9 remain there, did you?

10 A. Yes, ma'am. Once they got in the car and told me to
11 get out and everything, I just turned off the car and did
12 so.

13 Q. Okay. And did you go back to the Estill Police
14 Station that night with them?

15 A. Yes, ma'am.

16 Q. And did you call the Estill Police the next day?

17 A. Yes, ma'am.

18 Q. Okay. And why did you call them the next day?

19 A. Because when my car was struck there, if you look by
20 the wheel well, you can see the round -- the fire -- the
21 round on the ground and everything. So I called up the
22 police and tell -- let them know that I find another bullet
23 and everything like that.

24 Q. Okay. Did you touch that bullet?

25 A. No, ma'am.

1 Q. All right. And so, you just waited for an officer to
2 get out there ---

3 A. Yes, ma'am.

4 Q. --- and collect it?

5 A. Yes, ma'am.

6 Q. Okay. And tell us where it was found again?

7 A. By the -- by my wheel well, on the passenger side of
8 my car.

9 Q. Passenger side of the Chevy Impala?

10 A. Yes, ma'am.

11 Q. Going back to when Johnnie was driving off, and then
12 when he came back, do you recall any words that he was
13 saying?

14 A. When he came back it just sound like, yeah, it's me,
15 Johnnie; yeah, it's me, Johnnie. I really didn't know why
16 he was saying it. And then, next thing I knew, he just --
17 just started shooting.

18 Q. Do you recall how many shots?

19 A. No, ma'am. It was a lot.

20 Q. Do you know what type of weapon it was?

21 A. It sounded -- sounded like a assault rifle.

22 Q. Do you own an assault rifle?

23 A. No, ma'am.

24 Q. Have you shot one before?

25 A. Long time. Yes, ma'am.

SHAMOND LING: DIRECT BY SOLICITOR SWANSON
CROSS BY MS. CAMPBELL

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1 Q. Where?

2 A. To a gun -- to a gun range in Fort Myers, Florida.

3 SOLICITOR SWANSON: Shamond, I have nothing further at
4 this time. Please answer any questions that Ms. Campbell
5 may have for you.

6 MS. CAMPBELL: Thank you.

7 CROSS-EXAMINATION

8 SHAMOND LING BY MS. CAMPBELL:

9 Q. Good afternoon. Mr. Ling, ---

10 A. Yes, ma'am.

11 Q. --- the three shell casings that you gave to
12 Lieutenant Williams, where did you get those from?

13 A. What do you mean, where I bought them, or ---

14 Q. No. Where did --

15 A. --- where I collected them from?

16 Q. I mean, where did you get them from to turn them over
17 to Lieutenant Williams? Where had they been for a week?

18 A. On the -- on the ground.

19 Q. On the ground?

20 A. Yes, ma'am.

21 Q. Okay. So on the ground, where?

22 A. In the front -- the front of -- the front of the
23 vehicle where I tried to return fire from.

24 Q. Okay. The front of which vehicle?

25 A. The Mercedes.

1 Q. Okay. So at the grill section of the Mercedes, for a
2 week, you had three shell casings laying on the ground
3 there at the crime scene. Is that what your testimony is?

4 A. Yes, ma'am. One was -- one was on one side, and the
5 other two -- other two shell casings was on the other side,
6 right by that -- right by the tree where I tried to return
7 fire from.

8 Q. Exactly. What you've testified to is that you shot
9 once, that the person shot at you from the road, and that
10 you shot again; is that right?

11 A. No.

12 Q. Okay.

13 A. By the whole -- the whole time he was shooting, I shot
14 from one side. And when he realized where I'd been he
15 tried to shot at me, then I tried to move to the other
16 side. That's how the two -- through the rearview mirror,
17 that's why them two fly right across my head, where I could
18 actually feel the heat from the bullets.

19 Q. Okay. So -- but what it sounds to me like is that
20 you're saying you shot from two different locations.

21 A. It was the same place, ma'am. One was to this side of
22 the truck, and the other -- other one goes to the other
23 side of the truck.

24 Q. Right. That's my point. So you're testifying that
25 the first shot that you took was on the driver's side of

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1 the Mercedes Benz, correct?

2 A. Yes, ma'am.

3 Q. And then you moved, and you shot from the passenger
4 side of the Mercedes Benz, right?

5 A. Yes, ma'am.

6 Q. Okay. Thank you. You told Lieutenant Williams, when
7 he interviewed you a week later, that you had been wearing
8 a shoulder holster with your .9-millimeter gun lodged in
9 the shoulder holster, right?

10 A. Yes, ma'am.

11 Q. Okay. Which shoulder do you wear that on?

12 A. My gun -- my weapon is under my right -- is under my
13 left-hand shoulder.

14 Q. Okay. Good. After you fired that night toward the
15 blue Honda Accord, where did you put the shoulder holster?

16 A. It was back -- it was in my room.

17 Q. Okay. So after you fired at the blue Honda Accord,
18 you stepped over your dau -- excuse me -- your sister, who
19 was dead in the doorway, you walked into your room, you
20 took off the shoulder holster. Where did you put it in
21 your room?

22 A. It was laying right there on my bed.

23 Q. You just laid it on the bed?

24 A. Yes, ma'am.

25 Q. Okay. So in watching the videos from that night, I

1 should be able to see that shoulder holster laying out on
2 the bed. Is that your testimony?

3 A. Yes, ma'am. My shoulder holster was right in the
4 room.

5 Q. So, if you left the shoulder holster on the bed,
6 where'd you put the gun?

7 A. My gun -- my gun was back with -- back by my closet.

8 Q. Okay.

9 A. Where I -- where I always keep it every time -- every
10 time I come in.

11 Q. When you say back by your closet, where -- where
12 exactly by the closet did you put that gun?

13 A. The closet's right here. Right here -- right here by
14 the closet and the table, where I keep -- where I keep my
15 weapon at. My weapon always sit there.

16 Q. Okay. So, again, you -- after the shooting, ---

17 A. Yes, ma'am.

18 Q. --- after you're shooting at the blue Honda, you come
19 in the house you step over Alydia, you take off the
20 shoulder holster, you put your gun up. Is that when you
21 call 911 for your sister?

22 A. No, ma'am. 911 was already called.

23 Q. Okay. So your testimony is is that you called --

24 A. When I -- when I walked back up and seeing my sister
25 laying down in a pool -- in a puddle of blood ---

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1 Q. Uh-huh.

2 A. --- that's when I grabbed my phone and dialed 911.

3 Q. Okay. So after you called 911 is when you put the gun
4 and the holster away?

5 A. And I could have actually looked at my sister and
6 realized it, and I walked in my room and took it off.

7 Q. Now, Wayne Ritter was in the house that night, right?

8 A. Yes, ma'am.

9 Q. And when you came in the house to put away the holster
10 and put away the gun, did Wayne Ritter see you carrying a
11 gun?

12 A. I don't know whether he seen me or not, ma'am.

13 Q. Okay.

14 A. I was -- I was in shock to seeing my sister.

15 Q. Understandably. When you came in the house to put
16 away the holster and put away the gun, your mother was with
17 Alydia, was she not, in the doorway?

18 A. Yes, ma'am.

19 Q. Did your mother see you holding a gun?

20 A. I can't an -- I can't answer that. I don't know what
21 she seen at that point in time.

22 Q. Do you recall telling officers on August 31st, about
23 ten minutes after they arrived on the scene, that --
24 something to the effect, this is s-h-i-t. If I'd a known
25 that, I'd a shot back at him. Do you remember just saying

1 that to the officers?

2 A. I don't -- I don't recall -- I don't recall saying
3 that.

4 Q. So you don't recall telling the officers that night
5 that you were not firing a weapon? I'd a -- I'd a shot
6 back at him.

7 A. I don't recall -- I don't recall saying that, ma'am.

8 MS. CAMPBELL: Your Honor, may I approach with the
9 video?

10 THE COURT: You may.

11 MS. CAMPBELL: Thank you. And again, I will have him
12 place the headphones on.

13 If you don't mind putting these on.

14 (WITNESS WATCHES/LISTENS TO AUDIO.)

15 A. I don't hear anything.

16 Q. That's my fault. I'm not tech - -

17 (WITNESS WATCHES/LISTENS TO AUDIO.)

18 Q. Did you hear that?

19 A. Yes, ma'am.

20 Q. Okay. Did you hear yourself saying, if I'd a known
21 that, I'd a shot back at him?

22 A. Yes, ma'am. I said I didn't recall saying it. It was
23 so much going on that night.

24 Q. But after being shown the video, you admit that you
25 did say that that night, correct?

SHAMOND LING: CROSS BY MS. CAMPBELL

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1 A. Yes, ma'am.

2 Q. Okay.

3 A. But I don't remember.

4 Q. And that's fine. But you've watched it, and you now
5 confirm that you said it, correct?

6 A. Yes, ma'am.

7 Q. Do you remember -- well, let me just ask you this.

8 You -- you've consistently said, whether it was that
9 night or when Lieutenant Williams interviewed you a week
10 later, that your mother, Deborah Ling, came to the door
11 after the blue Honda Accord left the first time and said,
12 who was that?

13 A. Uh-huh.

14 Q. Do you remember telling them that?

15 A. Yes, ma'am.

16 Q. And your response to her at that time was, that was
17 Johnnie. Do you remember reporting that?

18 A. Yes, ma'am.

19 Q. Okay. So your mother was not witness to anything that
20 occurred when the blue Honda Accord first pulled up,
21 correct?

22 A. Yes, ma'am.

23 Q. Because she was all the way in the house?

24 A. Yes, ma'am.

25 Q. So was Wayne Ritter, correct?

1 A. Yes, ma'am.

2 Q. So the only people in the front yard when the blue
3 Honda Accord pulled up were you, Alydia , and according to
4 you, Johnnie McKnight, correct?

5 A. Yes, ma'am.

6 Q. Okay. Now, you've said, and you've told this jury,
7 that the blue Honda Accord, and you said that Johnnie
8 McKnight is the driver, although you had never seen him
9 before, didn't even know the guy before that time, you --

10 A. I didn't say I didn't know him before that time.

11 Q. Okay. You did -- you said -- I thought you testified,
12 I didn't even know the guy ---

13 A. He --

14 Q. --- before that.

15 A. How I realized it was him because we had banned him
16 out of the club I was working too.

17 Q. I'm getting to that.

18 A. Okay.

19 Q. I'm getting to the club.

20 A. I'm just saying.

21 Q. I'm getting to the club, we'll get there. So you said
22 I didn't even know the guy before that. I think that's
23 what you said.

24 A. No. At that point in time, that's how I realized who
25 he was.

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1 Q. Okay. And so, you -- you've told the jury that you
2 were sitting on the porch when Alydia went in the house,
3 right?

4 A. I was on the porch. Yes, ma'am.

5 Q. You were on the porch -- excuse me -- smoking a
6 cigarette?

7 A. Yes, ma'am.

8 Q. And that you, from that point of view, you just
9 testified you were able to see Johnnie McKnight and the
10 blue Honda Accord turn around at the stop sign.

11 A. Yes, ma'am. Because you can see --

12 Q. That's your testimony?

13 A. Yes. Because you can see the lights from the rear.
14 From the end of the car you can see when it turned around
15 and you could see the headlights coming back towards you.

16 Q. Okay. And when -- and as you're witnessing that,
17 that's when you jump off the porch, right?

18 A. When I seen the car came back and start slowing down
19 in front of the house, I just stepped off the porch because
20 honestly it didn't feel right.

21 Q. It didn't feel right. And this club incident that you
22 referenced, there was an incident at a club, and do you
23 recall pulling a gun on Johnnie McKnight that night?

24 A. No, ma'am.

25 Q. In that incident?

1 A. No, ma'am.

2 Q. Okay. Were you aware of the fifty thousand dollar
3 settlement that Johnnie McKnight had received from a car
4 accident ---

5 A. No, ma'am.

6 Q. --- around the time he started seeing your sister?

7 A. No, ma'am.

8 Q. Okay. Were you aware of the hundreds and hundreds and
9 hundreds of dollars that Johnnie was giving to your mother
10 and to Alydia?

11 A. No, ma'am.

12 Q. Okay. You had no knowledge of that at all?

13 A. No, ma'am.

14 Q. You lived in this home, correct?

15 A. Yes, ma'am.

16 Q. You didn't know that your sixteen-year-old sister was
17 carrying around hundred-dollar bills, did you?

18 A. No, because I was on -- because I was on the road
19 sometimes, working, most of the time.

20 Q. Okay.

21 A. I didn't really know what the -- what was going on,
22 until I come home on Friday, slept, go to work, and back
23 out. Then back out early Monday morning, back on the road
24 again. I wasn't aware of the -- of everyone's finances.

25 Q. Do you have a -- well, first off, it said it's the

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1 Chevy Impala sitting in the yard, that was your car,
2 correct?

3 A. Yes, ma'am.

4 Q. Okay.

5 MS. CAMPBELL: If I may approach?

6 THE COURT: You may.

7 MS. CAMPBELL: I don't need --

8 Q. The solicitor's asked you about trying to get in your
9 car and leave, right?

10 A. Huh?

11 Q. The solicitor has asked you about trying to get in
12 your car and leave, right?

13 A. Yes.

14 Q. Okay. And this would be a screen shot of you in your
15 car, correct?

16 A. Yes, ma'am. Actually you can't see my face, but that
17 looks like me.

18 Q. And that looks like your car, correct?

19 A. Yes, ma'am.

20 Q. Okay. And there's water drops all over the side of
21 your car, are there not?

22 A. That what it look like to me. Yes, ma'am.

23 Q. Thank you. Just one more thing. I'm just curious,
24 Mr. Ling, when you met with the officers that night, you
25 just had on that white tee-shirt, right?

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REDIRECT BY SOLICITOR SWANSON

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1 A. Yes, ma'am. Wifebeater.

2 Q. Where's the shirt you had on before that?

3 A. I didn't have on a shirt before that.

4 Q. So no shirt at all?

5 A. Yes, ma'am.

6 Q. The white tee-shirt, the shoulder holster, and the
7 gun, that's it?

8 A. Yes, ma'am.

9 Q. Thank you.

10 MS. CAMPBELL: That's all.

11 THE COURT: Ms. Swanson?

12 SOLICITOR SWANSON: Just briefly.

13 REDIRECT EXAMINATION

14 SHAMOND LING BY SOLICITOR SWANSON:

15 Q. Shamond, you said that you knew that Johnnie was --
16 from when you were working security at the VFW, right?

17 A. Yes, ma'am.

18 Q. Okay. And so, that's how you recognized him, that's
19 how you knew his name?

20 A. Yes, ma'am.

21 Q. All right. And at that time, nor at the time of the
22 shooting, did you know that he was the father of Alydia's
23 baby?

24 A. I heard Lydia call it. I ask Lydia about it, keep
25 asking her and asking her. She mentioned --she mentioned

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DEBORAH LING: DIRECT BY SOLICITOR SWANSON

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1 his name.

2 Q. Okay. Did you know beforehand that she was having
3 a relationship with him?

4 A. No, ma'am.

5 Q. Okay.

6 SOLICITOR SWANSON: Thank you.

7 THE COURT: Anything further, Ms. Campbell?

8 MS. CAMPBELL: No, ma'am.

9 THE COURT: Any objection to this witness being
10 excused?

11 SOLICITOR SWANSON: No.

12 MS. CAMPBELL: No, your Honor.

13 THE COURT: All right, sir, you may step down. Thank
14 you.

15 (WITNESS LEAVES WITNESS STAND.)

16 THE COURT: Okay.

17 SOLICITOR SWANSON: State calls Deborah Ling.

18 MADAM CLERK: Place your left on the Bible and raise
19 your right hand.

20 (WHEREUPON, DEBORAH LING,
21 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

22 DIRECT EXAMINATION

23 DEBORAH LING BY SOLICITOR SWANSON:

24 Q. Hey, Ms. Ling. Where do you live?

25 A. In Estill.

1 Q. All right. And back in August of 2017 where were you
2 living?

3 A. In Estill.

4 Q. In the same house?

5 A. Yes, ma'am.

6 Q. And where is that house located?

7 A. 861 5th Street.

8 Q. All right. And who lives next door to you on the
9 right?

10 A. Its my nephew, and then she's my first cousin.

11 Q. Okay. So you've got family members to the right of
12 the house?

13 A. Yes, ma'am.

14 Q. Does Cory Ling live in the house to the right?

15 A. Yes, ma'am. Yes, ma'am.

16 Q. All right. And is Cory Ling one of the 911 phone
17 calls that we heard?

18 A. Yes, ma'am. When it happened I ran over there. After
19 I laid her down in the floor and then I ran over there and
20 tell him to call 911.

21 Q. Okay. Now, this may be obvious, but who was Alydia
22 to you?

23 A. That's my baby. Was everything.

24 Q. All right. And so, you were Alyida's mother?

25 A. Yes, ma'am.

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1 Q. And in the Summer of 2017, how old was she?

2 A. When the accident happened?

3 Q. Yes, ma'am.

4 A. Well, she's sixteen.

5 Q. Sixteen? And what grade was she in high school?

6 A. Ninth.

7 Q. Was she in ninth or tenth?

8 A. Ninth.

9 Q. Where was she going to high school?

10 A. Estill.

11 Q. And was she living at the 5th Street house?

12 A. Yes, ma'am.

13 Q. All right. What do you do for a living?

14 A. I'm a CNA, nursing assistant.

15 Q. Who else lived at the house with you and Alydia?

16 A. Practically just me and her. And Shamond was -- was
17 out on the road sometimes, so practically -- just most of
18 the time it was just me and her.

19 Q. Okay. So Shamond had a room there?

20 A. Yes, yes.

21 Q. And would come when he wasn't working?

22 A. Yes, yes.

23 Q. Okay. Was he living anywhere else, or just out on the
24 road?

25 A. He was out on the road.

1 Q. Did you know about a relationship between Johnnie
2 McKnight and Alydia?

3 A. I heard of it.

4 Q. Okay.

5 A. But for sure, I didn't know.

6 Q. All right. When did you first suspect that they had
7 a relationship?

8 A. I heard -- overheard her on the phone was telling one
9 of her friends.

10 Q. Okay. Do you remember what kind of time frame we're
11 looking at?

12 A. No, ma'am. No I don't know.

13 Q. All right. Months or a year before the incident?

14 A. Huh?

15 Q. Do you recall if it was months or a year before the
16 incident?

17 A. Oh, yeah, yeah. Yeah, just a couple of months.

18 Q. Did she ever talk to you about her relationship with
19 Johnnie?

20 A. No, ma'am. No, ma'am.

21 Q. Did you ever give her any advice about her
22 relationship with Johnnie?

23 A. At first I didn't until one of the officer had called
24 and said he had needed to talk to me one morning. I was
25 just getting back in my house, and he called -- said he had

DEBORAH LING: DIRECT BY SOLICITOR SWANSON

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1 needed to talk to me, and then about five minutes after
2 that then he called me and told me to bring her with me.
3 So when we got up there, he said that they had needed to
4 talk to her, they needed my permission. So when I went out
5 -- when they was talking to her, I went outside and sat in
6 my car. And then, when she got finished, she said Mama,
7 she said they was asking me ---

8 Q. Well, without saying what she said --

9 A. Oh.

10 Q. --- did you give her any advice? Did you say anything
11 to her?

12 A. No. And then, that's when I find out that she was
13 talking to him.

14 Q. Okay. And what did you say to her about the
15 relationship?

16 A. Then I find out his age I beg her to leave him alone.
17 And I talked to him one time after that, and I beg him when
18 I find out what his age was, and he promised me that he was
19 gonna stop.

20 Q. When was that?

21 A. That was right after the -- I had find out that he was
22 talking to her.

23 Q. Okay. So you had actually talked to Johnnie before,
24 and begged him to stop seeing your daughter?

25 A. Yes. When I find out what his age was.

1 Q. Okay. Was that before or after she was pregnant?

2 A. That been before. I didn't even know she was
3 pregnant. She didn't tell me.

4 Q. Obviously, you knew --

5 A. Yeah, I know she was pregnant, but she had never ---

6 Q. Right.

7 A. --- never mentioned nothing to me.

8 Q. Okay. Tell us what you remember about the night of
9 August 31, 2017. And these are just things that you
10 personally saw or heard. Okay?

11 A. I was in the house, was at the door, and I heard when
12 he pulled back up and he went the saying that this is me,
13 this me and went to cussing. So then Shamond said Mama,
14 you go on -- go on back in the house. So -- and I went
15 back in there, and then me and her was standing up beside
16 the wall, and then -- I didn't even know -- I didn't even
17 know a bullet came -- came up there that where we was
18 standing at. And then, when -- then when Morris was coming
19 in, after he done stop shooting -- Morris was outside, he
20 come in, he said, oh, Lord, Lydia. Oh Lord, Debbie. He
21 said, Lydia got shot. And then, that's when I -- I laid
22 her down on the floor.

23 Q. Okay. Let's go back. And you said when he pulled up.
24 Did you see a car pull up that night?

25 A. Yes.

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1 Q. Okay. And what kind of car did you see?

2 A. It was a blue Honda. I didn't see him in it, but I
3 know it was him because it was the one car that he had just
4 passed in.

5 Q. It was the same car he had just passed in?

6 A. Yes. Yeah, just passed and went down the road and
7 came back.

8 Q. Okay. Oh, okay. So you see him when he's coming back
9 down the road by the house?

10 A. Yes.

11 Q. Okay. Did you see him coming down the first time?

12 A. Yeah, I saw when pulled off; because when she went --
13 you know, she said he wanted to talk to her, and I told her
14 no, come on in the house. And that's when Shannon said no,
15 Mama, you and Lyida -- because he turned around, he said
16 no, you and Lydia go on in the house.

17 Q. Okay. And when is it that you heard Johnnie cussing?

18 A. Huh? Oh, when he pulled back up.

19 Q. When he pulled back up?

20 A. Back up, yes.

21 Q. And what did he say at that point?

22 A. Then he just went, he said yeah, this me, this me, and
23 then he went to cussing.

24 Q. Okay.

25 A. Then I walked off. I walked off from the door, and

1 then the next thing that's when I heard -- heard all the
2 shooting -- heard the shooting.

3 Q. Okay. So you hear him say that, you walk off ---

4 A. From the door.

5 Q. --- from the door?

6 A. Yeah, we -- I didn't -- I didn't -- did not know he
7 was going - he was going to shoot in my house.

8 Q. Right. And then the bullets --

9 A. Yeah. Because he was already done shoot down to the
10 bottom, under -- under the window.

11 Q. And where was Lydia?

12 A. Me and her was standing right there by the -- by the
13 -- not far from the door.

14 Q. Was she in front of you?

15 A. Yes. She was right here, and I was right here.

16 (WITNESS INDICATED.)

17 Q. And you stated that you didn't realize that she got
18 hit at first?

19 A. No, I did not.

20 Q. Okay. And did she fall to the ground?

21 A. No, I laid her down.

22 Q. Did she slump over at first?

23 A. No, it -- I told her, after he done stopped, after the
24 guns had stopped shooting, I say, Oh, God, Lydia, because I
25 remember my son was outside, in the front of -- in the

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1 front of my truck. I said oh, Olivia, let's go and check
2 on Shannon. And then, that's when Morris came out of the
3 back, and then that's when he told me Lydia had got shot.

4 Q. Did you see your son in front of your Mercedes SUV?

5 A. Well, I saw that he got down in the front of it.

6 Q. Okay. You did see him ---

7 A. Yeah.

8 Q. --- crouch down in front of it?

9 A. Yeah. When I seen -- when I saw him he was walking
10 off the porch; because he went off the side of the -- the
11 porch.

12 Q. Okay. Did you see him with his gun that night?

13 A. Ma'am?

14 Q. Did you see him with his gun that night?

15 A. No, ma'am.

16 Q. You didn't see him with a shoulder harness on?

17 A. No, ma'am.

18 Q. Where all did you find bullet holes after the
19 shooting?

20 A. It was all under -- all under the window, inside the
21 house, right over by the picture where me and Lydia was
22 standing, on down by -- down the hallway, all the way to
23 the back door. They said over in the shed, and in my car
24 and Shamond car.

25 Q. Okay. So exterior of the house, interior of the

1 house, the shed out back, and the two cars?

2 A. Yeah. And the screen door.

3 Q. And the screen door. Were those holes there before
4 the shooting?

5 A. No, ma'am. No, ma'am.

6 Q. Have you had any holes put in your house since the
7 shooting?

8 A. No, ma'am.

9 Q. Did you -- did you know Shamond to carry a .9-
10 millimeter?

11 A. I know he carry, but I don't know -- no, I don't know
12 what it is.

13 Q. Okay. But you know he has a gun?

14 A. Yeah. Yes, ma'am.

15 Q. Big gun, small gun?

16 A. Well, I know that the one he had, he carried to work.

17 Q. Is it long or short?

18 A. No, it's the little short one.

19 Q. Okay.

20 A. The one he has at work.

21 Q. Now, you talked about Morris. Are you talking about
22 Wayne Ritter?

23 A. Yes, ma'am. Yes, ma'am.

24 Q. And who is Wayne Ritter.

25 A. He's my friend.

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1 Q. All right. Was he at the house that night?

2 A. Well, he was out -- yeah, he had just came to -- to
3 check on his car, and then he came by. He said while he
4 was in Estill he was checking on us.

5 Q. Okay. And where was he when the shooting took place?

6 A. He was on the back porch.

7 Q. All right.

8 A. I have a screened-in back porch.

9 Q. Let me ask you this, Ms. Ling. And it may be hard to
10 recall, so if you don't know, that's fine. Let's just give
11 our best guess. Between the time that Johnnie first pulls
12 up and speaks to Lydia, telling her to get in the car, to
13 the time he comes back and begins shooting, how long are we
14 talking about?

15 A. Less than -- less than -- I know it was less than five
16 minutes.

17 Q. All right. So we're talking about a matter of
18 minutes?

19 A. Yes.

20 Q. It all happened pretty fast, right?

21 A. Yes.

22 SOLICITOR SWANSON: I have nothing further at this
23 time.

24 THE COURT: All right. Ms. Campbell

25 MS. CAMPBELL: Thank you, your Honor.

1 CROSS-EXAMINATION

2 DEBORAH LING BY MS. CAMPBELL:

3 Q. Ms. Ling.

4 A. Yes.

5 Q. When you and Alydia were standing at the door --

6 A. We had just walked -- I had just walked off from the
7 door.

8 Q. When Shamond says something like Alydia, you go in the
9 house, right?

10 A. Yes.

11 Q. And you and Alydia were in -- inside the house?

12 A. Yes.

13 Q. Together?

14 A. Yes.

15 Q. And that's -- that's when she was shot. Is that ---

16 A. Yes.

17 Q. --- is that correct?

18 A. Yes.

19 Q. Okay. And so, had -- were you all walk -- were you --
20 were you talking to Alydia?

21 A. No, ma'am. No, ma'am.

22 Q. Okay. Was she following behind you?

23 A. No, she was -- I was at -- she was in front of me. I
24 was -- I was on the -- we was on the side by -- on side by
25 side.

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1 Q. Okay. I'm just having a hard time understanding. So
2 when you're coming in the house, who went in -- who -- who
3 was in front?

4 A. She was in the front. She was in the front of me.

5 Q. Okay. So you were the one closest to the screen door.

6 Is that what --

7 A. Neither one of us -- both of us was off from the
8 screen door.

9 Q. All right. So in your living room ---

10 A. Yes.

11 Q. --- or your room you first come into, inside that
12 home ---

13 A. Yes.

14 Q. --- if I'm stepping through the doorway ---

15 A. Yes.

16 Q. --- and now I'm stepping into that room ---

17 A. Yes.

18 Q. --- Shamond's room is right there on my left.

19 A. Yeah.

20 Q. So if I'm you ---

21 A. Uh-huh.

22 Q. -- coming on in the house ---

23 A. Uh-huh

24 Q. --- where is Alydia?

25 A. She's in the front.

1 Q. She's in front of you. Okay. And she's walking
2 towards the back of the house?

3 A. No, we got in -- we didn't make it no further than the
4 front.

5 Q. Okay. So you stopped?

6 A. Yes, because I didn't -- I didn't have no idea that he
7 was going to shoot in my house.

8 Q. I understand. And so, you're facing the back of the
9 house. I'm trying to understand.

10 A. No, ma'am.

11 Q. Is Alydia --

12 A. No, ma'am. He was -- it's a -- I have a picture on
13 the wall. When I bought the house there was a picture
14 there, and I never moved it. And when we came in the
15 house, probably -- the picture is up on the wall, and we
16 was standing right there.

17 Q. I understand that. So, are -- so is Alydia got her
18 back to you, or her front to you?

19 A. Neither one. We were side -- we were side-by-side.

20 Q. Okay. So if this is --

21 A. So her side was -- her side was to me.

22 Q. All right. Well, so, if this is the front door, and I
23 step in the front door, I know that picture you're talking
24 about's ---

25 A. Yes, yes.

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1 Q. --- right there on the left.

2 A. Yes.

3 Q. So are you facing the picture?

4 A. Yes, both of us.

5 Q. And Alydia's facing the picture?

6 A. Yes.

7 Q. Okay. So you both have your backs -- well, you have
8 your left side facing the front of the house; is that
9 right?

10 A. No. No, ma'am.

11 Q. No?

12 A. No, ma'am.

13 Q. So what side is facing the front of the house?

14 A. Okay. Could I stand up?

15 THE COURT: Yes.

16 BY MS. CAMPBELL:

17 Q. Yes. Please help me. I'm just trying to understand
18 where you were.

19 (WITNESS STANDS IN WITNESS BOX.)

20 A. I walk in my house, probably about right here is the
21 picture.

22 Q. Uh-huh.

23 A. And I took her ---

24 Q. Uh-huh

25 A. --- and we kind of got ---

1 Q. Uh-huh.

2 A. --- she -- her face was -- her face was right here.

3 Q. Uh-huh

4 A. And my face was right here. I was holding -- we was
5 holding -- we was holding one another.

6 Q. Okay. Good. So the picture is right here?

7 A. Yes.

8 Q. Okay. And she came --

9 A. And she was back there by the kitchen --

10 Q. And she's right --

11 A. --- and I'm right here.

12 Q. Good. Okay. And so, this side of her body was ---

13 A. Yes.

14 Q. --- closest to you?

15 A. To -- no, it was close -- the left -- her side that
16 she got shot on, I can't remember, and it was by the -- it
17 was to the picture.

18 Q. Uh-huh.

19 A. And she was right there by the picture, and I was
20 right there by her.

21 Q. Okay. So you're shoulder-to-shoulder?

22 A. Yes.

23 Q. Right.

24 A. Yes.

25 Q. So this side --

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1 A. But we was not -- we wasn't - we was turning.

2 Q. Right. I understand.

3 A. Yes.

4 Q. So you're shoulder-to-shoulder, and --

5 A. Well we was turned.

6 Q. Uh-huh

7 A. Just turned like this.

8 Q. Okay.

9 A. And she was like this. She was right there, and I was
10 right here by her. We was holding --

11 Q. And the pic --

12 A. Yes.

13 Q. And the picture is right here?

14 A. Yes.

15 Q. I got it. Okay.

16 A. Yes.

17 Q. Okay. Perfect. Thank you.

18 (WITNESS RETAKES WITNESS BOX SEAT.)

19 Q. So -- so that's where she was shot, when she was
20 standing there at that picture?

21 A. I assumed it was. I don't know.

22 Q. Okay. And then, you did -- did you testify you didn't
23 realize she was shot at that point?

24 A. No, I did not. I did not. Because I didn't even -- I
25 didn't even know a bullet came in my house.

1 Q. And then, you walked outside?

2 A. When I realized that she did get shot, I laid her down
3 on the floor.

4 Q. Right.

5 A. And that's when I ran over -- well, ran over to my
6 family house and asked Cory -- Cory came running to the
7 door. He said, you know, we heard the shooting, but we
8 didn't know it was that close. And he was the one that
9 opened the door and I told him, I said, Cory, I said, Lydia
10 got shot. And that's when he said I'll call 911.

11 Q. And, so who said they would call 911?

12 A. Cory.

13 Q. Okay.

14 A. I asked him to call 911 for me.

15 Q. Did you see Shamond call 911?

16 A. No, ma'am. I didn't even know he called until after.

17 Q. Were you aware that in Alydia's possessions that night
18 were -- was at least one, one-hundred-dollar bill?

19 A. No, ma'am.

20 Q. Were you aware of that?

21 A. No, ma'am.

22 Q. Had you ever seen Alydia with hundreds of dollars of
23 bills?

24 A. If it is I didn't know nothing, no hundreds of
25 dollars, because she do get her -- she was getting her

DEBORAH LING: CROSS BY MS. CAMPBELL

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1 Social Security check from her daddy, and I did give her
2 money when she gets her check.

3 Q. Okay. So if she had any money it came because she got
4 -- it's dependent benefits that you were receiving on her
5 behalf; is that right?

6 A. Yes, yes, yes.

7 Q. Okay. And is that because he passed away, or because
8 he's disabled?

9 A. Yes. He deceased.

10 Q. Okay. I understand. And -- and so, when Alydia found
11 out that she was pregnant, did she come and tell you?

12 A. No, ma'am. No, ma'am.

13 Q. Okay. How did you find out your daughter was
14 pregnant?

15 A. Because, you know, I -- well, I done had three
16 children, so I know the moods that -- some of the moods
17 that you have and I keep noticing her. She always, you
18 know, in the morning time she always -- I takes her by Boy
19 Box to get something, and she started craving things like
20 that, and then that's when I picked up on it.

21 Q. At some point, because she was nearly ready to have
22 the baby in August, she was just a couple weeks from
23 delivering, right?

24 A. Probably the -- probably the next week.

25 Q. At some point did you ever go to a doctor's

1 appointment with her?

2 A. Yes. I went with her every one she went to.

3 Q. Okay. So there came a time when you and Alydia both
4 -- you were on the same page about this pregnancy. You
5 knew she was pregnant, you were going to doctor's
6 appointments with her, right?

7 A. Didn't have no other choice, that was my child.

8 Q. I understand. But I'm -- all I'm just saying is, is
9 that mother and daughter came together over this pregnancy.
10 You went to doctor's appointments with her, right?

11 A. Yes.

12 Q. Okay. Good. And -- and necessarily, you must've
13 asked her, who is the father of this child.

14 A. She didn't give me -- never told me.

15 Q. And she -- is it that she -- she -- you asked, and she
16 wouldn't tell you?

17 A. Yes, I asked her.

18 Q. And she wouldn't tell you?

19 A. No.

20 Q. Okay. And did Alydia seem to be happy to be
21 pregnant?

22 A. I can't -- I don't know. I can't say, I don't know.

23 Q. You don't know if your daughter was happy or not that
24 she was going to have a baby?

25 A. No, I don't. She never -- never said nothing to me

DEBORAH LING: CROSS BY MS. CAMPBELL
REDIRECT BY SOLICITOR SWANSON

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1 about it, so I don't know whether she was happy or not.

2 Q. Okay.

3 MS. CAMPBELL: Thank you, that's all. Thank you, Ms.
4 Ling.

5 THE COURT: Anything further, Ms. Swanson?

6 SOLICITOR SWANSON: Just briefly.

7 REDIRECT EXAMINATION

8 DEBORAH LING BY SOLICITOR SWANSON:

9 Q. I'm going to show you what's been marked as State's 5,
10 and ask if this is the picture that you were referring to?

11 A. Yes, ma'am. Yes, ma'am.

12 Q. Okay.

13 A. Yes, ma'am.

14 Q. And is that the way it looked that night?

15 A. Well, after the shooting, yeah, it was.

16 Q. Right.

17 A. It wasn't like that before.

18 Q. Correct. Okay.

19 SOLICITOR SWANSON: At this time the State would offer
20 5 into evidence, and move to publish.

21 MS. CAMPBELL: No objection.

22 THE COURT: Without objection. You may publish.

23 (WHEREUPON, STATE'S EXHIBIT NO. 5, IDENTIFIED AND
24 MARKED, RECEIVED INTO EVIDENCE/PUBLISHED TO THE JURY.)

25 BY SOLICITOR SWANSON:

1 Q. And I'm going to step over beside you, Ms. Ling, and
2 let's look at this picture together. And I know this is
3 small for the jury, but we see a doorway right here.

4 A. Uh-huh.

5 Q. Whose doorway is this? Whose room is that?

6 A. That might be the room Shamond was in.

7 Q. Okay.

8 A. Yeah.

9 Q. So when you enter the house, this picture is on the
10 left as you come into the house?

11 A. Yes, ma'am.

12 Q. Okay. So the front door is this way, right?

13 A. No, the front door would be back here. Because see,
14 we walk in the house, the picture is on the wall soon as
15 you walk in the house, in the front.

16 Q. To the left?

17 A. Uh-huh. Yes, ma'am.

18 Q. Right. Okay. The picture is on the left as you walk
19 into the house?

20 A. Yes, ma'am. Yes, ma'am.

21 Q. Okay. And so, you guys were standing by the front
22 door?

23 A. Yes, ma'am.

24 Q. Okay.

25 A. By the picture.

1 Q. Okay.

2 SOLICITOR SWANSON: Thank you.

3 THE COURT: Anything further?

4 SOLICITOR SWANSON: Nothing further.

5 MS. CAMPBELL: No.

6 THE COURT: All right. Any objection to Ms. Ling
7 stepping down?

8 SOLICITOR SWANSON: No.

9 THE COURT: You may step down, ma'am. Thank you.

10 (WITNESS LEAVES WITNESS STAND.)

11 THE COURT: Solicitor, is now a good time for a break,
12 or do you have a short witness, or just --

13 SOLICITOR SWANSON: I do.

14 THE COURT: Is now a good time for a lunch break?

15 SOLICITOR SWANSON: I do have one short witness, or we
16 can take lunch break. Up to the Court.

17 THE COURT: Okay. Ladies and gentlemen, lunch, yes?

18 All right. Ladies and gentlemen, over the lunch hour
19 you may not discuss this case. It wouldn't be appropriate
20 to do so. Don't do any independent research. Ladies and
21 gentlemen, just go get a bite to eat and come back. I'd
22 like to start back up at 2:00 o'clock, if that's agreeable
23 to you all, to come back in your jury room. That gives you
24 just a little over an hour to go out and grab something.

25 If you're running a couple of minutes late don't worry

1 about it. It's not -- remember, I can't start until all
2 fifteen of you are here. All right?

3 Also, as far as scheduling is concerned, Solicitor,
4 does it look like we're going to run 'til roughly what time
5 this afternoon? I know you had some witnesses that
6 couldn't be here until tomorrow, so what time are you
7 guessing?

8 SOLICITOR SWANSON: I mean, I'm guessing that we're
9 going to run until 5:00 o'clock --

10 THE COURT: Until 5:00 o'clock, roughly? Okay.

11 Ladies and gentlemen, I understand that you probably
12 want to have access to your phones over the lunch hour, so
13 I expect to run until just about 5:00 o'clock today, or
14 somewhere right around there. So if you need to make
15 arrangements with anyone or let anyone know that's what
16 time we'll be breaking here. I remind you again, do not
17 discuss the case, don't do any independent research. Go
18 grab a bite to eat, ladies and gentlemen. We'll see you
19 back at 2:00 o'clock. Okay? Thank you.

20 (JURY EXITS COURTROOM ON LUNCH RECESS AT 12:59 P.M.)

21 THE COURT: All right. We'll be at ease for an hour
22 or so. Anything we need to do?

23 SOLICITOR SWANSON: Just one thing that I wanted to
24 alert the Court to. I have one SLED witness that has to
25 come this afternoon. He's subpoenaed for Horry County

1 tomorrow its on.

2 THE COURT: Sure.

3 SOLICITOR SWANSON: What I would like to do with him,
4 just so that it makes sense, is put Alex Williams on the
5 stand, just to enter the shell casings and the projectiles
6 that he tested.

7 THE COURT: Okay.

8 SOLICITOR SWANSON: I will later re-call Lieutenant
9 Williams as the lead investigator, but just so that Chad
10 Smith, the firearms expert, is talking about things that
11 have been entered, I would propose that and want to know if
12 the Defense has any objection in handling it that way.

13 MS. CAMPBELL: You know, she's only going to be asking
14 him about the chain?

15 THE COURT: And as long as you can stipulate to the
16 chain??

17 MS. CAMPBELL: And I would just stipulate to the
18 chain.

19 SOLICITOR SWANSON: That's fine.

20 THE COURT: Okay.

21 MS. CAMPBELL: So that we could ---

22 SOLICITOR SWANSON: Correct.

23 MS. CAMPBELL: --- move forward ---

24 THE COURT: Absolutely.

25 MS. CAMPBELL: --- and then, just have him called

OFFICER DESHAWN MANER: DIRECT BY SOLICITOR SWANSON

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1 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:

2 DIRECT EXAMINATION

3 OFFICER DESHAWN MANER BY SOLICITOR SWANSON:

4 Q. Who do you work for, Officer Maner?

5 A. Estill Police Department.

6 Q. All right. And were you working on September 1st of
7 2017?

8 A. Yes, ma'am.

9 Q. And did you respond out to, I believe it's 861 5th
10 Street, in Estill, that day?

11 A. Yes, ma'am.

12 Q. Okay. What kind of call?

13 A. It was a -- I got a call from my lieutenant ---

14 Q. Uh-huh.

15 A. --- to go look at, retrieve a bullet from that
16 address.

17 Q. Okay. I'm going to show you what's been marked as
18 State's Exhibit 40.

19 I'm going to show you what's been marked as State's
20 Exhibit 40, and ask you if this is the bullet that you
21 collected from that residence on September 1st of 2017.

22 A. Yes, ma'am.

23 Q. All right.

24 SOLICITOR SWANSON: Your Honor, at this point I would
25 move State's 40 into evidence.

1 THE COURT: Any objection?

2 MS. CAMPBELL: No objection.

3 THE COURT: Without objection.

4 (WHEREUPON, STATE'S EXHIBIT NO. 40, IDENTIFIED AND
5 MARKED, RECEIVED INTO EVIDENCE.)

6 BY SOLICITOR SWANSON:

7 Q. And Officer Maner, who did -- where did you collect
8 that bullet?

9 A. It was right beside of a beige-colored Impala.

10 Q. All right.

11 A. In the front yard.

12 Q. In the front yard ---

13 A. Yes, ma'am.

14 Q. --- of the residence?

15 A. Yes, ma'am.

16 Q. Beside a beige-colored Impala?

17 A. Yes, ma'am.

18 Q. Was it on the driver's side of the Impala, or the
19 passenger side?

20 A. The passenger side.

21 Q. Towards the front or the back? Do you recall?

22 A. Front. Front-passenger side.

23 Q. Passenger front tire?

24 A. Yes.

25 Q. Okay. Thank you.

AGENT CHAD SMITH: DIRECT BY SOLICITOR SWANSON

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1 SOLICITOR SWANSON: I have nothing further at this
2 time.

3 MS. CAMPBELL: No questions.

4 THE COURT: You may step down, sir.

5 And is he excused?

6 SOLICITOR SWANSON: He is, yes.

7 THE COURT: You are excused, Officer. Thank you, sir,
8 very much.

9 OFFICER MANER: Yes, ma'am.

10 (WITNESS LEAVES WITNESS STAND.)

11 THE COURT: Call your next witness.

12 SOLICITOR SWANSON: State calls Chad Smith.

13 (WHEREUPON, CHAD SMITH, BEING
14 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

15 DIRECT EXAMINATION

16 AGENT CHAD SMITH BY SOLICITOR SWANSON:

17 Q. Okay, Agent Smith, how are you?

18 A. Fine, thank you.

19 Q. Good. Tell us where you work, please.

20 A. I'm employed with the South Carolina Law Enforcement
21 Division, which is commonly known as SLED. Specifically, I
22 work at SLED's forensic services laboratory in Columbia.

23 Q. All right. And what department do you work in?

24 A. I work in the firearms department.

25 Q. And what -- what do you do in the firearms department?

1 A. I'm a forensic scientist in that department. My main
2 responsibilities are the examination of firearms,
3 ammunition, ammunition components, such as bullets and
4 cartridge cases, as well as other items.

5 Q. Okay. And does law enforcement send you items, and
6 then you test them, and try and make conclusions about
7 them?

8 A. That is correct.

9 Q. Okay. Can you describe for the jury the education and
10 your training that went into your position in that field?

11 A. I attended Clemson University, where I earned a
12 Bachelors of Science degree in biological sciences. And
13 when I came aboard with SLED I entered the training program
14 to become a firearms examiner in the forensics lab. That
15 training program lasts between three and five years; it is
16 supervised by the court-qualified examiners of the firearms
17 department. It involves extensive reading and studying,
18 and multiple examinations and tests given during that time.
19 I also attended various classes and seminars, and later in
20 my training I helped other examiners with their case work.
21 At the end of the training I received a comprehensive
22 multi-part examination which I successfully completed, and
23 then I began to receive my own case work.

24 Q. All right. So, did you -- did you apprentice under
25 someone with more seniority for a period of time?

AGENT CHAD SMITH: DIRECT BY SOLICITOR SWANSON

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1 A. Correct. Each -- as a trainee, you're assigned a
2 training officer, who is your main person who gives you the
3 tests and things like that. But the other people in the
4 department also assist in your training.

5 Q. Okay. And have you ever testified in court as an
6 expert in firearms and tool marks?

7 A. Yes, ma'am. I have.

8 Q. How many times?

9 A. Over fifty times now.

10 Q. All right.

11 SOLICITOR SWANSON: At this point, your Honor, the
12 State would offer Agent Smith as an expert in firearms and
13 tool marks.

14 MS. CAMPBELL: No objection.

15 THE COURT: Ladies and gentlemen, in this case Agent
16 Smith is being qualified as an expert witness in the area
17 of firearms and tool marks. That allows him to give his
18 opinion and the reasons for his opinion, and that also is
19 for you to use as you see appropriate, compared to other
20 evidence in the case.

21 SOLICITOR SWANSON: Thank you.

22 Q. Agent Smith, did you have the opportunity to analyze
23 items sent to you by Estill P.D. and the State against
24 Johnnie McKnight?

25 A. Yes, ma'am.

1 Q. All right. And I'm going to show you -- I'm going to
2 first show you State's Exhibit 43, which I've already shown
3 the Defense, and ask if these are items that you analyzed.

4 A. Yes. These are four .223-caliber, fired caliber,
5 cartridge cases that I received for examination.

6 Q. Okay. And those were the four cartridge cases that
7 you tested ---

8 A. Yes, ma'am.

9 Q. --- or looked at?

10 A. Yes, ma'am.

11 Q. Okay. Thank you.

12 SOLICITOR SWANSON: State would move 43 into evidence
13 at this time.

14 MS. CAMPBELL: No objection.

15 THE COURT: Without objection.

16 (WHEREUPON, STATE'S EXHIBIT NO. 43, IDENTIFIED AND
17 MARKED, RECEIVED INTO EVIDENCE.)

18 BY SOLICITOR SWANSON:

19 Q. And I'm just going to leave this up here, Agent Smith.

20 Now, did you also test or examine two spent
21 projectiles?

22 A. Yes, two fired bullets I did.

23 Q. Okay. Two fired bullets. I'm going to hand you
24 what's been marked as State's 40 and State's 44. First,
25 I'll hand you 40 and ask if this is one of the fired

AGENT CHAD SMITH: DIRECT BY SOLICITOR SWANSON

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1 bullets that you analyzed.

2 A. Yes, ma'am, it is.

3 Q. Okay.

4 SOLICITOR SWANSON: State would offer 40 into
5 evidence.

6 THE COURT: Without objection?

7 MS. CAMPBELL: Yes, without objection.

8 (WHEREUPON, STATE'S EXHIBIT NO. 40, IDENTIFIED AND
9 MARKED, RECEIVED INTO EVIDENCE.)

10 BY SOLICITOR SWANSON:

11 Q. And 44, is this the other one that you analyzed?

12 A. Yes, ma'am.

13 Q. Okay.

14 SOLICITOR SWANSON: State would offer 44 into
15 evidence.

16 MS. CAMPBELL: Without objection.

17 THE COURT: Thank you. It's in evidence.

18 (WHEREUPON, STATE'S EXHIBIT NO. 44, IDENTIFIED AND
19 MARKED, RECEIVED INTO EVIDENCE.)

20 BY SOLICITOR SWANSON:

21 Q. Now, I'll try not to get too confusing about the
22 numbers. But State's 44 is your SLED Item 4, correct?

23 A. Correct.

24 Q. Okay. And that's one fired bullet?

25 A. Yes, ma'am.

1 Q. State's 40 is your SLED Item 6?

2 A. Correct.

3 Q. And that is the other fired bullet?

4 Q. Yes.

5 Q. In looking at the two fired bullets, what were you
6 able to conclude?

7 A. Well, first of all, when we have bullets, we try to
8 determine the possible -- what caliber they could be. And
9 we can do that by measuring diameters and weighing them,
10 just looking at their overall physical characteristics, to
11 try to determine, you know, something. And I was able to
12 determine that both of those items, State's Exhibit 44 and
13 40, were both consistent with .223 Remington or .556 Nato
14 caliber.

15 Q. Now, in looking at the cartridge cases that were
16 submitted to you, State's 43, SLED Item 10 through 13, were
17 you able to make any conclusions about what sort of bullet
18 would've come out of these?

19 A. Yes. Those cartridge cases were .223 Remington
20 caliber, so the -- so those bullets are the same caliber
21 for those cartridge cases.

22 Q. Okay. So we have the same caliber fired bullets as
23 the cartridge cases?

24 A. Correct.

25 Q. What type of firearms would be consistent with this

AGENT CHAD SMITH: DIRECT BY SOLICITOR SWANSON

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1 type of ammunition?

2 A. Well, there are several different types of guns that
3 could've fired those. The most common is probably -- it's
4 called a sporting rifle, as an AR-15-type, semi-automatic
5 rifle. Some multi-action rifles are chambered in that
6 caliber as well, and there are some pistols as well, and
7 single shots. So, really a variety, but the far most
8 common is probably the AR-15 semi-automatic rifle.

9 Q. Let me ask you this. Is there any way the fired
10 bullets that you analyzed could come out of .9-millimeter
11 cartridge cases?

12 A. No, ma'am. Those -- those bullets, again, were
13 consistent -- most consistent with being the .223 Remington
14 or .556 Nato caliber, which is a smaller diameter bullet
15 than what a .9-millimeter is.

16 Q. And had Estill P.D. given you three .9-millimeter
17 cartridge cases, would you have been able to do anything
18 with those, without a firearm?

19 A. I could examine them, compare them with each other, to
20 potentially determine if they were fired by the same gun.
21 But other than that there's really no other examination so
22 we would a conducted on just fired cartridge cases without
23 having a firearm to compare them to.

24 Q. Okay. And so, you wouldn't have reached any different
25 conclusions having .9-millimeter shell cases compared to

1 the fired bullets that you had and the .223 cartridge cases
2 that you had?

3 A. Right. Other than determining that the -- the .9-
4 millimeter would've been a different gun.

5 Q. And you did not receive .9-millimeter cartridge cases
6 in this case, right?

7 A. No, ma'am.

8 Q. Okay. I'm going to show you one last thing. I'm not
9 seeking to enter this, I'm just seeking an opinion on it.

10 I'm going to show you what's been marked as State's
11 35, and ask if this weapon could've been the type that
12 fired the projectiles, and that the cartridge cases came
13 out of.

14 A. Assuming this picture is of an actual firearm and not
15 of a replica, this appears to be an AR-15-type firearm. So
16 it definitely could've been chambered in those cal -- in
17 the caliber of .223 Remington or .556, so. If it's
18 chambered in that firearm, or if that firearm's chambered
19 for that cartridge, then it could've fired that I imagine.

20 Q. Okay. So the ammunition that you analyzed would be
21 consistent with that type of firearm?

22 A. Correct.

23 Q. Thank you.

24 SOLICITOR SWANSON: And that's all I have at this
25 time.

AGENT CHAD SMITH: CROSS BY MS. CAMPBELL

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1 THE COURT: Okay.

2 MS. CAMPBELL: Thank you.

3 CROSS-EXAMINATION

4 AGENT CHAD SMITH BY MS. CAMPBELL:

5 Q. Good afternoon.

6 A. Good afternoon.

7 Q. Your report is dated December 10, 2018; is that
8 correct?

9 A. Correct.

10 Q. Okay. And Estill Police Department would not have had
11 your report prior to that date; is that also correct?

12 A. That's correct. That's the date that it was issued,
13 so that would've been the date that they could've checked
14 our system to see if it was available.

15 Q. The earliest possible point?

16 A. That's correct.

17 Q. Okay. And whenever you're tasked with analyzing items
18 for different law enforcement agencies, you've -- you
19 really can only work with what you're given, right?

20 A. That is correct. We can only examine what items were
21 submitted to us.

22 Q. And you're not a field officer in the sense that you
23 might say to yourself, or to that law enforcement agency,
24 hey, I might like to go look for A, B, and C at your crime
25 scene. That's not what you do, right?

1 A. No, ma'am. No, we -- we work in the laboratory, so we
2 don't go out to the crime scenes.

3 Q. So your limitations are truly whatever that law
4 enforcement officer asks you to examine?

5 A. Correct.

6 Q. Okay. Now, turning to your report, if you wouldn't
7 mind. Item 4 is listed in your report, and we've got that
8 corresponding to State's Exhibit 44, correct?

9 A. Yes, ma'am.

10 Q. And that, you list as one fired bullet, correct?

11 A. Correct.

12 Q. And then, Item 6, which is State's 40, you list as one
13 fired bullet?

14 A. Correct.

15 Q. Now, specifically what you have here in your section
16 that you title Results, you say the physical and
17 microscopic examinations of Items 4 and 6. So physical
18 examination, would that be when you hold them up and look
19 at them together, and then you look at them under the
20 microscope ---

21 A. It could be.

22 Q. --- to compare them?

23 A. It could be. Physical also means weighing them, and
24 also measuring, so those are just -- basically anything
25 that's not microscopic would be a physical exam.

AGENT CHAD SMITH: CROSS BY MS. CAMPBELL

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1 Q. I'm sorry. Do you still have the State's 40 and 44?

2 MADAM COURT REPORTER: Yes, ma'am.

3 BY MS. CAMPBELL:

4 Q. And so, these two items you say they were -- they were
5 most consistent with bullets loaded into some .223
6 Remington/.556 Nato caliber cartridges. That's exactly
7 what you said in your report, right?

8 A. Yes, ma'am.

9 Q. Okay. So you used the phrase, most consistent.

10 A. Correct.

11 Q. So most consistent is not a match, right?

12 A. Referring to, in this section here, most consistent
13 means with all the measurements, and just all the
14 examinations that -- that we would perform on a bullet,
15 that's the best guess on what we think it is. It's not an
16 absolute.

17 Q. Right. And really, truly, that's the point I'm
18 getting to. You use the word guess, but I kind of phrased
19 it in my thoughts like, so, guess was consistent. There
20 might be some room for error as a scientist, you would say,
21 right?

22 A. Right. It could be a different bullet than a .223
23 Remington or a .556 Nato. But just with all the
24 examinations, and from what we've seen in the past, and
25 we've got an ammunition collection that we can look at,

1 that -- that's the best that we can come up with.

2 Q. And then, I know the solicitor didn't ask you about
3 this, but I'm going to get into it with you. So, then, you
4 report Items 4 and 6 were microscopically compared to each
5 other, and those comparisons were inconclusive. I mean,
6 that's your word, right?

7 A. Yes, ma'am.

8 Q. Okay. And that it could not be determined whether
9 Items 4 and 6 were fired by the same firearm, or by
10 different firearms, correct?

11 A. That's correct.

12 Q. Okay. Now, you were also asked about four shell
13 casings that were submitted to you, and they are labeled
14 Item 10, 11, 12, and 13, for SLED purposes, correct?

15 A. Yes, ma'am.

16 Q. All right. And you -- you reached some conclusions
17 that these four shell casings, comparing them to each
18 other, they were found to be -- have been fired by the same
19 firearm, right?

20 A. Correct.

21 Q. Okay. Good. And that's because you have the
22 scientific ability to -- to -- to take a firearm or take
23 shell casings, and look at them, and try and say well, yes,
24 this was fired from this firearm, correct?

25 A. Correct. How we're able to do this is, what we use

AGENT CHAD SMITH: CROSS BY MS. CAMPBELL

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1 is a microscopic examinations, we use a comparison
2 microscope. So that's basically, if you can imagine, two
3 microscopes that's connected by an optical bridge system,
4 and we can look at two samples simultaneously, in this
5 case, two cartridge cases together. And we're looking for
6 markings, microscopic markings, that were created from the
7 firearm itself during the process of firing that cartridge.
8 And so, those microscopic marks can be individual to
9 firearms, and that's created during the manufacturing
10 process of the firearm; basically the tools that are used
11 to manufacture, the machinery, scratch those various pieces
12 of the firearm. It's just totally random marks, and we can
13 use those marks to basically determine if they were fired
14 by the same gun.

15 Q. And one of those things that you can look at bullets
16 with is with the lands and grooves within the rifling of a
17 particular barrel, correct?

18 A. Correct. And in regards to the bullet, not the
19 cartridge case.

20 Q. To the bullet?

21 A. Yes.

22 Q. In regards to shell casings, you could -- is that the
23 firing pin?

24 A. That's one of the -- the areas we can look at, firing
25 pin impression, because when the firing pin of the firearm

1 strikes the primary area, which basically causes the
2 explosion, if you will, inside the cartridge, it leaves an
3 impression in the back, so we can look at microscopic marks
4 in that firing pin impression to try to match it back to a
5 particular firing pin, which would be the firearm.

6 Another area that's called breach face marks, and
7 that's the rear part of the firearm that supports the head
8 or the base of the cartridge during firing. So when the
9 cartridge is fired, the pressure that the bullet -- it
10 leaves the barrel, forces the cartridge case back against
11 that breach face, again, imparting marks onto the cartridge
12 case.

13 Q. So in your ideal situation as a scientist and an
14 expert in this area, you would, let's say, be given a fired
15 bullet from a crime scene, and you would be given a gun
16 that is suspected to have fired that bullet, right?

17 A. Correct.

18 Q. Because -- because you could say whether or not that
19 gun fired that bullet at the crime scene, right?

20 A. Right. If we have a firearm to compare it to, we can
21 try to determine if it was fired by that particular
22 firearm. In the absence of a firearm, we can really only
23 say potentially how many guns were involved.

24 Q. Okay. And the way you do that is, is that you fire --
25 you fire a test bullet through that firearm, correct? And

AGENT CHAD SMITH: CROSS BY MS. CAMPBELL

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1 then, you compare it? Is that --

2 A. Right. If we have the firearm to compare it to.

3 Q. Right. So if you had the firearm you could fire a
4 test bullet through that firearm, and take that test bullet
5 and look at what you've been given, the fired bullet from
6 the crime scene, under your comparison microscope, and say
7 that definitely -- you know, the crime scene bullet was
8 definitely fired by this gun?

9 A. That -- that's one conclusion, potentially ---

10 Q. Right.

11 A. ---- you can determine but not always.

12 Q. It could be opposite?

13 A. Correct. In this instance it was inconclusive with
14 the two bullets together.

15 Q. And that -- so, right. So the two bullets, in
16 microscopically looking at them, you cannot say whether or
17 not they were fired by the same weapon, correct?

18 A. Correct. And that was basically due to the damaged
19 condition of the bullets, as well as they really weren't
20 enough of the matching marks that we would need to make an
21 identification.

22 Q. Now, it's -- it's -- you know, there are other
23 departments at SLED, not just firearms. There's the DNA
24 department, right?

25 A. Yes, ma'am.

1 Q. There's the fingerprint department, right?

2 A. Correct.

3 Q. And trace department.

4 A. Yes, ma'am.

5 Q. And so, I'm just curious. If you receive, let's say,
6 for instance, these shell casings and law enforcement
7 wanted to know if there were any fingerprints, or any touch
8 DNA on the shell casings, would -- would the shell casings
9 go to that department first, before they come to you?

10 A. Correct.

11 Q. Okay.

12 A. It would -- we have to be basically the last
13 department to receive firearms evidence, basically due to
14 the amount of handling we would do to that, to that
15 evidence. So if somebody requested latent prints, which is
16 to check for fingerprints, or swab for DNA on an item, that
17 would definitely have to be done before we receive the
18 item. A lot of times we receive items that have blood or
19 just are in bad condition, so we would decontaminate them
20 anyway before we handle them. So it's recommended that
21 every other testing be done prior to us receiving that
22 item.

23 Q. And it would also be fair to say as a firearm's expert
24 that you have handled and fired and loaded quite a number
25 of weapons in your day, correct?

AGENT CHAD SMITH: CROSS BY MS. CAMPBELL
REDIRECT BY SOLICITOR SWANSON

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1 A. Yes, ma'am.

2 Q. Okay. And in handling the ammunition that is loaded
3 into the firearm, without gloves on, you are handling it in
4 a manner that possible leaves fingerprints, or your DNA on
5 those pieces of ammunition, correct?

6 A. That would be correct.

7 Q. That's all I have.

8 MS. CAMPBELL: Thank you.

9 THE COURT: All right. Anything further?

10 SOLICITOR SWANSON: Just briefly.

11 REDIRECT EXAMINATION

12 AGENT CHAD SMITH BY SOLICITOR SWANSON:

13 Q. Agent Smith, we talked about -- and I want to make
14 sure that there isn't any confusion about this -- you were
15 not able to conclude that the two fired bullets came from
16 the same gun, right?

17 A. Right.

18 Q. But you were able to conclude that they came from the
19 same kind of ammunition, the same kind of cartridge case,
20 right?

21 A. I determined if -- you mean the caliber? Is that --

22 Q. Yes.

23 A. They were both most consistent with being the same
24 caliber. And again, that's .223 Remington or .556 Nato.

25 Q. And that caliber is not consistent with what comes out

1 of a .9-millimeter, correct?

2 A. Right.

3 Q. Okay. So you could definitively say that the two
4 fired bullets did not come from a .9-millimeter?

5 A. Yes, ma'am.

6 Q. Okay. Ms. Campbell asked you about microscopic exams
7 of the fired bullets. Did you find anything on Item 4?

8 A. Yes, ma'am. Prior to Item 4 being decontaminated, we
9 just do a quick exam to see if there's any material that we
10 might collect as far as trace material, if there's maybe
11 some blood on there that the agency didn't request, you
12 know, the item to be swabbed or anything. So we would do a
13 quick exam, just to see -- pick up something that might be
14 of evidentiary value. And I saw that the Item 4 bullet did
15 have some material that was consistent in appearance with
16 wood fibers. Again, I'm not an expert in wood, but it just
17 looked like wood fibers, and so I collected that for
18 safekeeping, in case it needed to be analyzed further. But
19 that was present in my report.

20 SOLICITOR SWANSON: Thank you, Agent Smith. I have
21 nothing further.

22 MS. CAMPBELL: Just quickly.

23 RECROSS EXAMINATION

24 CHAD SMITH BY MS. CAMPBELL:

25 Q. So I -- right. So, no -- you found the - apparent the

AGENT CHAD SMITH: RECROSS BY MS. CAMPBELL

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1 wood fibers removed from Item 4, but that you found no
2 evidence of blood on Item 4, correct?

3 A. Again, I'm not a blood expert, but if it's something
4 that may have looked like blood or something, we -- we
5 probably would've collected it. And also too, I didn't see
6 anything that looked like blood but ---

7 Q. Right.

8 A. --- I just saw some -- some fibrous material that
9 looked like wood fibers, and that's what I collected.

10 Q. So to your inspection there was nothing on Item 4 that
11 looked like blood, correct?

12 A. To my knowledge, no.

13 Q. Thank you.

14 THE COURT: All right.

15 SOLICITOR SWANSON: I would ask that Agent Smith be
16 excused.

17 THE COURT: Any objection?

18 MS. CAMPBELL: No objection.

19 THE COURT: Agent Smith, you are excused. Thank you,
20 sir.

21 CHAD SMITH: Thank you.

22 (WITNESS LEAVES WITNESS STAND.)

23 THE COURT: Call your next witness.

24 SOLICITOR SWANSON: State calls Gladys Roberts.

25 THE COURT: Okay.

GLADYS ROBERTS: DIRECT BY SOLICITOR SWANSON

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1 (WHEREUPON, GLADYS ROBERTS,
2 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

3 THE COURT: Come on around, Ms. Roberts.

4 DIRECT EXAMINATION

5 GLADYS ROBERTS BY SOLICITOR SWANSON:

6 Q. Good afternoon, Ms. Roberts.

7 A. Good afternoon.

8 Q. Can you tell the jury how you know, or how you knew,
9 Alydia Ling?

10 A. She was a close friend, god-daughter, friend. Well --

11 Q. Okay. You considered her a god-daughter?

12 A. Yes, ma'am.

13 Q. Did she call you her godmother?

14 A. Yes, ma'am.

15 Q. All right. Did you know that she was involved in a
16 relationship with Johnnie McKnight?

17 A. I did know she was involved.

18 Q. You did?

19 A. Yes.

20 Q. Okay. And did you ever have an occasion to see the
21 two of them in an altercation?

22 A. Once.

23 Q. All right. And do you recall when that was?

24 A. No.

25 Q. All right.

GLADYS ROBERTS: DIRECT BY SOLICITOR SWANSON

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1 SOLICITOR SWANSON: Your Honor, I would ask and see if
2 Defense has any objection to me handing up a copy of the
3 incident report, to refresh this witness's memory.

4 MS. CAMPBELL: I think, based on refreshing her
5 memory, I'm fine with that. We'll just see where that
6 takes us ---

7 THE COURT: Okay.

8 MS. CAMPBELL: --- on the next answer.

9 THE COURT: Thank you.

10 MS. CAMPBELL: Thank you.

11 THE COURT: Okay.

12 BY SOLICITOR SWANSON:

13 Q. I'm just going to hand you this document and see if it
14 refreshes your memory as to the timing of the altercation
15 that you witnessed.

16 A. Yes.

17 Q. Okay. And so, when did you witness this altercation
18 between Johnnie McKnight and Alydia Ling?

19 A. You said when?

20 Q. Uh-huh

21 A. I don't recall the date.

22 Q. Okay. If you can look at that document, it might give
23 you -- was it --

24 A. Oh. 7/7, July 7, 2016.

25 Q. Okay. So summer of 2016. Thank you. And tell us

1 what you and Alydia were doing and where you were.

2 A. We were sitting outside at her mother's workplace.

3 Q. All right. And then, what happened?

4 A. And then we was on the bench, and she got up off the
5 bench, and getting ready to walk towards the porch, and
6 that's when Johnnie pulled up into the yard.

7 Q. All right. And what did Johnnie do when he pulled up
8 into the yard?

9 A. He got out of his car and started going towards Lydia
10 and Lydia was trying to run inside the house through the
11 back door.

12 Q. All right. And then, what happened?

13 A. And he started arguing with her, and then he grabbed
14 her hair. Once he grabbed her hair he swung, I'd say,
15 approximately maybe three times before I interfered.

16 Q. Okay. So you jumped in the middle?

17 A. Yes.

18 Q. And then, what happened?

19 A. And then, he ran to his car and got a black gun, and
20 came back and pointed it at me and said, I'll kill you, or
21 I'll shoot you, you fat, the B word.

22 Q. Okay. And do you -- did you -- had you ever met
23 Johnnie McKnight before?

24 A. I met him prior once, when him and Lydia pulled up to
25 my house.

GLADYS ROBERTS: DIRECT BY SOLICITOR SWANSON

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1 Q. So did you recognize him when you saw him that day?

2 A. I didn't know he was coming, but I did recognize that
3 face in that blue car that pulled up in my driveway, so,
4 yes.

5 Q. Right. I mean, during the altercation, did you
6 recognize him to be Johnnie McKnight?

7 A. Yes.

8 Q. Okay. And do you see Johnnie McKnight in the
9 courtroom today?

10 A. Yes.

11 Q. Can you point him out for me?

12 A. Right there.

13 (WITNESS INDICATED TOWARD DEFENDANT.)

14 Q. All right. And did you report this incident to the
15 police?

16 A. Yes.

17 Q. Now, Lydia, she was young at the time, right?

18 A. Yes, ma'am.

19 Q. How old was she?

20 A. Sixteen.

21 Q. Now, this was the year before she died, right?

22 A. Uh-huh.

23 Q. She was killed the summer of 2017?

24 A. Yes.

25 Q. So, could she have been fifteen?

GLADYS ROBERTS: DIRECT BY SOLICITOR SWANSON
STUART ATKINSON: DIRECT BY SOLICITOR SWANSON

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1 A. She probably was fifteen. She probably was fifteen.

2 Q. Did you ever give Lydia any advice about her
3 relationship with Johnnie? Did you ever tell her anything?

4 A. Yes.

5 Q. What did you tell her?

6 A. I told her, you shouldn't be scared of him, if that's
7 your boyfriend.

8 Q. Did you ever tell her to stay away from him?

9 A. Yeah.

10 Q. And why did you tell her to stay away from him?

11 A. Because Lydia was scared of him.

12 SOLICITOR SWANSON: Nothing further at this time.

13 MS. CAMPBELL: I don't have any questions for this
14 witness.

15 THE COURT: All right. You may step down, ma'am.
16 Thank you. You can be excused.

17 (WITNESS LEAVES WITNESS STAND.)

18 SOLICITOR SWANSON: State calls Stewart Atkinson.

19 (WHEREUPON, STEWART ATKINSON,
20 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

21 DIRECT EXAMINATION

22 STUART ATKINSON BY SOLICITOR SWANSON:

23 Q. Good afternoon.

24 A. Good evening.

25 Q. Mr. Atkinson, please tell us where you work.

STUART ATKINSON: DIRECT BY SOLICITOR SWANSON

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1 A. I'm the manager at Groton Plantation.

2 Q. All right. And what is Groton Plantation?

3 A. It is a 23,000-acre hunting plantation privately
4 owned, owned by the Winthrop family, used primarily for
5 their recreation. Then, we have some outside guests enjoy
6 hunting opportunities.

7 Q. Okay. And what county is it located in, or primarily
8 in?

9 A. Yeah. It's primarily Allendale County, but on the
10 south end of the property because its so large actually it
11 touches into Hampton County.

12 Q. How long have you been at Groton?

13 A. I was hired -- I've been there since May of 20 --
14 2010.

15 Q. And what did you do before you were managing the
16 plantation?

17 A. I worked for the South Carolina Department of Natural
18 Resources out of the Florence office.

19 Q. Okay. Are you familiar with Johnnie Lee McKnight?

20 A. Yes, ma'am. I met -- met him on an occasion.

21 Q. Okay. Tell us how you came to meet Johnnie Lee
22 McKnight.

23 A. I was at the -- at the -- at our office, and he popped
24 in one morning looking for a job.

25 Q. All right. What time of year was this?

1 A. I -- well, I don't exactly remember the exact date,
2 but I'm saying it was, like, August. July, August. So,
3 you know, it was summertime.

4 Q. August of 2017?

5 A. Yes, ma'am.

6 Q. Okay. And does Johnnie Lee Priester work for you?

7 A. Yes, ma'am.

8 Q. Has he for some time?

9 A. Yes. Like I said, I came to work at Groton Plantation
10 in 2010. Johnnie Priester, I'm pretty sure, has been
11 employed since 2002.

12 Q. Okay. And what is the relationship between Johnnie
13 Priester and Johnnie McKnight?

14 A. Now I was told, there again, when the McKnight fellow
15 came into the office that morning, yeah, said that -- that
16 he was Johnnie's son. And I'm -- and I thought he
17 presented himself as -- as Johnnie, Jr.

18 Q. Okay. So you were under the impression that Johnnie
19 McKnight was your employee's son?

20 A. Correct.

21 Q. Okay. And did you have any job openings at the time?

22 A. I did not.

23 Q. All right. Did you see what he was driving that day?

24 A. I did.

25 Q. All right. Do you recall -- can you tell us what it

STUART ATKINSON: DIRECT BY SOLICITOR SWANSON

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1 looked like, from your recollection?

2 A. I just remember it being a bright -- I think it was
3 blue and bright, kind of blue-ish, a car that kind of stood
4 out.

5 Q. Okay.

6 A. Because like I say, he had walked into the office and
7 -- and I walked him out. And -- and he had asked to get
8 some -- some -- some air. Because you got to understand,
9 we got our office, horse barn, tractor shed, so we've got a
10 available air source. And I said, can I help you, and he
11 said no, I've got it before because he's obviously been
12 through the area with his dad, so he -- he kind of knew the
13 lay out, so I said, you know, help yourself.

14 Q. Okay. I'm going to show you State's Exhibit 29 and
15 30. I'm going to hand you 29 and ask if you recognize what
16 this is a picture of.

17 A. Yes, I do.

18 Q. Okay. And what is it?

19 A. I mean, that's our headquarters at Groton.

20 Q. All right. The administrative buildings ---

21 A. Yes.

22 Q. --- out at Groton?

23 A. Yeah.

24 Q. All right. And is that what it looks like?

25 A. Yes, ma'am.

STUART ATKINSON: DIRECT BY SOLICITOR SWANSON

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1 Q. Okay.

2 SOLICITOR SWANSON: State would move 29 into evidence
3 at this time.

4 MS. CAMPBELL: No objection.

5 THE COURT: Without objection.

6 (WHEREUPON, STATE'S EXHIBIT NO. 29, IDENTIFIED AND
7 MARKED, RECEIVED INTO EVIDENCE.)

8 BY SOLICITOR SWANSON:

9 Q. All right. And then, I'm going to hand you State's
10 30, and ask if you recognize this.

11 A. I do.

12 Q. What is it?

13 A. That's our -- I call it our truck shed, and that's
14 where our extra work vehicles, you know, stay parked when
15 they're not in use.

16 Q. Okay.

17 A. Day or night.

18 Q. All right.

19 SOLICITOR SWANSON: State would move 30 into evidence
20 at this time, and request to publish.

21 MS. CAMPBELL: No objection.

22 THE COURT: You may.

23 SOLICITOR SWANSON: Okay.

24 THE COURT: And without objection, they're in
25 evidence.

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1 (WHEREUPON, STATE'S EXHIBIT NO. 30, IDENTIFIED AND
2 MARKED, RECEIVED INTO EVIDENCE/PUBLISHED TO THE JURY.)
3 BY SOLICITOR SWANSON:

4 Q. All right. So Mr. Atkinson, this just depicts
5 different buildings on Groton, right?

6 A. Uh-huh.

7 Q. And he requested to get air for his tires. Where did
8 -- where would he have done that?

9 A. So, this is the -- So this is the office here, and the
10 tractor -- the tractor shed. So it would be right across
11 -- I mean, this -- in the -- here's the -- the office here.

12 Q. Uh-huh.

13 A. And I don't know if I need to be showing --

14 Q. Yeah.

15 A. Anyway, here's the office, and he -- that's probably
16 my truck parked right there.

17 Q. Okay.

18 A. And then, the air is right here.

19 Q. Okay. And then, the truck barn --

20 A. And then, the -- the truck barn, the trucks we saw
21 earlier are parked right here.

22 Q. Okay. Parked right across from where Mr. McKnight
23 wanted to get air. All right, and then, State's 30, you
24 said was the truck barn. And you all have a number of
25 trucks that employees use to carry out their duties?

1 A. Yes.

2 Q. And typically, where are the keys kept for those
3 trucks?

4 A. Typically, in the vehicles.

5 Q. Okay. Now, some of your employees live on the
6 property, right?

7 A. That's correct. I think we've got eight employees,
8 and of those eight there's some retired employees, and
9 there's some current employees that live throughout the
10 property.

11 Q. Okay. And then, there are also some -- there's a
12 residence or a few apartments that you call them?

13 A. Well, it's a -- it's an employee house. We just call
14 it the apartment, because at one time -- well, it's, I
15 guess, broke down, that it's like two houses in one. So we
16 just call it the nickname, the apartments.

17 Q. Okay. And those are located right in Highway 3; is
18 that right?

19 A. That's correct.

20 Q. Okay. And is there an access road to the Plantation
21 right off Highway 3?

22 A. Yes. Off of Highway 3, there's actually two easy
23 accesses from Highway 3.

24 Q. Okay. And are those apartments that we just talked
25 about on Highway 3 located next to one of those access

STUART ATKINSON: DIRECT BY SOLICITOR SWANSON

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1 roads?

2 A. Yes.

3 Q. And did Johnnie Lee Priester ever live in those
4 apartments?

5 A. Yes. My employee, Johnnie Priester, lived in those
6 apartments.

7 Q. Okay.

8 A. Or lived in one of 'em.

9 Q. Do you recall if you ever saw Mr. McKnight over at
10 those apartments?

11 A. I recall seeing an individual over there and never
12 confronted him. I asked my employee, Johnnie Priester, you
13 know, who -- who that might be, and he said that was his
14 son.

15 Q. Okay.

16 A. So that's the -- the extent of that I know there.

17 Q. All right. Estill-Allendale area, small area; word
18 travels fast. Do you remember when you heard about Lydia
19 Ling's death?

20 A. I honestly don't remember if it was that, because it
21 was a Friday morning when I realized that the truck was or
22 a vehicle was missing. And I honestly don't -- can't
23 remember if I had heard through the grapevine that
24 afternoon, or if it was the following Saturday morning, but
25 I want to think it was that -- that day.

1 Q. Okay. So looking -- and keeping that in mind, that
2 day, what do you recall about driving to work that morning?

3 A. Yeah. So on the way to work that morning, just the
4 way that I travel, on the way -- and within a couple miles
5 of -- of turning into our -- our main drive to work there,
6 I noticed the car that I associated to Johnnie's son
7 driving, who had been up there, you know, I'm going to say
8 less than five days; it may have been six days, but he had
9 just been by there and asking about a job. And so, when I
10 saw that car that Friday morning coming in I just -- it was
11 on the side of Highway 3, and it just -- because of the
12 bright color, it just popped out to me, and I was like, you
13 know, that's Johnnie's son's car. But it didn't mean
14 anything to me, I just assumed he had a flat tire or a
15 breakdown. I didn't know at the time what was going on.

16 Q. Right. It didn't mean anything at the time, but it
17 was just something that you noticed?

18 A. Right. That -- and like I said, just noted the car
19 and knew who it belonged to.

20 Q. About how far from the Plantation's access roads was
21 that car?

22 A. I want to say two miles at the most.

23 Q. I'm going to show you what's been marked as State's
24 26, and ask if you recognize what's depicted in this
25 picture.

STUART ATKINSON: DIRECT BY SOLICITOR SWANSON

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1 A. Yes, I do.

2 Q. Okay. And is that the route that you were taking on
3 the way to work that morning?

4 A. Right. The -- the -- I guess the intersection is
5 where I would come into, and then take a left and head
6 towards the access road there at Bethlehem Church.

7 Q. Okay.

8 SOLICITOR SWANSON: And State would move 26 into
9 evidence at this time.

10 MS. CAMPBELL: No objection.

11 THE COURT: Without objection.

12 (WHEREUPON, STATE'S EXHIBIT NO. 26, IDENTIFIED AND
13 MARKED, RECEIVED INTO EVIDENCE.)

14 SOLICITOR SWANSON: Request to publish.

15 THE COURT: You may.

16 (WHEREUPON, STATE'S EXHIBIT NO. 26, PUBLISHED TO THE
17 JURY.)

18 BY SOLICITOR SWANSON:

19 Q. All right. So you're coming down this -- what is it?

20 A. This is Beach Branch Church Road. This -- they paved
21 the highway and it comes to an intersection here to Highway
22 3, or River Road. Then -- so this is the road that I
23 travel pretty much ninety percent on the way home. Then I
24 took a left to come down Highway 3 to access into Groton.

25 Q. All right. And so, about how far after you took a

1 left did you see Mr. McKnight's car on the side of the
2 road?

3 A. I mean, just a couple hundred yards at the most.

4 Q. Okay. And for identification purposes, I'm going to
5 show you State's 28. Does this appear to be the car that
6 you saw?

7 A. Yes, ma'am.

8 Q. Now, when you got to work that morning, what did you
9 find?

10 A. That time of the year, actually I have my -- my staff,
11 we -- I guess we call it a summer -- summer schedule in
12 that we work pretty much seven days a week this time of the
13 year. The guys work four days a week, so we're off or most
14 of the guys are off for long weekends, Fridays, Saturdays,
15 and Sundays. And as -- and we change weekends as far as
16 work weekends, that some employees got to work each weekend
17 as far as we got animals to see about, property to see
18 about. That being said, I was going into work to take care
19 of a few things that day, and actually Johnnie Priester, my
20 employee, had weekend duty. And so, when I came into work
21 there, my employee, Johnnie Priester, was out, actually, at
22 the horse barn at the time feeding -- feeding the horses.
23 And that's -- So I just walked over that morning, just to,
24 you know, good morning. And I -- and I figured he had
25 already seen about the dog kennel that morning, and just

STUART ATKINSON: DIRECT BY SOLICITOR SWANSON

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1 asking him if the horses were good, the dogs were good,
2 just making small talk. And he -- and so, Johnnie
3 questioned me, because one other duty is we as far as our
4 management program on the -- on the plantation is, we run
5 traps year-round, and so, he had to run our trap route. He
6 asked me where the '04 F-150 was, and our work trucks are
7 all pretty much white trucks, and so we just name them
8 whatever year model they are. So this is -- we just know
9 this one as the '04.

10 Q. Okay. I'm going to show you State's 31, 32, and 33,
11 and ask you if these are pictures, and fair and accurate
12 pictures, of the '04 F-150.

13 A. Yes, ma'am. That's it.

14 Q. Okay.

15 SOLICITOR SWANSON: State would move 33 -- I mean, 31
16 through 33 in evidence at this time.

17 MS. CAMPBELL: No objection.

18 THE COURT: Without objection.

19 (WHEREUPON, STATE'S EXHIBIT NO. 31, 32, AND 33,
20 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

21 BY SOLICITOR SWANSON:

22 Q. All right. Were you ever made aware of where that '04
23 F-150 was?

24 A. Not until I got a call from the Denmark P.D.

25 Q. Okay.

1 A. And --

2 Q. And -- and so, they had possession of the truck?

3 A. Correct.

4 Q. And did Estill Police Department ever talk to you
5 about the truck?

6 A. They did.

7 Q. All right. And did they tell you you could come get
8 it after they processed it?

9 A. That's correct.

10 Q. All right. And did they ask you about some items
11 within the truck?

12 A. Yeah. They did ask about some -- some contents.

13 Q. Okay. What do you recall -- well, did they ask you
14 about a backpack being in the truck?

15 A. Excuse me?

16 Q. A backpack?

17 A. Yeah. I think they were questioning about a bag,
18 pack, maybe, as I recall. Either a camo jacket or camo
19 pants; a cell phone. And then, also, there was a -- a gun
20 in the truck, which I wasn't aware, but one of my employees
21 had left in the truck from running traps; because that was
22 the truck we had been using to run our traps.
23 Unfortunately, that gun was still in the truck.

24 Q. So that gun was still in the truck, and that was
25 Groton's gun?

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1 A. That was Groton's gun, but the backpack ---

2 Q. Right.

3 A. --- I told them the backpack, the cell phone, and --
4 like I said, I'm pretty sure a camo jacket or pants did not
5 belong -- The only thing I was wanting back was my
6 employee's gun and our truck.

7 Q. Okay. I'm going to show you State's 34. And ask you
8 if any of these items were things that should've been in
9 the Groton truck, or would've been in the Groton truck.

10 A. Yeah. None of that should've been in the Groton
11 truck.

12 Q. Okay. And just so that I'm clear, what type of
13 firearm did your employee have in the '04 F-150?

14 A. Yeah. It was a .22-caliber rifle. I'm pretty sure it
15 was a Marlin semi-auto.

16 Q. Okay.

17 SOLICITOR SWANSON: All right. Thank you, Mr.
18 Atkinson. Please answer any questions that Ms. Campbell
19 might have for you.

20 MS. CAMPBELL: No questions.

21 THE COURT: All right. Any objection to Mr. Atkinson
22 being excused?

23 SOLICITOR SWANSON: No, please.

24 THE COURT: You are excused, sir. Thank you.

25 MR. ATKINSON: Thank you.

1 SOLICITOR SWANSON: Thank you, sir.

2 (WITNESS LEAVES WITNESS STAND.)

3 THE COURT: Ladies and gentlemen, are you all okay?
4 Does anyone need a break?

5 SOLICITOR SWANSON: Your Honor, the next witness is
6 going to be Lieutenant Williams, so it might be a good
7 time.

8 THE COURT: So it's going to be a little lengthy. So
9 we are going to go ahead and take a break, ladies and
10 gentlemen, because I need one. Do not discuss this case,
11 it wouldn't be appropriate to do so. Refresh yourself, get
12 a cup of coffee, and we'll bring you right back out here.

13 Okay? Thank you.

14 (JURY EXITS COURTROOM AT 03:02 P.M.)

15 THE COURT: All right. We're going to be at ease for
16 about five minutes or so.

17 (COURT IN RECESS AT 03:03 P.M.)

18 (COURT BACK IN SESSION AT 03:20 P.M.)

19 THE COURT: All right. Let's bring the jury in.
20 Everyone's here.

21 (JURY ENTERS COURTROOM AT 03:23 P.M.)

22 THE COURT: All right. Welcome back, ladies and
23 gentlemen.

24 SOLICITOR SWANSON: Thank you, your Honor. State
25 calls Captain Alex Williams.

26 THE COURT: Come on forward, Captain Williams.

CAPTAIN ALEX WILLIAMS: DIRECT BY SOLICITOR SWANSON

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1 (WHEREUPON, ALEX WILLIAMS,
2 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

3 DIRECT EXAMINATION

4 CAPTAIN ALEX WILLIAMS BY SOLICITOR SWANSON:

5 Q. All right. Captain Williams, the jury has probably
6 guessed by now, but will you tell them where do you work,
7 please?

8 A. Estill Police Department.

9 Q. And how long have you been with Estill P.D.?

10 A. Going on three years.

11 Q. Okay. How big of an agency is Estill Police
12 Department.

13 A. Roughly about fifteen total people.

14 Q. Okay. Total, that's admin and officers?

15 A. Yes, ma'am.

16 Q. How many investigators do you guys have?

17 A. One.

18 Q. Okay. Is that you?

19 A. Yes, ma'am.

20 Q. Okay. Tell us if you were on duty on August 31, 2017.

21 A. I was called out from my residence on August 31st.

22 Q. Okay. What time were you called out?

23 A. It was -- I don't remember the approximate time. I
24 know it was after 9:30 p.m.

25 Q. Okay. Would you like me to hand you your case file?

1 A. Yes, ma'am. That's fine. Thank you.

2 Q. Okay. Let me do that.

3 SOLICITOR SWANSON: Any objection?

4 Q. Just in case you need to refer to something.

5 A. Thank you.

6 Q. And what sort of call did you respond out to?

7 A. I received a call from Corporal Pouchprom stating
8 there had been a shooting incident on 5th street.

9 Q. All right. And so, did you assume the role of lead
10 investigator ---

11 A. Yes --

12 Q. --- into the death of Alydia Ling and her baby?

13 A. Yes, ma'am, I did.

14 Q. Okay. I'm going to show you a couple of State's
15 exhibits marked 24 and 25. I'm actually going to show you
16 State's 25 first, and ask if you can -- if you recognize
17 what's in that exhibit.

18 A. Yes, ma'am, I do.

19 Q. What is it?

20 A. It's overview of a -- a sky view of 5th Street East.

21 Q. Okay. And --

22 A. Within the town limits of Estill.

23 Q. All right. And does that contain the Ling residence?

24 A. Yes, ma'am.

25 Q. All right. So that's an overview of the neighborhood?

CAPTAIN ALEX WILLIAMS: DIRECT BY SOLICITOR SWANSON

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1 A. Yes, ma'am.

2 SOLICITOR SWANSON: State would move 25 into evidence
3 at this time.

4 MS. CAMPBELL: No objection.

5 THE COURT: Without objection.

6 (WHEREUPON, STATE'S EXHIBIT NO. 25, IDENTIFIED AND
7 MARKED, RECEIVED INTO EVIDENCE.)

8 BY SOLICITOR SWANSON:

9 Q. And then, Exhibit 24, what is that a picture of?

10 A. That is a area view directly over the Ling residence.

11 Q. Okay.

12 SOLICITOR SWANSON: State would move 24 into evidence
13 at this time.

14 MS. CAMPBELL: No objection.

15 THE COURT: Without objection.

16 (WHEREUPON, STATE'S EXHIBIT NO. 24, IDENTIFIED AND
17 MARKED, RECEIVED INTO EVIDENCE.)

18 BY SOLICITOR SWANSON:

19 Q. Captain, tell us what you saw at the Ling residence
20 when you got there.

21 A. Upon my arrival there was crime scene tape up around
22 the exterior of the residence, along with what appeared to
23 be Hampton County Sheriff's officers, deputies, and
24 officers from the Estill Police Department.

25 Q. Okay. Was there somebody standing at the door of the

1 residence from Estill Police Department?

2 A. I don't remember exactly. I just got out and start
3 gathering my equipment to process the scene.

4 Q. Okay. And what all did you do to process the scene?

5 A. I initially began by photographing the area, the
6 entirety of the area of the residence, and then I began to
7 move to the interior of the residence and continue
8 photographing the victim ---

9 Q. Okay.

10 A. --- in the residence.

11 Q. So you began by photographing the exterior; is that
12 ---

13 A. Yes.

14 Q. --- right?

15 A. Yes, ma'am.

16 Q. Okay. And so, State's 1, 2, and 3, are these
17 photographs that you took of the exterior?

18 A. Yes, ma'am.

19 Q. Okay. And those photographs include the residence and
20 the placards where the shell cartridge cases were found?

21 A. Yes, ma'am.

22 Q. And so, Captain Williams, I'm going to show you
23 State's 43, which has been entered. Are these the
24 cartridge cases that you collected from the area depicted
25 in that -- in those photos?

CAPTAIN ALEX WILLIAMS: DIRECT BY SOLICITOR SWANSON

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1 A. Yes, ma'am.

2 Q. Did you collect any other firearm's evidence that
3 night?

4 A. Yes, ma'am. I collected a fired bullet.

5 Q. I'm going to hand you what's been marked as State's
6 44, and entered, and ask if this is the fired bullet that
7 you collected?

8 A. Yes, ma'am.

9 Q. Okay. What area of the house did you collect this
10 fired bullet from?

11 A. It was in the -- in the doorway of the bedroom, right
12 off to the left of the living room.

13 Q. I'm going to show you what's been marked as State's 6,
14 and ask what this is a picture of.

15 A. That is a picture of the fired bullet that was found
16 in that doorway of that bedroom to the left.

17 Q. Okay. And that was a photo taken by you and where it
18 was found?

19 A. Yes.

20 Q. The projectile that I just showed you, State's 44?

21 A. Yes, ma'am.

22 Q. Okay.

23 SOLICITOR SWANSON: State would move 6 into evidence
24 at this time.

25 MS. CAMPBELL: No objection.

1 (WHEREUPON, STATE'S EXHIBIT NO. 6, IDENTIFIED AND
2 MARKED, RECEIVED INTO EVIDENCE.)

3 SOLICITOR SWANSON: And move to publish.

4 THE COURT: You may.

5 BY SOLICITOR SWANSON:

6 Q. So Captain Williams, it's hard to see from this
7 picture, this is just where you found it on the floor, but
8 when you come through the front door, what side of the
9 house was it on?

10 A. Coming into the front door, it would be on the left
11 side of the house.

12 Q. All right. And I'm going to show you the overview
13 that has been entered as State's 24.

14 A. Yeah. If you enter the residence through --

15 Q. Here. Let's put it this way. Okay?

16 A. You enter --

17 Q. So this is the front of the house?

18 A. Yes. If you enter the residence right here on the
19 front steps, the bedroom is right here, to the left of the
20 front door.

21 Q. First bedroom to the left. Was that Shamond's room?

22 A. Yes. Right off the living room. Yes, ma'am.

23 Q. Okay. This has been entered as State's 5. Do you
24 recognize this picture?

25 A. Yes, ma'am, I do.

CAPTAIN ALEX WILLIAMS: DIRECT BY SOLICITOR SWANSON

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1 Q. Okay. Can you tell us where this was located?

2 A. As soon as -- when you enter the residence right off
3 to the left of the front door, it is on the left wall of --
4 aligned with the bedroom.

5 Q. Okay. And the bedroom where you found the projectile
6 is right here?

7 A. Roughly in that area.

8 Q. Okay. All right. So the doorway that we're seeing in
9 the photo with the picture ---

10 A. Yes, ma'am.

11 Q. --- is the -- the spot where you found the
12 projectile?

13 A. Yes, ma'am.

14 Q. All right. Did you take photos of the cars that were
15 parked outside?

16 A. Yes, ma'am.

17 Q. And what was the weather like when you were taking
18 those photos?

19 A. It began to rain once I -- once I start taking the
20 closeups photos of vehicles.

21 Q. These are State's 7 through 10. I'm going to hand you
22 a series of photos, State's 7 through 10. If you can
23 please tell us what's contained in these photos.

24 A. These are photos of the Mercedes ML-430, and the
25 damages to the -- to that vehicle.

1 Q. Fair and accurate depictions of how it appeared that
2 night?

3 A. Yes, ma'am.

4 Q. All right. Does it appear wet?

5 A. In certain spots, yes, ma'am.

6 Q. What -- where was it parked?

7 A. In the driveway.

8 Q. To the right of the house, or to the left of the
9 house?

10 A. Facing the house, it would be to the right of the
11 house.

12 Q. Okay.

13 SOLICITOR SWANSON: State would move 10 through -- I'm
14 sorry -- 7 through 10 into evidence.

15 MS. CAMPBELL: No objection.

16 THE COURT: Without objection.

17 SOLICITOR SWANSON: Okay.

18 (WHEREUPON, STATE'S EXHIBIT NO. 7, 8, 9, AND 10,
19 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE/PUBLISHED AT
20 03:35 P.M.)

21 BY SOLICITOR SWANSON:

22 Q. Were there any projectiles taken from the Mercedes
23 SUV?

24 A. No, ma'am.

25 Q. Did you attempt to get any?

CAPTAIN ALEX WILLIAMS: DIRECT BY SOLICITOR SWANSON

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1 A. Yes, ma'am. We were unable to locate any.

2 Q. Okay. Did you take any pictures of the Chevy Impala?

3 A. Yes, ma'am.

4 Q. Okay. And were there any bullet holes in the Chevy
5 Impala?

6 A. Yes, ma'am.

7 Q. I'm going to hand you a series of pictures, State's
8 Exhibits 11 through 13, and ask if these are pictures that
9 you took of the Chevy Impala that night.

10 A. Yes, ma'am.

11 SOLICITOR SWANSON: State would move 11 through 13
12 into evidence.

13 MS. CAMPBELL: No objection.

14 THE COURT: Without objection.

15 (WHEREUPON, STATE'S EXHIBIT NO. 11, 12, AND 13,
16 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)
17 BY SOLICITOR SWANSON:

18 Q. And where were the -- where were the bullet holes
19 located in the Chevy Impala?

20 A. In the front-passenger side light, and appears to be
21 some type of damage to the front-passenger quarter-panel.

22 Q. Okay. And were you able to recover any projectiles
23 from that Impala?

24 A. I did not recover them. It would -- the projectile
25 was recovered the following day.

1 Q. Okay. And we heard from Officer Maynard, who went out
2 to the residence and collected a projectile?

3 A. Yes.

4 Q. Were you able to locate any bullet holes in the side
5 of the residence?

6 A. In the -- it was in the residence itself?

7 Q. I'm sorry. Like, in the vinyl siding?

8 A. Yes, ma'am. There was some -- we didn't -- we located
9 some damage, but we didn't locate the projectile. But we
10 did observe damage.

11 Q. Okay. Did you take pictures of those?

12 A. Yes, ma'am.

13 Q. All right. Captain, I'm going to hand you 14 through
14 16, and ask if these are photos that you took of the siding
15 of the house that night.

16 A. Yes, ma'am.

17 Q. Okay. And why did you take those photos?

18 A. It appeared to be damages from bullets being fired
19 into the residence.

20 Q. Okay.

21 SOLICITOR SWANSON: State would move 14 through 16
22 into evidence at this time.

23 MS. CAMPBELL: No objection.

24 THE COURT: Without objection.

25 (WHEREUPON, STATE'S EXHIBIT NO. 14, 15, AND 16,

CAPTAIN ALEX WILLIAMS: DIRECT BY SOLICITOR SWANSON

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1 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

2 BY SOLICITOR SWANSON:

3 Q. And these photos were taken at night, correct?

4 A. Yes, ma'am.

5 Q. Kinda hard to see, right?

6 A. Somewhat, yes, ma'am.

7 Q. In the photos. And again, the jury will have these.

8 Now, I'm going to show you another series of pictures,
9 17 through 20. These were not photos that you took, but
10 are they photos of the residence, and the damage that was
11 incurred to the residence?

12 A. Yes, ma'am. Appears to be.

13 Q. Okay.

14 A. Yes, ma'am.

15 Q. Those were taken during the daytime, then?

16 A. Yes, ma'am.

17 Q. Okay. Are those just a more clear view of the siding
18 of the house?

19 A. Yes, ma'am.

20 Q. Okay. Do they appear altered in any way from the
21 night that you were out there?

22 A. Not that I can see, no, ma'am.

23 Q. Okay.

24 SOLICITOR SWANSON: State would move 17 through 20
25 into evidence.

1 MS. CAMPBELL: No objection.

2 THE COURT: Okay.

3 (WHEREUPON, STATE'S EXHIBIT NO. 17, 18, 19 AND 20,
4 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

5 BY SOLICITOR SWANSON:

6 Q. Did you locate a bullet hole in the shed behind the
7 house?

8 A. Yes, ma'am.

9 Q. Did you photograph that?

10 A. Yes, ma'am.

11 Q. All right. I'm going to show you State's 21, and ask
12 if that's the photo of the bullet hole in the shed behind
13 the house that you photographed that night.

14 A. Yes, ma'am.

15 Q. Okay.

16 SOLICITOR SWANSON: State would move 21 into evidence.

17 MS. CAMPBELL: No objection.

18 THE COURT: Without objection.

19 (WHEREUPON, STATE'S EXHIBIT NO. 21, IDENTIFIED AND
20 MARKED, RECEIVED INTO EVIDENCE.)

21 BY SOLICITOR SWANSON:

22 Q. And you can see that shed in the overview?

23 A. Yes, ma'am.

24 Q. Okay. And looking at State's 24, can you point out
25 the shed?

CAPTAIN ALEX WILLIAMS: DIRECT BY SOLICITOR SWANSON

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1 A. Yes, ma'am. It would be right here to the side of
2 that room.

3 Q. The white structure to the right of the residence?

4 A. Yes, ma'am.

5 Q. Did you photograph anything besides the floral picture
6 to the left when you come in, inside the residence?

7 A. Yes, ma'am.

8 Q. Okay. Did you photograph what you suspected to be
9 bullet holes within the residence?

10 A. Yes, ma'am.

11 Q. I'm going to hand you State's 22 and 23, and ask you
12 if these were photos that you took of what you suspected to
13 be bullet holes within the residence.

14 A. Yes, ma'am.

15 SOLICITOR SWANSON: State would move 22 and 23 in at
16 this time.

17 MS. CAMPBELL: No objection.

18 THE COURT: No objection.

19 (WHEREUPON, STATE'S EXHIBIT NO. 22 AND 23, IDENTIFIED
20 AND MARKED, RECEIVED INTO EVIDENCE.)

21 BY SOLICITOR SWANSON:

22 Q. And were you guys able to recover any projectiles
23 beside the one that we've already seen from the entryway to
24 Shamond Ling's room?

25 A. No, ma'am, we did not.

1 Q. Did you suspect that they were still in the residence?

2 A. Possibly. Yes, ma'am.

3 Q. Okay. And why didn't you try and collect them?

4 A. Well, we didn't have the proper tools and -- to tear
5 out walls, and didn't want to damage Ms. Ling's property
6 any further than it was already going to be damaged after
7 we left.

8 Q. Okay. All right. So what was the next thing you did
9 after processing the exterior and the interior of the Ling
10 residence?

11 A. Once we completely finished the processing, we went
12 back -- I went back to the office and began trying to
13 locate Mr. McKnight.

14 Q. Okay.

15 A. Via contact at Verizon, sending out BOLO's to other
16 agencies to locate him.

17 Q. All right. And where was he eventually located?

18 A. Mr. McKnight was located in Denmark, South Carolina.

19 Q. Okay. What else was located in Denmark, South
20 Carolina?

21 A. Subsequently, the white Ford F-150 was located in
22 Denmark as well.

23 Q. Where was the -- okay. First of all, where was Mr.
24 McKnight located in Denmark?

25 A. I believe he was located at Denmark Technical College.

CAPTAIN ALEX WILLIAMS: DIRECT BY SOLICITOR SWANSON

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1 Q. Okay. And then, where was the white F-150 located?

2 A. Denmark Elementary.

3 Q. And how far is that from Denmark College?

4 A. It's not far. It's --

5 Q. Is it within walking distance?

6 A. Yes, ma'am. It is within walking distance.

7 Q. Okay. Did you get a search warrant for that F-150?

8 A. Yes, ma'am, I did.

9 Q. All right. And did you get that F-150 towed back to
10 Estill?

11 A. Well, it wasn't me personally. However, it was towed
12 by Estill Police Department. Yes, ma'am.

13 Q. Okay. And so, were you the one that processed that
14 F-150?

15 A. Yes, ma'am, I did.

16 Q. All right. I'm going to show you what's been entered
17 as State's 33. Is this the F-150 that you processed?

18 A. Yes, ma'am, it is.

19 Q. Okay. And then, I'm showing you State's 34. Is this
20 the photograph that you took of the interior of the F-150
21 as you were processing it?

22 A. Yes -- well, prior to, yes, ma'am.

23 Q. Or prior to?

24 A. Before I began -- before processing. Yes, ma'am.

25 Q. Okay. And that's a fair and accurate depiction of

1 what's contained ---

2 A. Yes.

3 Q. --- what was contained in that F-150?

4 A. Yes, ma'am.

5 Q. Okay.

6 SOLICITOR SWANSON: State would move 34 into evidence.

7 MS. CAMPBELL: No objection.

8 THE COURT: Without objection.

9 (WHEREUPON, STATE'S EXHIBIT NO. 34, IDENTIFIED AND
10 MARKED, RECEIVED INTO EVIDENCE.)

11 SOLICITOR SWANSON: Move to publish.

12 THE COURT: You may.

13 BY SOLICITOR SWANSON:

14 Q. And so, what did you find within the cab of the Ford
15 F-150?

16 A. On that picture you're showing, it's a -- black and --
17 black and white book bag with a brown bottom; some camo --
18 some camouflage pants; and also some other clothing items.

19 Q. Okay. All right. So did you collect black -- the
20 black and brown backpack, as well as a black tee-shirt,
21 camo pants, and a dark green washcloth from the F-150?

22 A. Yes, ma'am.

23 Q. I'm going to show you what's been marked as State's 47
24 and 48, and ask if these bags contain the items that we
25 just spoke about.

CAPTAIN ALEX WILLIAMS: DIRECT BY SOLICITOR SWANSON

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1 A. Yes, ma'am.

2 Q. Okay. So 47 is the black and brown backpack that's
3 contained in that photo?

4 A. It's still sealed, but according to the SLED
5 packaging, yes, ma'am.

6 Q. Right. The -- the note ---

7 A. Yes, ma'am.

8 Q. --- on the outside?

9 A. Yes, ma'am. That's my handwriting. Yes, ma'am.

10 Q. And this is also labeled as -- bag number -- I'm
11 sorry.

12 SOLICITOR SWANSON: Beg the Court's indulgence.

13 THE COURT: Sure.

14 BY SOLICITOR SWANSON:

15 Q. All right. Well, we're not gonna go into your bag
16 numbers. We're just going to go with State's 47, which was
17 purported to be the black and brown backpack that we saw in
18 the photo.

19 SOLICITOR SWANSON: We can open it up if the Defense
20 wishes.

21 Q. All right. So State's 47, you did collect that,
22 correct?

23 A. Yes, ma'am.

24 Q. All right.

25 SOLICITOR SWANSON: I would move 47 into evidence at

1 this time.

2 MS. CAMPBELL: No objection.

3 THE COURT: Without objection.

4 (WHEREUPON, STATE'S EXHIBIT NO. 47, IDENTIFIED AND
5 MARKED, RECEIVED INTO EVIDENCE.)

6 BY SOLICITOR SWANSON:

7 Q. And did you request that SLED analyze that item?

8 A. Yes, ma'am.

9 Q. Okay. And then, State's 48, black tee-shirt, camo
10 pants, green washcloth, did that come out of the F-150?

11 A. Yes, ma'am.

12 Q. And you collected those items?

13 A. Yes, ma'am, I did.

14 Q. Wearing gloves at the time?

15 A. Yes, ma'am.

16 Q. Okay.

17 SOLICITOR SWANSON: I would move State's 48 into
18 evidence at this time.

19 MS. CAMPBELL: Without objection.

20 THE COURT: Without objection.

21 (WHEREUPON, STATE'S EXHIBIT NUMBER 48, IDENTIFIED AND
22 MARKED, RECEIVED INTO EVIDENCE.)

23 BY SOLICITOR SWANSON:

24 Q. Did you send those items off to SLED for analysis?

25 A. Yes, ma'am.

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1 Q. Did you take any -- did you take a swab of the
2 steering wheel of the F-150?

3 A. Yes, ma'am, I did.

4 Q. All right. I'm going to hand you what's been marked
5 as State's 41, and ask if that's the swab that you took of
6 the steering wheel.

7 A. Yes, ma'am.

8 Q. And did you request that SLED analyze State's 41?

9 A. Yes, ma'am, I did.

10 Q. Did you take a number of paper documents out of that
11 F-150 when you searched it?

12 A. Yes, ma'am.

13 Q. Okay. I'm going to hand you what's labeled Bag Number
14 5, and State's Exhibit 46, and ask if these paper documents
15 are items that you took out of the F-150.

16 A. Yes, ma'am.

17 SOLICITOR SWANSON: State would move 46 into evidence
18 at this time.

19 MS. CAMPBELL: Without objection.

20 THE COURT: Without objection.

21 (WHEREUPON, STATE'S EXHIBIT NO. 46, IDENTIFIED AND
22 MARKED, RECEIVED INTO EVIDENCE.)

23 SOLICITOR SWANSON: All right.

24 Q. And do they appear to be pieces of mail?

25 A. Yes, ma'am.

1 Q. Whose name are on those pieces of mail?

2 A. Johnnie Lee McKnight. Yes, ma'am.

3 Q. All right. Did you take an additional nine bags of
4 items out of the F-150?

5 A. Yes, ma'am.

6 Q. I mean --

7 A. Various bags.

8 Q. Or various bags of items ---

9 A. Yes, ma'am.

10 Q. --- out of the F-150?

11 A. Yeah, it was various articles. They were placed in
12 the bags.

13 Q. All right. Can you just quickly go through those
14 articles? What were they? Were they, like, pieces of
15 clothing, or?

16 A. Yes, ma'am. Black ski -- black knit ski mask; gray
17 towel; gray work gloves; a tee-shirt, black tee-shirt;
18 black and white bandana; another black knit cap; gray
19 headset; black jacket; blue bag with white lettering; three
20 pair of white sweat socks; white towel; a military-style
21 digital pattern bandana; a blue tank top; a pair of shower
22 shoes.

23 Q. Okay.

24 A. Baby wipes; a fifty-thousand-dollar payment stub; a
25 pair of sunglasses; a bar of packaged soap.

CAPTAIN ALEX WILLIAMS: DIRECT BY SOLICITOR SWANSON

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1 Q. Who was the fifty-thousand-dollar payment stub made
2 out to?

3 A. Mr. McKnight.

4 Q. Did you send those items off to SLED?

5 A. No, ma'am, I did not.

6 Q. Okay. Why didn't you?

7 A. Well, we were collecting those items out of the truck
8 because we were going to return it to Groton Plantation,
9 and they weren't -- they didn't belong to Groton, so we
10 just took them and kept them.

11 Q. Okay. But you did send some of the items off to ---

12 A. Yes, ma'am.

13 Q. --- SLED for testing?

14 A. Yes, ma'am, I did.

15 Q. Okay. And how did you determine which items you sent
16 off to SLED for testing?

17 A. The clothing. We didn't have a clothing description
18 for Mr. McKnight from that evening, and there was clothing
19 inside of the book bag. So we had that tested, along with
20 the washcloth, thinking maybe he had possibly washed, or
21 tried to wash the GSR off, so we had that tested as -- sent
22 that test as well.

23 Q. Okay. So it was the clothing that was inside the book
24 bag?

25 A. Yes, ma'am. And the book bag itself.

1 Q. Next, were you all able to locate the blue Honda?

2 A. Yes, ma'am, the blue Honda was eventually located.

3 Q. Where was that located?

4 A. Out on Highway 3.

5 Q. All right. And was that eventually towed back to
6 Estill P.D.?

7 A. Actually, that one was towed back to our Public Works.

8 Q. Oh. I'm sorry. The impound lot?

9 A. Yes.

10 Q. Okay. And is it still there today?

11 A. Yes, ma'am, it is.

12 Q. Okay. And did you process the Honda Accord?

13 A. Yes, ma'am, I did.

14 Q. I'm going to hand you 27 and 28, and ask if this is
15 the Honda that you processed, and was towed from Highway 3?

16 A. Yes, ma'am, it is.

17 Q. Okay. Is that how it appeared the day that you
18 processed it?

19 A. Yes, ma'am.

20 SOLICITOR SWANSON: State would move 27 and 28 into
21 evidence at this time.

22 MS. CAMPBELL: No objection.

23 THE COURT: Without objection.

24 (WHEREUPON, STATE'S EXHIBIT NO. 27 AND 28, IDENTIFIED
25 AND MARKED, RECEIVED INTO EVIDENCE.)

CAPTAIN ALEX WILLIAMS: DIRECT BY SOLICITOR SWANSON

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1 BY SOLICITOR SWANSON:

2 Q. What did you notice about the blue Honda?

3 A. Initially, both -- both front tires were destroyed,
4 just shredded. Upon further inspection I did observe a --
5 what appeared to be a bullet hole in the driver's-side
6 door.

7 Q. Did you attempt to retrieve a projectile from that
8 car?

9 A. Yes, ma'am, I did.

10 Q. Okay. Were you unable to?

11 A. I was unable to locate the fired projectile.

12 Q. What was the first thing that you did in order to
13 process that car?

14 A. I photographed the vehicle, the entirety of the
15 vehicle first before I got into it and started looking
16 through it.

17 Q. All right. So exterior and interior of the vehicle
18 ---

19 A. Yes, ma'am, I did.

20 Q. --- you photographed?

21 A. Yes, ma'am.

22 Q. And then, did you attempt to get gunshot residue off
23 of any parts of the vehicle?

24 A. Yes, ma'am, I did.

25 Q. Okay. And can you tell us where you attempted to lift

1 any gunshot residue?

2 A. The driver's-door handle; the driver's panel, door
3 panel; the gear shifter; and the steering wheel.

4 Q. Okay. All right. And I'm just going to hand you
5 State's Exhibit 49, for identification purposes at this
6 time, and ask if this is the gunshot residue, or GSR kit,
7 that you performed and submitted to SLED for analysis.

8 A. Yes, ma'am, it is.

9 Q. Okay. And that contains what's called the particle
10 lifts, right?

11 A. Yes, ma'am.

12 Q. Okay. So after you did that, you searched through the
13 rest of the car?

14 A. Yes, ma'am.

15 Q. And exercising the -- and executing the search
16 warrant, right?

17 A. Yes, ma'am, I did.

18 Q. Okay. And did you find a camera in there?

19 A. Yes, ma'am, I did.

20 Q. And in that camera, did it contain an SD card?

21 A. Yes, ma'am, it did.

22 Q. I'm going to hand you State's 50 and ask if this is
23 the SD card that you took out of the camera located in the
24 blue Honda Accord.

25 A. Yes, ma'am, it is.

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1 Q. All right.

2 SOLICITOR SWANSON: State would move Item 50 into
3 evidence at this time.

4 MS. CAMPBELL: I would be inclined to wait for the
5 SLED testimony expert to handle this item.

6 SOLICITOR SWANSON: SLED did not handle this item,
7 Captain Williams did.

8 MS. CAMPBELL: Okay. Then, no objection.

9 THE COURT: Okay. Without objection.

10 (WHEREUPON, STATE'S EXHIBIT NO. 50, IDENTIFIED AND
11 MARKED, RECEIVED INTO EVIDENCE.)

12 SOLICITOR SWANSON: All right. Thank you.

13 BY SOLICITOR SWANSON:

14 Q. All right. And Captain Williams, did you obtain a
15 separate search warrant for the SD card that came out of
16 that camera?

17 A. Yes, ma'am, I did.

18 Q. All right. And did you look at it?

19 A. Yes, ma'am, I did.

20 Q. And whose images were contained in that SD card?

21 A. Mr. McKnight's, Johnnie McKnight's.

22 Q. All right. Who else?

23 A. I did observe Ms. Ling as well.

24 Q. All right. Were there various other images on that SD
25 card?

1 A. Yes, ma'am.

2 Q. Okay.

3 MS. CAMPBELL: And again, I did have an objection to
4 Item 35, which I believe your Honor ruled on, but I would
5 continue that objection.

6 THE COURT: Thank you. It's noted, for the record.

7 You can go ahead.

8 BY SOLICITOR SWANSON:

9 Q. There was another image that you actually noted in
10 your search warrant return. What was that an image of?

11 A. It was a -- what appears to be a black assault rifle.

12 Q. All right. I'm going to show you what's been marked
13 as State's 35, and ask if this is an image that came off of
14 the SD card from the blue Honda Accord.

15 A. Yes, ma'am.

16 Q. All right.

17 SOLICITOR SWANSON: State would move 35 into evidence,
18 and publish at this time.

19 THE COURT: Okay. Subject to the prior objection
20 that's noted for the record.

21 (WHEREUPON, STATE'S EXHIBIT NO. 35, IDENTIFIED AND
22 MARKED, RECEIVED INTO EVIDENCE.)

23 BY SOLICITOR SWANSON:

24 Q. Did you also -- were there another number of items
25 contained in the trunk and in the cab of the car?

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1 A. Yes, ma'am. In the trunk there was a -- there was a
2 laptop computer, and also a Surface Pro, which is a Windows
3 product. So, like, a tablet and laptop combination.

4 Q. Okay. Items of clothing? That were not sent off for
5 testing.

6 A. I did -- yes, ma'am. It was various items in the
7 trunk. Yes, ma'am.

8 Q. Okay. And did you review your body-cam footage from
9 the execution of this search warrant in preparation for
10 your testimony?

11 A. Yes, ma'am.

12 Q. I'm going to show you what's been marked as State's
13 51. If you can tell me what's contained inside the bag,
14 and whether that came out of the blue Honda.

15 A. Yes, ma'am. It's a prescription from CVS Pharmacy for
16 a Johnnie McKnight, for Naproxen 500 milligram tablets.

17 Q. Okay.

18 SOLICITOR SWANSON: State would move 51 into evidence
19 at this time.

20 MS. CAMPBELL: No objection.

21 THE COURT: Without objection.

22 (WHEREUPON, STATE'S EXHIBIT NO. 51, IDENTIFIED AND
23 MARKED, RECEIVED INTO EVIDENCE.)

24 BY SOLICITOR SWANSON:

25 Q. All right. Now, what kind of tags did the blue Honda

1 have on it?

2 A. It had a temporary, South Carolina temporary tag.

3 Q. Were you able to run the registration on the temporary
4 tags?

5 A. Yes, ma'am. Temporary ---

6 Q. Did --

7 A. --- temporary tag did return to Mr. McKnight.

8 Q. All right. And the registration on the VIN number
9 returned to?

10 A. A gentleman out of Walt -- out of Collettin County.

11 Q. How long were the temporary tags valid for?

12 A. Forty-five days.

13 Q. Now, did you have any other suspects besides Johnnie
14 McKnight in your investigation?

15 A. No, ma'am.

16 Q. All right. And did you talk to Shamond Ling when you
17 were on-scene that night?

18 A. I don't remember directly speaking with him, because I
19 was doing the processing. I do believe he was taken to the
20 office while I was still out on-scene.

21 Q. Okay. Did you talk to him about a week later?

22 A. Yes, ma'am, I did.

23 Q. And did you ask him to come and meet with you? How
24 did that go?

25 A. We had got some information that he had been actually

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1 shooting at Mr. McKnight, so we brought him in to clarify
2 what -- what his role was in this incident.

3 Q. Okay. Did he come in willingly?

4 A. Yes, ma'am.

5 Q. Was he on time?

6 A. Yes, ma'am.

7 Q. Did he offer to bring any and all firearm's evidence
8 that you requested?

9 A. Yes, ma'am.

10 Q. Okay. Did he agree that he would bring in his gun if
11 you wanted?

12 A. Yes, ma'am.

13 Q. Did you ask him to bring in his gun?

14 A. No, ma'am, I did not.

15 Q. Okay. And why is that?

16 A. Well, we didn't -- we didn't recover a projectile from
17 the vehicle to compare it to, and that once we didn't
18 recover a projectile I didn't feel it was necessary,
19 because I don't -- I didn't know where the projectile went;
20 because we tore the door off and it was nothing to test it
21 against, from the projectile perspective.

22 Q. Okay. Talking about items that were sent to SLED.
23 Did SLED send some of those items back to you untested?

24 A. Yes, ma'am.

25 Q. Okay. Did they give you a reason for that?

1 A. Their -- it's their protocols in their lab, they only
2 require certain amounts of -- they only take certain
3 amounts of swabs from various incidents, so they decided
4 not to test it.

5 Q. Okay. Did you request that other items from SLED be
6 tested; cell phones, electronics?

7 A. Yes, ma'am, I did.

8 Q. Okay. And so, the Samsung Galaxy, then, that was
9 taken off of -- or out of Mr. McKnight's property, did
10 that, in fact, go to SLED?

11 A. Yes, ma'am, it did.

12 Q. I'm just going to have you identify it. It's been
13 entered as State's Exhibit 39, but is this an item that was
14 analyzed by SLED? The Samsung Galaxy?

15 A. Yes, ma'am, it is.

16 Q. All right, Captain Williams, one more thing and I'm
17 going to let Ms. Campbell have her shot at you. State's
18 Exhibit 45. Did you obtain a search warrant for a buccal
19 swab from Johnnie McKnight?

20 A. Yes, ma'am, I did.

21 Q. All right. And can you tell us what a buccal swab is?

22 A. A buccal swab is where you swab inside of an
23 individual's jaw, and you submit that to SLED for DNA
24 comparison.

25 Q. Okay. I'm going to hand you, for identification at

CAPTAIN ALEX WILLIAMS: DIRECT BY SOLICITOR SWANSON
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1 this time, State's Exhibit 45, and ask if this is the
2 buccal swab that you took from Mr. McKnight's cheek.

3 A. Yes, ma'am.

4 Q. Okay. And is a buccal swab like a Q-Tip?

5 A. Yes, ma'am.

6 Q. And so, were you wearing gloves ---

7 A. Yes, ma'am, I was.

8 Q. --- when you swabbed his mouth?

9 A. Yes, ma'am.

10 Q. And you put it directly into --

11 A. His jaw. Into the packaging that SLED provides.

12 Q. And sealed?

13 A. Yes, ma'am.

14 Q. Okay.

15 SOLICITOR SWANSON: All right. I have nothing further
16 at this time. Please answer any questions Ms. Campbell may
17 have.

18 MS. CAMPBELL: May it please the Court?

19 THE COURT: Yes, ma'am.

20 CROSS-EXAMINATION

21 CAPTAIN ALEX WILLIAMS BY MS. CAMPBELL:

22 Q. Investigator Williams, you understand what I'm talking
23 about when I talk about Item 4, right?

24 A. Item 4 from?

25 Q. For SLED? Do you want me to --

1 A. Just clarify for me, yes, ma'am.

2 Q. This would be the fired projectile.

3 A. Okay.

4 Q. That ---

5 A. Okay.

6 Q. --- you testified was taken from the bedroom, Shamond
7 Ling's bedroom doorway?

8 A. Yes, ma'am.

9 Q. And then, you also testified as the lead investigator
10 that Item 6 came from the pass -- well, the passenger side
11 of the Chevy Impala. So I have Item 4 ad Item 6?

12 A. Yes, ma'am.

13 Q. Okay. And as the lead investigator in this case,
14 you've reviewed all of the evidence in this case, right?

15 A. Yes, ma'am.

16 Q. Okay. And I'm just curious as to this fired
17 projectile that says it was taken from the Bamberg County
18 Detention Center. Where is that fired projectile? What is
19 that?

20 A. Well, it appears that this is a -- this is a mista --
21 this is a mistake by Officer Maner.

22 Q. Oh, okay.

23 A. Yes, ma'am. Yeah, he wrote the wrong information on
24 that form.

25 Q. Okay. So your officer takes into custody an item of

CAPTAIN ALEX WILLIAMS: CROSS BY MS. CAMPBELL

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1 evidence, and he mis-identifies it. Is that what your
2 testimony is?

3 A. On the chain of custody sheet, yes, ma'am; but not on
4 the envelop that he sealed it in.

5 Q. Right. And so, anyone looking at this would be told
6 that whatever this is, because we -- it just says fired
7 projectile, that it came from the Bamberg County Detention
8 Center, correct?

9 A. On the sheet, yes, ma'am, it does say that.

10 Q. Okay. Now, you're in charge of this investigation
11 that night, right? And you get out there about an hour
12 after everybody comes out after the 911 calls, right?

13 A. I don't know the exact time, I don't.

14 Q. Okay. Well, if the -- if the -- plenty of body-cams
15 put your arrival around an hour after the 911 calls. Do we
16 need to go through the trouble of confirming that, or would
17 --

18 A. No, ma'am. That's what the body camera shows, ma'am,
19 that's -- that's what --

20 Q. That would be fair?

21 A. Yes, ma'am.

22 Q. Okay. So you get out there, and when you get out
23 there is it raining on you? I mean, this would be around
24 10:30. Are you in the rain?

25 A. I don't -- I remember when it started raining at one

1 point, but I don't know exactly what time it was when it
2 started raining.

3 Q. Because the photos that you take later on, and in the
4 body cameras, videos, you are out there kind of when things
5 have really died down, like around 2:00 o'clock in the
6 morning. Would that be fair, taking photos, looking for
7 evidence?

8 A. I don't know exactly what time it was. I didn't look
9 at my watch.

10 Q. Okay. How about in looking at your notes, or all
11 those reports that you reviewed for your testimony? You
12 can't tell this jury what time that night you were --

13 A. Ma'am, I really don't ---

14 Q. You don't know.

15 A. --- because we were trying to locate Mr. McKnight.
16 That was my focus after we cleared from the --

17 Q. Okay. Now, the items that you did take from the
18 driveway area were the four shell casings, correct?

19 A. Yes, ma'am.

20 Q. And you took the one fired bullet from inside the
21 house, correct?

22 A. Yes, ma'am.

23 Q. All right. And you took photos of the Mercedes Benz
24 and the Chevy Impala, correct?

25 A. Yes, ma'am.

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1 Q. Okay. And the Mercedes Benz has three bullet holes in
2 it, right?

3 A. I believe its -- yeah, I believe it is three. I do
4 believe it is three.

5 Q. Let me see if I can find it in here. So it's got a
6 bullet hole in the trunk area, correct?

7 A. Yes, ma'am.

8 Q. And it's got a bullet hole in the passenger-side
9 mirror, correct?

10 A. Yes, ma'am.

11 Q. And it's got another bullet hole in the passenger-side
12 mirror, correct?

13 A. I believe so, yes, ma'am.

14 Q. All right. So I'm going to hand you what's been
15 entered into evidence as State's 7. That's the bullet hole
16 in the Mercedes trunk, right?

17 A. Yes, ma'am. Where the emblem was.

18 Q. And this is State's 9, and that is an exit hole,
19 correct, in the Mercedes Benz side mirror?

20 A. I believe it is. I'm not a hundred percent sure. I
21 think it's another picture on the other side of the mirror
22 ---

23 Q. Okay.

24 A. --- where it exited.

25 Q. And I show you State's -- yeah, State's 10, with the

1 two entry holes in the back, correct?

2 A. That's the -- no, that's appears to be the exit.

3 Q. Okay. We're gonna get to --

4 A. Or the picture. I'm not sure exactly which one it is,
5 but.

6 Q. Right. So, again, you can't tell us if these are
7 entry -- if State's 10 is an entry, or State's 9 is an
8 entry, you don't know the answer to that question. That's
9 what you just said, correct?

10 A. Yes, ma'am.

11 Q. Sorry about that. Now, you've got -- that's three
12 shots in the Mercedes. Now, you've got one shot in the
13 State's 12, which is the front of the Chevy Impala; is that
14 correct?

15 A. Yes, ma'am. In the headlight, yes, ma'am.

16 Q. Okay. I count four shell casings that you took into
17 evidence by the road, right?

18 A. Yes, ma'am.

19 Q. And I -- and we just counted four shots. Three in the
20 Mercedes and one in the Chevy Impala, correct?

21 A. Yes, ma'am.

22 Q. Okay. Now, I heard you tell the solicitor that you
23 did review body-cam evidence in preparation for your
24 testimony, right?

25 A. Yes, ma'am.

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1 Q. Okay. Good. When you watched the body-cam evidence
2 and saw what was happening before you arrived -- I mean, I
3 think we've heard testimony from someone who called it
4 chaos. There were just a lot of people there, weren't
5 there?

6 A. Outside of the tape, yes, ma'am.

7 Q. Yes. Well, no, actually, they were inside the tape
8 and outside the tape. It was just crazy, right?

9 A. People that were supposed to be inside the tape were
10 inside the tape.

11 Q. And do you recall comments being made that if SLED
12 were here they'd be having a fit?

13 A. Possibly. I don't -- I can't a hundred percent
14 recall.

15 Q. So let's talk about SLED. SLED is the South Carolina
16 Law Enforcement Division, right?

17 A. Yes, ma'am.

18 Q. Okay. And the South Carolina Law Enforcement Division
19 is available to agencies like yours ---

20 A. Yes.

21 Q. --- with a very small staff.

22 A. Yes, ma'am.

23 Q. When you pick up the phone and call them and ask them
24 to help you, correct?

25 A. Yes, ma'am.

1 Q. They'll come down, and they'll help you?

2 A. Yes, ma'am.

3 Q. Okay. And on this particular night you made the
4 decision -- I assume it was you, perhaps it was your chief
5 -- not to ask for help from SLED to process this crime
6 scene, correct?

7 A. Yes, ma'am.

8 Q. Okay. Now, you -- you've -- you took the photos of
9 these cars when things had quieted down, right?

10 A. Well, yes, ma'am. Once I started processing, yes,
11 ma'am.

12 Q. Right. And -- and they appear to have moisture on
13 them. I mean, I can show you another photo.

14 A. Yes, ma'am. I know what you're -- I know what you're
15 talking about. Yes, ma'am.

16 Q. Right. Okay. But you don't have any record of when
17 you took the photos during the evening?

18 A. I'm not exactly sure.

19 Q. Okay. Do you recall at any point in the body-cam
20 video seeing that the Chevy Impala was wet, that the
21 Mercedes Benz was dry?

22 A. No, ma'am. I don't recall that.

23 Q. We'll come back to that. And did you notice the gard
24 -- the garden hose that was attached to the house?

25 A. No, ma'am.

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1 Q. Okay. During your interview of Shamond Ling on
2 September 7th, you say to him, I understand that Johnnie
3 McKnight's family says he was shooting in self-defense,
4 right?

5 A. Yes, ma'am. If that's what the video says, yes,
6 ma'am.

7 Q. Well, let's talk about that.

8 A. Okay.

9 Q. Who told you that?

10 A. I can't remember where we heard -- we had heard some
11 information. We had been getting some information from
12 different places. There was also another investigator
13 there with me at the time, working in Estill at the time
14 and that was Lieutenant Thomas. So I don't know if we
15 heard it from -- he gave me the information, but we just
16 followed up on it when we got the information.

17 Q. So you don't know where you got the information, but
18 you received information that if Johnnie fired, he was
19 firing in self-defense, correct?

20 A. Yes, ma'am.

21 Q. Okay. And then, you -- did you call Shamond Ling and
22 say, come on down, I need to talk to you? And how did all
23 that go?

24 A. I don't remember if I called, or if someone went by
25 and -- and he came.

1 Q. Because obviously he knew that you knew at that point
2 that he was firing a gun that night; because he brought the
3 shell casings with him.

4 A. Yes, ma'am.

5 Q. Okay. But do you know if you told him?

6 A. I'm not sure if somebody went to him or I called. I
7 can't remember exactly.

8 Q. Just don't know. Okay.

9 A. But he did come.

10 Q. So on his word and his word alone, you just take those
11 three shell casings and put them into evidence, right?

12 A. Yes, ma'am, I did.

13 Q. Okay. Now, I can't remember, but I think, did -- did
14 you ever go back out there to the house to look at the yard
15 for further shell casings?

16 A. No, ma'am, I did not.

17 Q. Yeah. Okay. And you tell him, I'm -- well, first off
18 you say, I need to know what kind of gun you were firing.
19 And so, he just says well, I was firing a .9-millimeter.

20 That's fair, right?

21 A. Yes, ma'am.

22 Q. And -- and you say okay, well, I'm going to need that
23 gun.

24 A. Okay. Yes, ma'am.

25 Q. That's correct?

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1 A. Yes, ma'am.

2 Q. Because you need to compare it to evidence in this
3 case, right?

4 A. Yes, ma'am.

5 Q. That's what you told him. And you never got the gun?

6 A. No, ma'am.

7 Q. Okay. Now, you got the firearms report on December
8 10, 2018, right?

9 A. They made it -- they made it available. I don't know
10 what day I printed it off.

11 Q. Okay. Well, the earliest possible time you could've
12 gotten --

13 A. Yeah, whenever they make it available.

14 Q. The firearms report was December 10th.

15 A. Yes. Whenever they make it available, yes.

16 Q. And you interviewed him September 7th, correct?

17 A. That was -- but that was a December 10th -- I don't
18 know what, if that 2017 or 2018 when they -- when it was --
19 the firearms was ready.

20 Q. Right. That's what I'm saying.

21 A. You're saying 2018? December 2018, or 2017?

22 Q. Well, I believe, if I'm wrong, it's --

23 A. I think you stated 2018, earlier. I just want to make
24 sure.

25 Q. Right. Well, I'll pull it out to be sure, because I

1 want to make sure it's right. December 10th, 2018.

2 A. Yes, ma'am.

3 Q. And you interviewed Shamond Ling September 7th, 2017.

4 A. Yes, ma'am.

5 Q. Okay. So over a year goes by.

6 A. Yes, ma'am.

7 Q. Before you get the firearms report.

8 A. Yes, ma'am.

9 Q. Which would give you any insight into the two fired
10 bullets and the four shell casings that you took in and
11 asked SLED to look at. Over a year.

12 A. Yes, ma'am.

13 Q. And during that year, over a year, you never got a
14 search warrant for Shamond Ling's bedroom, home, car,
15 anything to try and get his gun, or any of his guns, that
16 he may have been shooting that night, right?

17 A. Yes, ma'am. And I stated to Ms. Swanson, we didn't
18 recover a projectile to compare it against. That's why the
19 gun was never attempted to even -- even be recovered.

20 Q. And that's my point. For over a year, you didn't have
21 an answer to whether or not those two fired bullets -- you
22 didn't know anything about them. There was no report
23 issued.

24 A. I know they -- what two fired bullets? From --

25 Q. Item 4 and Item 6.

CAPTAIN ALEX WILLIAMS: CROSS BY MS. CAMPBELL

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1 A. Well, what -- you mean the bullets?

2 Q. Yes.

3 A. They appeared to be -- to me, appeared to be from a
4 automatic rifle, from a .223 round. That was just my
5 layman's observation, so that's --

6 Q. Right. Okay. I understand that.

7 A. Yes, ma'am.

8 Q. And -- and thank you for pointing out ---

9 A. Yes, ma'am.

10 Q. --- that you're not a firearms expert ---

11 A. No, ma'am.

12 Q. --- and that's fine.

13 A. Yes, ma'am.

14 Q. But the firearm's experts are the one who should look
15 at the evidence, like the gun that Shamond Ling was firing
16 that night. Will you at least agree with me on that?

17 A. Well, yes, ma'am, I would.

18 Q. Okay.

19 A. And I also -- just clarify, I was -- if I would've had
20 a AR-15 to test, I would've had that tested. because I did
21 have a projectile, but I never recovered a AR-15, so I
22 never had one tested.

23 Q. Correct.

24 A. Yes, ma'am.

25 Q. You did not attempt to collect any fingerprint

1 evidence from the blue Honda Accord, did you?

2 A. No, ma'am.

3 Q. You did execute a search warrant on the Ford F-150,
4 right?

5 A. Yes, ma'am.

6 Q. And you did collect GSR from the Ford F-150?

7 A. I believe I did. Yes, ma'am.

8 Q. And you submitted that in. But you didn't collect any
9 fingerprint evidence from the Ford F-150, right?

10 A. No, ma'am.

11 Q. Now, you did not request nor ask to be obtained from
12 your Items 10, 11, 12, and 13, Items 10, 11, 12, and 13,
13 State's 43, the four shell casings, you didn't ask for them
14 to be tested for DNA, did you?

15 A. Can I look at my submission?

16 Q. Please.

17 A. Yes, ma'am, I did.

18 Q. Okay. So you requested that these four items be
19 submitted for DNA analysis?

20 A. Yes, ma'am. One sealed envelop containing four, two
21 -- ammo .223 Remington cartridge cases. I requested touch
22 DNA and firearms.

23 Q. Did you receive a report?

24 A. Not to my knowledge.

25 Q. Okay. So SLED just --

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1 A. I don't know if they -- what ---

2 Q. Just chose ---

3 A. --- if they tested or not.

4 Q. --- chose not to test it?

5 A. I'm not sure what their protocols are, ma'am.

6 Q. When you requested it?

7 A. It depends. I don't ---

8 Q. You don't know?

9 A. I don't know what their protocols are.

10 Q. Okay.

11 A. No, ma'am.

12 Q. Well, the -- they'll be here tomorrow, so we'll ask
13 them. Now, the bullet hole that was in the blue Honda
14 Accord ---

15 A. Yes, ma'am.

16 Q. --- in the driver's door.

17 A. Yes, ma'am.

18 Q. You said you looked for that projectile.

19 A. Yes, ma'am. I actually tore the door panel off.

20 Q. Uh-huh.

21 A. Trying to locate it.

22 Q. Uh-huh.

23 A. Yes, ma'am.

24 Q. And did you put the door panel back?

25 A. Yes, ma'am.

1 Q. Okay.

2 A. I put it back intact. Yes, ma'am.

3 Q. The tires on the front of that automobile are
4 completely gone.

5 A. Yes, ma'am.

6 Q. Correct?

7 A. Yes, ma'am.

8 Q. As if they had been shot out, correct?

9 A. No, ma'am. They don't appear ---

10 Q. You don't --

11 A. --- that I -- don't appear to be shot out. They're
12 shredded if they just --

13 Q. Right. I mean, don't you find that odd that both
14 front tires are just completely gone?

15 A. Based on Mr. Atkinson's earlier statement that Mr.
16 McKnight needed air in the tire, they were low profiles for
17 the type tires, so he may have been having a slow leak so.

18 Q. In both tires?

19 A. Maybe he needed air.

20 Q. Okay. Some statements that were made by a Ms.
21 Roberts, who showed up here to testify; you heard her
22 testimony, right?

23 A. Yes, ma'am.

24 Q. And you saw the solicitor hand her a police report,
25 right?

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1 A. Yes, ma'am.

2 Q. Okay. Now, it's fair to say that you were the
3 investigator on that case, right?

4 A. Actually, if you look at the report, Lieutenant Thomas
5 was the -- was assigned the followup for that one, for --
6 Chief Collins approved it.

7 Q. Uh-huh.

8 A. And Lieutenant Thomas was assigned to the followup.
9 I just assisted him in interviewing Ms. Ling regarding that
10 incident.

11 Q. Right. So you participated and conducted an
12 investigation in the sense that you talked to one of the
13 witnesses, correct?

14 A. Yes, ma'am.

15 Q. Okay. And to your knowledge, the Estill Police
16 Department, having heard what Ms. Roberts had to say,
17 having heard what Ms. Ling had to say, never issued any
18 sort of arrest warrant for Mr. McKnight related to what
19 she testified to today, correct?

20 A. No, ma'am. We did not get a warrant.

21 Q. You did not?

22 A. Or retain a warrant, no, ma'am.

23 Q. Okay. And when you -- when you get a warrant, you
24 have -- you believe what you're getting the warrant for,
25 right?

1 A. Yes, ma'am.

2 Q. Okay.

3 A. Along with corroborating evidence. Yes, ma'am.

4 Q. Right. And so, if you don't get a warrant, you don't
5 believe what you've been told, and you don't have any
6 corroborating evidence, correct?

7 A. Not necessarily don't believe it.

8 Q. Okay.

9 A. Yeah, I -- not necessarily that you don't believe it;
10 you don't have any evidence to corroborate.

11 Q. Now, the -- during the course of your investigation
12 you received discovery and things that you were seeking out
13 to try and understand what had happened. DSS records
14 related to Alydia Ling being abused in that home, correct?

15 A. I didn't personally receive them, no, ma'am.

16 Q. But you're aware of them, correct?

17 A. I believe the Solicitor's Office received some
18 information. I'm not sure.

19 Q. And you're aware of them, correct?

20 A. I can't -- I don't know exactly what they received, so
21 I can't speak on that.

22 Q. Now, you had an evidence meeting with me and the
23 solicitor, and do you recall that there were two items of
24 evidence totally unrelated to this case that you had placed
25 into the evidence bins for this case?

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1 A. The bin -- yes, ma'am, I remember that.

2 Q. Okay. And it took us quite some time to figure out
3 that those packages were not in any way related to the
4 Johnnie McKnight case, correct?

5 A. Yes, ma'am. They were sealed from SLED. I probably
6 picked them up at the same time. That's probably what
7 happened.

8 Q. Hold on one second. Okay. So do you -- you know, do
9 you recall reviewing the photographs that you took inside
10 the house, in preparation for your testimony?

11 A. Yes, ma'am.

12 Q. Okay. Do you remember that there was a blood spatter
13 and a blood pool on the doorframe of that house? Not just
14 where Alydia was laid out, but ---

15 A. I don't recall that right offhand.

16 Q. --- but there was blood spatter on the -- on the
17 doorframe?

18 A. I don't recall right offhand. I'd have to look at the
19 photos again.

20 Q. Okay.

21 A. I don't recall that particular photo.

22 Q. All right. Well, I'm going to try to find the photo
23 for you.

24 MS. CAMPBELL: I'm sorry, your Honor.

25 THE COURT: It's okay.

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1 BY MS. CAMPBELL:

2 Q. In order to refresh your recollection?

3 A. Yes, ma'am. That's fine.

4 Q. Okay.

5 MS. CAMPBELL: I'm sorry. It's gonna take me just a
6 second.

7 THE COURT: Ladies and gentlemen, while she's looking
8 for that, if you all want to stand up and take a stretch
9 you're welcome to.

10 You too, sir.

11 MS. CAMPBELL: Okay.

12 SOLICITOR SWANSON: Ms. Campbell, may I see what
13 you're showing the witness?

14 MS. CAMPBELL: Sure.

15 SOLICITOR SWANSON: Thank you.

16 MS. CAMPBELL: May I approach the witness, your Honor?

17 Q. Okay. I'm just gonna open this and ask if seeing this
18 photograph that you took refreshes your recollection.

19 A. Okay. Yes, ma'am. That was the -- yes, ma'am. I see
20 what you're saying.

21 Q. As to the blood spatter on the doorframe and the
22 pooling of the blood there directly by the door, correct?

23 A. Yes, ma'am.

24 Q. Okay. Thank you.

25 MS. CAMPBELL: That's all I have. Thank you, your

CAPTAIN ALEX WILLIAMS: REDIRECT BY SOLICITOR SWANSON

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1 Honor.

2 THE COURT: All right.

3 SOLICITOR SWANSON: Thank you. Just briefly.

4 REDIRECT EXAMINATION

5 CAPTAIN ALEX WILLIAMS BY SOLICITOR SWANSON:

6 Q. Let me go back to that photo that you pulled of the
7 AR-15, State's 35. Do you have any idea how much that
8 magazine holds?

9 A. It appears to be the one that's lying on the bed; it's
10 similar to ones we have with our department, looks similar
11 to a thirty-round magazine. The one that's in the gun also
12 looks similar to the thirty-round magazines from the old --
13 the metal, M-16-style.

14 Q. Okay.

15 A. Thirty rounds.

16 Q. So thirty rounds?

17 A. Yes, ma'am. Appears to be a thirty-round magazine.

18 Q. And Ms. Campbell spent a long time asking you about,
19 you know, obtaining Shamond's gun so that you could compare
20 it to projectiles that were found in the house and by the
21 Chevy Impala. Did you have any reason to believe that
22 Shamond was shooting at his own home, at his own family?

23 MS. CAMPBELL: Objection. Calls for speculation.

24 SOLICITOR SWANSON: He's the investigator.

25 THE COURT: He can answer the question.

1 A. No, ma'am. There was nothing that gave us any
2 indication that that was the case.

3 Q. Okay. Why did you not obtain a warrant in the
4 investigation into the incident that Gladys Roberts
5 reported? What -- what wasn't corroborated?

6 A. Well, when we spoke with Ms. Ling, she was not
7 cooperative with us. She actually denied any type of
8 relationship with Mr. McKnight, which went to basically
9 what Ms. Roberts told us, that it was some type of
10 argument. So she was -- she was not cooperative, so
11 therefore we -- we didn't see any, you know, corroborating
12 evidence to move forward.

13 Q. Okay. And how old was Ms. Ling at the time?

14 A. According to the police report she was fifteen.

15 Q. Was it your understanding, and you were here when
16 Deborah Ling testified before, that Deborah Ling, Alydia's
17 mother, had actually laid her down after she were shot?

18 A. Yes, ma'am.

19 Q. Okay. And so, the -- the blood spatter that Ms.
20 Campbell showed you that's along the doorway, there's one
21 pool of blood closer to the doorway?

22 A. Yes, ma'am.

23 Q. And --

24 A. I believe a pair of headphones was laying in it.

25 Q. Okay. And then, another pool of blood where,

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1 eventually, her head lay, right?

2 A. Yes, ma'am.

3 Q. Okay. And I'm going to show you State's 4, and ask if
4 you recall there being a pool of blood here, and then by
5 her head back here.

6 A. Yes, ma'am. That's right, by the door, yes, ma'am.

7 SOLICITOR SWANSON: I have nothing further. Thank
8 you.

9 MS. CAMPBELL: Just briefly.

10 RECROSS-EXAMINATION

11 CAPTAIN ALEX WILLIAMS BY MS. CAMPBELL:

12 Q. The solicitor asked you on re-direct about having
13 suspicions about Shamond Ling shooting his sister, and you
14 said no. But didn't it bother you that he lied for a week
15 about shooting a gun that night? That didn't bother you
16 then? Does it bother you now that he lied?

17 A. No, ma'am.

18 Q. Okay.

19 A. It -- no, ma'am.

20 Q. Okay. Thank you. That's all I have.

21 A. Based on the type of incident ---

22 Q. Oh. Okay.

23 A. --- it did not.

24 THE COURT: Anything further?

25 SOLICITOR SWANSON: Nothing further.

1 THE COURT: All right. You may step down, sir.

2 Thank you.

3 (WITNESS LEAVES WITNESS STAND.)

4 THE COURT: Okay. All right.

5 SOLICITOR SWANSON: Yes. And Captain Williams is the
6 last witness that we were prepared to offer today.

7 THE COURT: Perfect. Could I see you both really
8 quickly, please? Just about scheduling.

9 (BENCH CONFERENCE, OFF THE RECORD, OUT OF HEARING OF
10 THE JURY, AT 04:36 P.M.)

11 THE COURT: All right. Ladies and gentlemen, we were
12 just talking scheduling. I do everything I can not to have
13 you waiting back there for us. It's my understanding we
14 have a number of witnesses coming from out of town
15 tomorrow, either Columbia or Charleston. If it's
16 acceptable to you all, we'd like to start at 10:00 a.m.
17 tomorrow morning. Is that okay with everybody?

18 All right.

19 Ladies and gentlemen, I need to ask you, even though
20 you have heard now some evidence in this case, you are not
21 to do any independent research, you are not to do any
22 drive-bys. You are to, ladies and gentlemen, simply go
23 home, get a good night's sleep. And I look forward to
24 seeing you all back at 10:00 a.m. in your jury room
25 tomorrow morning, where we will go ahead and continue with

1 the trial of this case. All right?

2 You are excused for the evening. Thank you.

3 (JURY EXITS COURTROOM AT 04:40 P.M.)

4 THE COURT: All right. Is there anything else we need
5 to put on the record, Ms. Swanson or Ms. Campbell, for the
6 evening?

7 SOLICITOR SWANSON: None from the State.

8 MS. CAMPBELL: We're good.

9 THE COURT: All right, so we'll start back, if
10 everyone could be here just a few minutes before 10:00
11 tomorrow, that would be great. Okay?

12 SOLICITOR SWANSON: And I anticipate that we'll be
13 able to rest prior to lunchtime.

14 THE COURT: Okay. If there is anything that you would
15 consider to be different or unusual for the jury charge,
16 let me know. I think we've got a lot of what is standard
17 in this, so. Just email Julia for anything you would like
18 specifically. I'm assuming you're going to ask for the
19 self-defense charge.

20 MS. CAMPBELL: Yes.

21 THE COURT: And inconsistent or different statements.
22 Not consistent with what's being here.

23 Anything else you can think of right now?

24 SOLICITOR SWANSON: Judge, I will submit a charge, but
25 if it's going to be the Defense theory that, you know,

1 there was mutual combat going on, I'm going to request a
2 mutual combat charge. Yes.

3 THE COURT: Mutual combat charge. Okay. Okay.
4 Anything else you can think of?

5 SOLICITOR SWANSON: I'm not sure.

6 THE COURT: The other one that I thought about ---

7 SOLICITOR SWANSON: There's --

8 THE COURT: --- and tell me what you all think about
9 this is, you know, potentially a transfer --

10 SOLICITOR SWANSON: That -- that's what I was about to
11 say. But I mean, it just depends on --

12 THE COURT: It depends on what happens, exactly.

13 SOLICITOR SWANSON: Right.

14 THE COURT: So I just -- right now I'm going to just
15 have it ready, just in case, just that to me came to mind.

16 Anything else, Trasi, you can think of?

17 MS. CAMPBELL: Not right now. Thank you.

18 THE COURT: Okay. And again, I don't know how far
19 we're gonna get tomorrow afternoon.

20 MS. CAMPBELL: Sure.

21 THE COURT: I don't know if we're going to get to
22 argue and charge. This is just all just in case. Okay?

23 SOLICITOR SWANSON: Okay.

24 THE COURT: All right.

25 SOLICITOR SWANSON: Thank you.

1 THE COURT: I appreciate it, you all. Thank you.

2 MS. CAMPBELL: Thank you, Judge.

3 (COURT IN EVENING RECESS AT 04:45 P.M.)

4 (COURT BACK IN SESSION WEDNESDAY, FEBRUARY 6, 2019 IN
5 THE MATTER OF STATE V. JOHNNIE LEE MCKNIGHT AT 10:01 A.M.)

6 (STATE VERSUS JEFFREY CAPERS PLEA WITH CHARLIE JOHNSON
7 AT 10:01 A.M.)

8 (COURT IN CONFERENCE WITH BAILIFF/JUROR MATTER)

9 (HISPANIC MALE JUROR ENTERS COURTROOM.)

10 THE COURT: Good morning. I hear you're feeling under
11 the weather.

12 A. Yes, ma'am, I had a bad headache this morning and my
13 throat was killing me. We didn't have any thermometer at
14 the house and I couldn't take my temperature.

15 THE COURT: Okay. You feel pretty bad?

16 A. Yes, ma'am.

17 THE COURT: Do you want me to go ahead and excuse you
18 and put one of the alternates in your place?

19 A. Uh-huh.

20 THE COURT: Yes? All right, sir, I'm gonna go ahead
21 and take your badge, because I don't want you getting the
22 rest of this jury sick, okay. I will tell you this, you
23 are excused and you can go home but you are not to discuss
24 this case with anyone. Do you understand?

25 A. Yes, ma'am.

1 THE COURT: Thank you, sir. You're excused for the
2 week, okay. And what is your name again?

3 A. Kevin Delgado.

4 THE COURT: Mr. Delgado, do you know what -- do you
5 remember what your juror number was?

6 MR. DELGADO: 39.

7 THE COURT: 39. All right, sir, thank you. I'll go
8 ahead and excuse you.

9 Get his stuff so he doesn't go back out there with the
10 jury, okay.

11 (JUROR NO. 39, KEVIN DELGADO, HISPANIC MALE, EXCUSED
12 FROM THE JURY BY THE COURT.)

13 THE COURT: Okay. You all, I need just a couple of
14 minutes. Are they bringing in Mr. McKnight as well?

15 He and I need to talk. I'll be right back. Okay.

16 (COURT AT EASE AT AT 10:10 A.M.)

17 (COURT BACK IN SESSION AT 10:13 A.M.)

18 THE COURT: All right. Are we bringing out Mr.
19 McKnight, Ms. Campbell?

20 MS. CAMPBELL: Good morning. I was with my client.

21 He's coming in.

22 THE COURT: You're fine.

23 Solicitor, who's your first witness for this morning.

24 SOLICITOR SWANSON: Viann Brantley from SLED.

25 THE COURT: What kind of expert?

1 SOLICITOR SWANSON: She does the computer crime
2 center. I -- you know, there's no opinion. And so, I
3 don't know that I need to qualify her.

4 THE COURT: Okay.

5 SOLICITOR SWANSON: That's just --

6 THE COURT: That's fine. I just wondered what she was
7 going to testify to.

8 SOLICITOR SWANSON: So it would be the cell phone text
9 messages.

10 THE COURT: Thank you.

11 SOLICITOR SWANSON: Sorry.

12 (DEFENDANT JOHNNIE MCKNIGHT, BLACK MALE, REENTERS
13 COURTROOM.)

14 THE COURT: Good morning. All right. We all ready to
15 go? Ready for the jury to come out this morning?

16 SOLICITOR SWANSON: Yes, your Honor.

17 THE COURT: Ms. Campbell, are you ready?

18 MS. CAMPBELL: Yes, ma'am.

19 THE COURT: All right. Let's bring the jury out.

20 (JURY REENTERS COURTROOM AT 10:16 A.M.)

21 THE COURT: Good morning, ladies and gentlemen.

22 It's a pleasure to see you all. Thank you. I want to
23 tell you that, as you understood, one of our jurors came in
24 with a mask this morning and said he was very ill. I
25 excused him in an effort not to get the rest of you ill.

AGENT VIANN BRANTLEY: DIRECT BY SOLICITOR SWANSON

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1 A JUROR MEMBER: Thank you.

2 THE COURT: Absolutely. So with that said, who was my
3 first alternate in this case?

4 Sir, you are now an official member of this jury. All
5 right? Just to let you know, so.

6 (JUROR NUMBER 92, ALTERNATE JUROR, PLACED ON THE
7 JURY.)

8 THE COURT: I did excuse him because, again, I don't
9 want him getting the rest of you sick. Okay. So with that
10 said, we're going to ahead and begin with testimony this
11 morning.

12 Solicitor, if you'll call your first witness for the
13 morning.

14 SOLICITOR SWANSON: Thank you. State calls Viann
15 Brantley.

16 THE COURT: Thank you.

17 (WHEREUPON, VIANN BRANTLEY,
18 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

19 DIRECT EXAMINATION

20 AGENT VIANN BRANTLEY BY SOLICITOR SWANSON:

21 Q. Good morning, ---

22 A. Good morning.

23 Q. --- Agent Brantley. Tell us who you work for and what
24 you do there.

25 A. My name is Agent Viann Brantley. I work with SLED in

AGENT VIANN BRANTLEY: DIRECT BY SOLICITOR SWANSON

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1 the computer crime center. We do cell phone extraction,
2 hard drive extractions, for different agencies.

3 Q. Okay. So law enforcement agencies submit telephones,
4 computers, things of that nature to you, and you pull that
5 data from that?

6 A. Right. Pull the electronic data off of there, yes.

7 Q. Okay. With different programs, right?

8 A. Yes. We use different tools.

9 Q. Okay. And you don't actually look at any of the data
10 that you pull, do you?

11 A. Only if they ask for specific text messages or
12 pictures. That's the only time I view it. If they want
13 the full extraction, I do not view it.

14 Q. Right. So typically, what you're doing is just
15 putting all that data from a phone or a computer on a disc,
16 or -- for the law enforcement agency, right?

17 A. Yes. Yes, ma'am.

18 Q. Okay. Did you have an opportunity to examine several
19 items that you received from Estill P.D. in the case
20 against Johnnie Lee McKnight?

21 A. Yes, I did.

22 Q. Okay. And do you have a list of those items in front
23 of you?

24 A. Yes.

25 Q. Okay. And you were not able to get information off of

1 several of those items, for various reasons?

2 A. Correct.

3 Q. Okay. Were you able to get information from a Samsung
4 Galaxy 6 phone?

5 A. I was.

6 Q. All right. I'm going to show you what's been entered
7 as State's Exhibit 39 and ask if this is the phone that you
8 were able to pull data from.

9 A. Yes, this is the phone.

10 Q. Okay. I'm going to hand you what has been marked as
11 State's Exhibit 52, and I'm going to ask you to look at
12 this. Well, let me ask you this first, Agent Brantley.

13 There were several hundreds of pages of data that came
14 off of the Samsung phone, right?

15 A. Yes.

16 Q. About 830?

17 A. I don't recall a number, but it was a huge ---

18 Q. Okay.

19 A. --- huge file, yes.

20 Q. Right. And so, what I've handed you is just a
21 portion, but I've included the information, serial number,
22 and things of that nature, so you can tell if that's the
23 phone it came from.

24 A. Yes.

25 Q. So can you tell us if those text messages came off of

AGENT VIANN BRANTLEY: DIRECT BY SOLICITOR SWANSON

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1 -- or are from the data that was pulled from the Samsung
2 phone?

3 A. Yes. Yes.

4 SOLICITOR SWANSON: Your Honor, at this time I would
5 offer 52 into evidence.

6 THE COURT: Okay. Subject to prior objection, it's in
7 evidence.

8 (WHEREUPON, STATE'S EXHIBIT NO. 52, IDENTIFIED AND
9 MARKED, RECEIVED INTO EVIDENCE.)

10 BY SOLICITOR SWANSON:

11 Q. All right. And so, if I can point you towards --
12 let's see. This'll be on the third page, and I'm going to
13 use the number of the text message. I'm going to ask you
14 to read text messages 243 to 282.

15 A. Okay. "Is you coming or not?" That's 243. 244, "You
16 coming or not?" 245, it says, "We done, yo. That
17 crackhead can have you."

18 Q. All right. And was that a sent message first?

19 A. That was a sent message.

20 Q. Okay. And the remaining on this page are sent
21 messages?

22 A. Correct.

23 Q. Okay.

24 A. And they say "Die, birth; die, bitch;; die, bitch."

25 Q. And -- all the way down that page?

1 A. All the way, yes.

2 Q. Okay. Let's see. So can you just count up how many
3 die, bitch ---

4 A. Okay.

5 Q. --- text messages were sent?

6 A. I count twenty-two. Well, twenty-three.

7 Q. Okay. And then, there's one response? Text Message
8 268?

9 A. 268. It says, "Get it out my face."

10 Q. And then, 269 says?

11 A. 269 says "Die, bitch."

12 Q. Okay. Let me send you down to text message 275.

13 A. 275.

14 Q. Sent message?

15 A. Sent. Says, "I hate you, bitch."

16 Q. 276?

17 A. 276. "Die, bitch."

18 Q. 277.

19 A. "That's the crackhead baby."

20 Q. 278?

21 A. "Bitch, you done."

22 Q. 279?

23 A. "Whatever, Johnnie."

24 Q. And that's a response?

25 A. Yeah, that's a response from.

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1 Q. 280?

2 A. 280. "Fucking crackhead bitch."

3 Q. 281?

4 A. "Whoever you, nigger, you back there with, he can have
5 you."

6 Q. 282?

7 A. "You better meet me."

8 Q. All right. And then, I'm going to skip forward to
9 358, a sent message. And tell us --

10 A. 358.

11 Q. I'm sorry. All these messages, did they occur within
12 a couple of days of each other, in June of 2017?

13 A. Maybe I can check all of -- Yes. From the first time
14 is 6/14, 6/12, June the 12th through the 15th.

15 Q. Okay. So June of 2017?

16 A. Yeah.

17 Q. All right. Let me send you to text message 358.

18 A. Sent ---

19 Q. The sent message.

20 A. --- the sent message was "Die, bitch."

21 Q. The response?

22 A. Response to that was, "Goodnight, bae. I love you
23 with all my heart."

24 Q. Message 360, another response?

25 A. 360. "Don't know where I'm sleep at, but it's okay

AGENT VIANN BRANTLEY: DIRECT BY SOLICITOR SWANSON
CROSS BY MS. CAMPBELL

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1 because I know you didn't care anyway."

2 Q. 361, another response?

3 A. "If I die, the baby will die."

4 Q. Text message 362, sent?

5 A. Sent. It says "Die, bitch."

6 Q. Response, 363?

7 A. "Me and your baby."

8 Q. All right.

9 SOLICITOR SWANSON: Thank you, Agent Brantley. That's
10 all I have for you at this time.

11 MS. CAMPBELL: May it please the Court?

12 THE COURT: Yes, ma'am.

13 CROSS-EXAMINATION

14 VIANN BRANTLEY BY MS. CAMPBELL:

15 Q. In the manner that this was provided, I trying to pull
16 it up. Do you have your full eight hundred pages with you,
17 Agent?

18 A. No, I --

19 Q. Because I have referenced additional text messages,
20 and I was wondering if you could reference your report as I
21 go over them with you.

22 A. No, I didn't bring the full.

23 Q. You didn't bring your report with you?

24 A. No, ma'am.

25 Q. Okay.

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1 SOLICITOR SWANSON: Ms. Campbell, if you would like to
2 use what I have provided her, you're more than welcome to.

3 MS. CAMPBELL: Well, the text -- please the Court,
4 your Honor. The text message that I have referenced are
5 not, obviously, the same ones that the State has
6 referenced, and I'm trying to pull them up on this document
7 that I was provided, and I don't see them here.

8 And without the agent having the full report with her,
9 I may have to ask the State if they can pull up the full
10 report, because it's not coming up here.

11 SOLICITOR SWANSON: I have the full report pulled up,
12 and I'm happy to hand it to the witness for Ms. Campbell.

13 MS. CAMPBELL: Thank you so much.

14 SOLICITOR SWANSON: Would -- how should I do that?
15 Did you want me to give it to Agent Brantley?

16 MS. CAMPBELL: That would be lovely. Thank you.

17 SOLICITOR SWANSON: All right. And I -- Ms. Campbell,
18 I've just pulled up the text messages.

19 MS. CAMPBELL: Thank you.

20 Q. So, good morning.

21 A. Good morning.

22 Q. So on the left-hand column of the document that you
23 provided in this case, there are reference numbers; is that
24 correct?

25 A. Yes.

1 Q. Okay. So if you go to Reference Number 2761, please.

2 And what we're going to do is, when I take you to that
3 reference number, we're going to read the text message just
4 as the State did, please.

5 A. Okay. Give me time to get to 2761.

6 Q. I believe it starts on Page 279 ---

7 A. That would be better.

8 Q. --- of the report.

9 A. Okay. Actually better.

10 Q. Okay. Thank you. It says -- starting there, do you
11 see the Item Number 2761?

12 A. 2761, which is an outgoing message.

13 Q. Yes. Could you -- when I reference it, if you'll just
14 read the text message and give us the date.

15 A. Okay.

16 Q. 2761?

17 A. Somewhere -- the date -- too close. Okay. The date
18 is 6/16/2017. "Somewhere loving you."

19 Q. 2762?

20 A. The date 6/16/2017. "Bae, IMU" which means I miss
21 you.

22 Q. And are those incoming or outgoing, those two?

23 A. The first one was outgoing. The second was incoming.

24 Q. So back and forth?

25 A. Yes.

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1 Q. Okay. 2763?

2 A. 2763. 6/16/2017. "Goodnight, bae. I love you."

3 Q. 2764?

4 A. Incoming, 6/16/2017. "I love you, too."

5 Q. 2765?

6 A. It's outgoing, 6/16/2017. "Good morning, my beautiful
7 lady."

8 Q. 2766?

9 A. Incoming 6/16/2017. "Good morning, bae."

10 Q. Now, if you'll come down to 2889.

11 A. Okay. It's outgoing, 6/16/2017. "I just bought a
12 camper."

13 Q. And 2961?

14 A. 2961. Got to get to it.

15 Q. Uh-huh.

16 A. Okay. 2961 is outgoing, 6/22/17. "Good morning, my
17 beautiful lady."

18 Q. 2965?

19 A. Outgoing, 6/23/2017. "Hello, is the trailer still
20 available?"

21 Q. 2968?

22 A. Outgoing, 6/23/2017. "Good morning, my beautiful
23 lady."

24 Q. 3-0-0-4?

25 A. It's outgoing, 6/24/2017. "Bae, I love you."

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REDIRECT BY SOLICITOR SWANSON

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1 Q. 20 -- excuse me. 3-0-1-3?

2 A. Incoming, 6/25/2017. "Can I get some money?"

3 Q. I'm sorry, and that was incoming?

4 A. Incoming. 3-0-1-3, incoming.

5 Q. If you could go back to some of the lower numbers of
6 those text messages, I'm gonna take you through about ten
7 of those. And we're going to start with 587, please.

8 A. Okay. I keep passing it. Okay. 587. Outgoing,
9 4/10/2017. "You still need a half?"

10 Q. And 590?

11 A. Outgoing, 4/10/2017. "Do you need a half size
12 bigger?"

13 Q. Do you have 605?

14 A. 605. Outgoing, 4/10/2017. "Damn, yo, I just wanted
15 to buy the two phones."

16 Q. And do you have -- I think it's a different one.

17 MS. CAMPBELL: May I approach the witness?

18 THE COURT: You may.

19 MS. CAMPBELL: I think that's all I have for this
20 witness. Thank you, Judge.

21 SOLICITOR SWANSON: Just briefly, Agent Brantley.

22 REDIRECT EXAMINATION

23 AGENT VIANN BRANTLEY BY SOLICITOR SWANSON:

24 Q. When we're looking at these text messages, if we're
25 looking at the first text message, that's going to be the

AGENT VIANN BRANTLEY: REDIRECT BY SOLICITOR SWANSON

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1 latest one in time?

2 A. Correct.

3 Q. Okay. The most recent, right?

4 A. The most recent one, yes.

5 Q. Okay. So can you read for us the date on the first
6 text message, which would've been the most recent?

7 A. Let go back up. First one, the date is 6 -- it's
8 6/25/2017. "Goodnight. Look like you busy."

9 Q. Okay. So we don't have any text messages beyond ---

10 A. No.

11 Q. --- June 25th of 2017 ---

12 A. No.

13 Q. --- that you were able to pull from this phone?

14 A. No.

15 Q. Okay. We don't have any text messages from August, or
16 August 31st, 2017?

17 A. No.

18 Q. Okay. Thank you.

19 THE COURT: Anything further?

20 MS. CAMPBELL: Just bear with me one moment.

21 THE COURT: Sure.

22 MS. CAMPBELL: I'm just gonna check something before I
23 move on.

24 That's all. Thank you, Judge.

25 THE COURT: Okay. Thank you.

AGENT ILA SIMMONS: DIRECT BY SOLICITOR SWANSON

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1 SOLICITOR SWANSON: Thank you. And I would ask that
2 Ms. Brantley be excused.

3 THE COURT: Agent Brantley, you're excused. Thank
4 you.

5 AGENT VIANN BRANTLEY: Thank you.

6 (WITNESS LEAVES WITNESS STAND.)

7 SOLICITOR SWANSON: State calls Ila Simmons.

8 (WHEREUPON, ILA SIMMONS,
9 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

10 DIRECT EXAMINATION

11 AGENT ILA SIMMONS BY SOLICITOR SWANSON:

12 Q. Good morning, Agent Simmons. How are you?

13 A. I'm doing well, thank you.

14 Q. Good. Can you please tell us where you work and in
15 what department?

16 A. I work at the South Carolina Law Enforcement Division,
17 also known as SLED, in the forensic services trace evidence
18 department.

19 Q. All right. And tell us what the trace evidence
20 department does.

21 A. It encompasses several areas of forensics. We analyze
22 gunshot residue; we perform comparisons of glass, paint,
23 fibers; as well as analyzing post-blast explosives and fire
24 debris from arson scenes.

25 Q. Okay. And so, did you have an occasion to help

AGENT ILA SIMMONS: DIRECT BY SOLICITOR SWANSON

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1 process some items that SLED received from Estill P.D., in
2 the case against Johnnie McKnight?

3 A. Yes, ma'am, I did.

4 Q. Okay. Did you actually test any of those items, or
5 you just did particle lifts for gunshot residue?

6 A. Yes, ma'am, I just collected the particle evidence.

7 Q. Okay. And tell us what items you did particle lifts
8 on.

9 A. I received a black tee-shirt, a pair of camouflage
10 pants, a green washcloth, and also a book bag or a
11 backpack.

12 Q. Okay. I'm going to show you what's been entered as
13 Item 47, and ask if this is the backpack that you did
14 particle lifts on.

15 A. Yes, ma'am. It is marked with our unique
16 identification number that every case has when it comes
17 into the laboratory; the item number; my initials and the
18 date that I opened it for analy -- to begin my processing
19 of it.

20 Q. Okay. I'm also going to show you State's 48 and ask
21 if this bag contains the black tee-shirt, camouflage pants,
22 and green washcloth that you performed particle lifts on?

23 A. Yes, ma'am. This also has the identification number,
24 my initials, the item number, and the date.

25 Q. Okay. Now, if you can describe to the jury how you

1 did those particle lifts, and where you performed the
2 particle lifts.

3 MS. CAMPBELL: If I could, your Honor. Perhaps I
4 missed it, but I just wanted to make sure that we have this
5 witness qualified as an expert in this field. I don't
6 believe that's taken place.

7 SOLICITOR SWANSON: Right. Because she did not
8 analyze anything or offer an opinion, she simply did the
9 particle lifts, and then passed it along to another expert
10 in trace evidence.

11 MS. CAMPBELL: Thank you.

12 BY SOLICITOR SWANSON:

13 A. Yes, ma'am. I would have gone into our gunshot
14 residue processing room. It's a clean room, no firearms
15 are allowed in there. No one that has a firearm's allowed
16 in there. I would clean the area. I would have placed
17 clean, disposable gloves on. I would've worn a surgical
18 mask and a clean lab coat. I would've put a piece of clean
19 paper down on the table, and I then would've taken each
20 item -- I believe I began with the tee-shirt -- I would've
21 taken a sample from the left sleeve, a sample from the left
22 chest, a sample from the right sleeve, and a sample from
23 the right chest.

24 I would've then processed the pants. I would've taken
25 the sample from the right groin area, down to about the

AGENT ILA SIMMONS: DIRECT BY SOLICITOR SWANSON

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1 middle thigh, from the waistband down to the middle thigh,
2 and a sample from the left on that same side. And then, I
3 would've taken a particle lift from both sides of the
4 washcloth. I would've placed all those back in the bag
5 that they came out of. I would've cleaned up again, got
6 the backpack out, put the clean paper down, put the
7 backpack on it, taken a sample from the front and back of
8 the backpack.

9 Q. Okay. And this is -- these are samples to try and
10 determine or gather any gunshot residue?

11 A. Yes, ma'am.

12 Q. Okay. And I'm going to hand you what's been marked as
13 State's 53, for identification purposes. And ask if these
14 are the particle lifts that you took from those various
15 items that we just discussed.

16 A. Yes, ma'am. These are from the tee-shirt, the pants,
17 and the washcloth. These are the particle lifts for those.

18 Q. Is the backpack in there, too?

19 A. That may also be in there as well.

20 Q. Okay.

21 A. I just didn't see it.

22 Q. Okay, great.

23 A. It's probably just underneath.

24 Q. And then, that completed your role with this evidence,
25 right?

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1 A. Yes, ma'am.

2 Q. Okay. And so, then you passed it along to another
3 trace analyst?

4 A. It would've been locked in our storage area that only
5 the trace evidence analyst has keys to, and then Lieutenant
6 Jennifer Nates would've gotten it and performed analysis on
7 it.

8 Q. Okay. And so, it was sealed when you put it in the
9 locker?

10 A. Yes, ma'am.

11 Q. Okay. Thank you. That's all I have.

12 MS. CAMPBELL: No questions.

13 THE COURT: Okay. Any objection to this agent being
14 excused?

15 SOLICITOR SWANSON: No.

16 THE COURT: You're excused. Thank you.

17 (WITNESS LEAVES WITNESS STAND.)

18 SOLICITOR SWANSON: State calls Jennifer Nates.

19 (WHEREUPON, JENNIFER NATES,
20 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

21 DIRECT EXAMINATION

22 LIEUTENANT JENNIFER NATES BY SOLICITOR SWANSON:

23 Q. Good morning, Lieutenant Nates.

24 A. Good morning.

25 Q. Thank you for being here today. Tell us where you

LIEUTENANT JENNIFER NATES: DIRECT BY SOLICITOR SWANSON

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1 work and what you do, please.

2 A. I work for the South Carolina Law Enforcement
3 Division, in the trace evidence section of the forensic
4 lab.

5 Q. Okay. And so, what do you do there?

6 A. The trace evidence section is responsible for many
7 different analysis types. We are responsible for gunshot
8 residue, fire debris, explosives, paint, fiber, glass,
9 tape, and other miscellaneous cases such as bank dye,
10 pepper spray, or just unknown identifications. I'm
11 responsible for the daily operations of the department, in
12 addition to performing case work, performing technical case
13 reviews, maintaining the manual for the department, and
14 testifying in court to results.

15 Q. And can you briefly describe your education and
16 training in this field?

17 A. I received a bachelor of science degree in chemistry
18 in 1997 from a small state school in Pennsylvania called
19 California University of Pennsylvania. It's located in a
20 town called California PA. Once I received that degree I
21 performed an internship in the trace section at the SLED
22 lab, and decided that was the type of career I wanted to be
23 involved in.

24 I was then hired in the drug analysis department,
25 where I completed the drug analysis and poison training,

1 and attended the Police Academy, and began to analyze drug
2 and poison cases. I worked in that capacity for
3 approximately one year, and then transferred into trace
4 evidence when there was an opening. At that point I began
5 a four-year training in program under the lieutenant and
6 the senior analysts in that department. This included
7 observations case work, outside classes that dealt with the
8 instrumentation use, the types of analyses performed, and
9 conferences dealing with what was current that point and
10 those types of analyses.

11 I continued to take classes periodically as they come
12 available. The training entailed competency testing. They
13 would make up a test in that area that I was training in to
14 determine if I correctly analyzed it. I also had to
15 perform mock courts in the areas of analyses that I
16 performed to determine that I could convey the information
17 from the testing. I also proficiency test on a yearly
18 basis in each area in which I perform analysis.

19 Q. All right. And have you ever testified as an expert
20 before in trace evidence?

21 A. I have testified in trace evidence in gunshot residue
22 analysis and drug analysis.

23 Q. And been qualified as an expert?

24 A. Yes.

25 Q. Okay.

LIEUTENANT JENNIFER NATES: DIRECT BY SOLICITOR SWANSON

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1 SOLICITOR SWANSON: The State would offer Lieutenant
2 Nates as an expert in trace analysis and gunshot residue
3 analysis at this time.

4 THE COURT: All right.

5 MS. CAMPBELL: No objection.

6 THE COURT: Ladies and gentlemen, in this case this
7 agent is being qualified as an expert in the area of trace
8 analysis and gunshot residue analysis. Ladies and
9 gentlemen, that allows her to give her opinion and the
10 reasons for her opinion; that's for you to use as you see
11 appropriate, and as compared to other evidence.

12 SOLICITOR SWANSON: Thank you.

13 Q. Lieutenant Nates, did you receive evidence from Estill
14 P.D. to analyze in the case against Johnnie McKnight?

15 A. I did.

16 Q. Okay. I'm going to hand you what's been marked as
17 State's 49, and ask if this is a piece of evidence that you
18 analyzed in this case.

19 A. This is the packaging -- when evidence comes into the
20 SLED laboratory, it's assigned what it called a lab number.
21 It's a unique identifying number that goes in sequential
22 order for each case that comes into the lab. And then any
23 evidence that is submitted associated with that case will
24 receive that lab -- that same lab number with -- in
25 addition to an item number. In this case, this was

1 evidence that was Item Number 7, which was a gunshot
2 residue collection kit from a blue Honda.

3 Q. Okay. And is that a kit that you analyzed?

4 A. It was.

5 Q. Okay. And how do you know that?

6 A. When we receive evidence, and when we return it, we
7 will initial on it, and these are my initials on this
8 evidence with the date. And then, on the back are also my
9 initials and the date.

10 Q. Okay. And was it sealed when you received it?

11 A. It would've been sealed when I received it. If it's
12 not, we document it. Normally, if evidence is not sealed
13 properly, usually there's no chance of contamination with
14 it, we only do not perform an analysis if there's a chance
15 of any of the evidence being contaminated. But we do
16 analyze unsealed evidence, it will just be documented.

17 Q. Okay. Can you tell the jury about your findings in
18 regard to the GSR kit from the blue Honda Accord?

19 A. In the blue Honda Accord I received several samples
20 from the car. I received a sample that was labeled
21 driver's door handle, which means they collected this
22 particle of -- they would've dabbed it over the driver door
23 handle. I also received a kit, a particle lift that was
24 labeled driver's door panel. So the same thing, it's a
25 particle that they would've dabbed over that area to

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1 collect any evidence. The particle lifts have a light
2 adhesive on them, like a Band-Aid adhesive, so they'll pick
3 up anything you tap with that particle lift.

4 I also received a particle lift labeled gear shifter,
5 and a particle lift labeled steering wheel, from the
6 vehicle. I performed the analyses on these samples, except
7 for the driver's door panel. With the type of
8 instrumentation we use, if the sample is very dirty, in
9 this case this one was extremely dirty and covered in
10 debris, the instrument isn't able to properly analyze that
11 evidence, and so, it was not performed on that one sample.

12 On the sample labeled the driver's door handle, the
13 sample labeled gear shifter and the sample labeled steering
14 wheel, I found numerous particles characteristic of gunshot
15 residue. What this means is that I found particles that
16 can be associated with the discharge of --

17 (MICROPHONE MOVED.)

18 THE COURT: I'm sorry.

19 A. That's okay. I thought I did it.

20 Q. Okay. And so, what conclusion can you reach with that
21 information?

22 A. Since these samples were collected from the vehicle, I
23 can conclude that potentially a weapon was fired from that
24 vehicle, or somebody that handled a weapon then touched
25 those areas of the vehicle, and could've transferred that

1 gunshot residue. I can't give you a time or a date on it,
2 when it was deposited, because gunshot residue on an
3 inanimate object, which includes vehicles or clothing,
4 anything of that nature, it will stay on that object until
5 it's physically removed. So in this case I found gunshot
6 residue inside this vehicle, so I can conclude that that
7 vehicle was near the discharge of a firearm, or gunshot
8 residue was transferred to that vehicle.

9 Q. Okay. Thank you.

10 SOLICITOR SWANSON: And at this time I would move 49
11 into evidence, the gunshot residue kit for the Honda
12 Accord.

13 THE COURT: Okay.

14 MS. CAMPBELL: No objection.

15 THE COURT: Without objection.

16 (WHEREUPON, STATE'S EXHIBIT NO. 49, IDENTIFIED AND
17 MARKED, RECEIVED INTO EVIDENCE.)

18 BY SOLICITOR SWANSON:

19 Q. While we're talking about timing, Lieutenant Nates,
20 can you tell us about what sort of time frame you need in
21 order to have a gunshot residue kit, or to be able to test
22 a gunshot residue kit taken from a person's hands?

23 A. A person's hands is different from an inanimate
24 object. If I fire a weapon, the gunshot residue can
25 deposit on my hands. Anything I do can remove it. I can

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1 brush my hands together, put them in and out of my pockets,
2 wash my hands, and my body will absorb that residue because
3 it is very microscopic.

4 With a person, any residue -- or any kit that is
5 collected six hours after the incident we do not perform an
6 analysis, because we are not able to link it with that
7 scene. So on a living subject, if they're apprehended
8 beyond six hours, we recommend they do not collect a
9 gunshot residue kit. If they collect a gunshot residue kit
10 and it's beyond six hours, we won't analyze it.

11 Q. Okay. Thank you. I'm going to hand you State's
12 Exhibit 53 and ask if this is another group of particle
13 lifts that you tested.

14 A. These are the particle lifts that were in Container C.
15 So these were Items -- collected from Item -- Item 8, which
16 were a black tee-shirt, camouflage pants, and a washcloth.
17 And as before, it has the lab number, the container number,
18 and then my initials and date.

19 Q. And those particle lifts were prepared by Ila Simmons
20 at SLED?

21 A. She actually opened the clothing and collected the
22 particle lifts.

23 Q. Right.

24 A. Yes.

25 Q. And then, they came to you, and you analyzed those for

1 gunshot residue?

2 A. Yes.

3 SOLICITOR SWANSON: State would move 53 into evidence
4 at this time.

5 MS. CAMPBELL: No objection.

6 THE COURT: Without objection.

7 (WHEREUPON, STATE'S EXHIBIT NO. 53, IDENTIFIED AND
8 MARKED, RECEIVED INTO EVIDENCE.)

9 BY SOLICITOR SWANSON:

10 Q. And if you can please tell the jury about your
11 findings in conjunction with the gunshot residue testing on
12 those items of clothing that came out of the F-150.

13 A. The items of clothing that I received, I don't know
14 where they were collected from, I just have Item 8 ---

15 Q. Sure.

16 A. --- which was the black tee-shirt, the camouflage
17 pants with a belt, and a green washcloth. And on all three
18 of the samples, which there were numerous samples but
19 they're from each area, with clothing, depending on the
20 type of clothing, we will collect samples from the chest
21 area and the sleeve areas, and from pants we'll collect it
22 from the groin area. So in this case those samples -- the
23 numerous samples were collected, and on all the samples I
24 found numerous particles characteristic of gunshot residue.

25 Q. Let me hand this back to you. Did you also test --

LIEUTENANT JENNIFER NATES: DIRECT BY SOLICITOR SWANSON

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1 did you also test particle lifts collected from the
2 backpack?

3 A. I did.

4 Q. Okay. And I believe they're in -- contained within
5 State's Exhibit 53.

6 A. Yes, they are.

7 Q. Okay.

8 A. They are the two particle lifts on the bottom.

9 Q. Thank you. And if you can tell the jury about your
10 findings.

11 A. There was a black and brown backpack that was sent in
12 for gunshot residue analysis. Ila collected samples from
13 the backpack, and I analyzed the samples, and found
14 numerous particles characteristic of gunshot primer
15 residue.

16 Q. Okay. So with the clothing, the washcloth, and the
17 backpack, what can you conclude.

18 A. Since they are also inanimate objects, I can conclude
19 that since it's an inanimate object, it's not possible for
20 that object to have fired a weapon. So those objects were
21 in the vicinity to the discharge of a firearm, or gunshot
22 residue was transferred to them from another object.

23 Q. All right.

24 SOLICITOR SWANSON: I have nothing further at this
25 time. Thank you.

1 THE COURT: Ms. Campbell.

2 MS. CAMPBELL: Thank you, your Honor.

3 If it please the Court, I have no questions for this
4 witness.

5 THE COURT: Okay. Thank you. Okay.

6 SOLICITOR SWANSON: Thank you. And I would ask that
7 Lieutenant Nates be excused at this time.

8 THE COURT: All right. Lieutenant Nates, you're
9 excused. Thank you.

10 (WITNESS LEAVES WITNESS STAND.)

11 SOLICITOR SWANSON: Thank you. State calls Doctor
12 Cynthia Shandl.

13 (WHEREUPON, CYNTHIA SCHANDL,
14 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

15 THE COURT: Good morning.

16 CYNTHIA SCHANDL: Good morning.

17 DIRECT EXAMINATION

18 DOCTOR CYNTHIA SCHANDL BY SOLICITOR SWANSON:

19 Q. Good morning, Dr. Schandl.

20 A. Good morning.

21 Q. Where do you work, and what do you do there?

22 A. I work in at the Medical University of South Carolina
23 in Charleston, South Carolina. I'm in the department of
24 pathology and laboratory medicine, and I am a pathologist
25 with anatomic and clinical pathologist, with specialty

1 training in forensic pathology.

2 Q. And how long have you been at MUSC?

3 A. I've been at MUSC since 1991, when I did my training.
4 So after college, which I did in California, I came to
5 Medical University of South Carolina for medical school and
6 graduate school, and graduated in 1999 with my M.D. and
7 Ph.D. And then, after that, to further train after you
8 become a doctor, and I wanted to be a pathologist, I went
9 into what's called residency training in the department of
10 pathology at MUSC, and that was four years.

11 And then, also, during that training, another
12 additional year specializing in forensic pathology in
13 what's called fellowship. So then, by the time 2004 rolled
14 around, they asked me to join the faculty, and I did have
15 my board certifications in those three areas: anatomic
16 pathology, clinical pathology, and forensic pathology. And
17 so, I've been on faculty at MUSC since 2004.

18 Q. Okay. And so, as part of your duties, do you perform
19 autopsies?

20 A. Yes, I do.

21 Q. And --

22 THE COURT: If you would back up just a tiny bit.
23 That's pretty a pretty sensitive --

24 A. Is that better?

25 THE COURT: Yeah, if you were to back up in your seat

1 a little more, maybe, and the chair can move back as well.
2 There you go. That might work a little better. All right.

3 BY SOLICITOR SWANSON:

4 Q. Do you have any idea how many autopsies you've
5 performed?

6 A. I've done over two thousand cases.

7 Q. Okay. And have you ever testified in court as an
8 expert in forensic pathology?

9 A. Yes, somewhere around a hundred times.

10 Q. All right.

11 SOLICITOR SWANSON: At this time the State would offer
12 Doctor Cynthia Schandl as an expert in forensic pathology.

13 MS. CAMPBELL: No objection.

14 THE COURT: All right. Ladies and gentlemen, in this
15 case Doctor Shandl is being qualified as an expert in the
16 area of forensic pathology. That allows her to give her
17 opinion and the reasons for her opinion, and that's, of
18 course, for you to use as you see appropriate, and as
19 compared to other evidence in this case.

20 BY SOLICITOR SWANSON:

21 Q. Doctor Schandl, did you perform an autopsy on Alydia
22 Ling and Baby Boy Ling?

23 A. Yes, I did.

24 Q. Okay. Let's start with Alydia Ling's autopsy, if you
25 can explain what your findings were in her case.

1 A. Yes. These are my files from the autopsies. This is
2 Alydia Ling. And so, during the course of the autopsy we
3 do a number of things, including taking X-rays and taking
4 samples for both toxicology and DNA. We do a complete
5 review of what the body looks like outside, and then
6 inside. And in this case, Ms. Alydia had a gunshot wound,
7 a single gunshot wound, that went through-and-through, that
8 entered in her left cheek and went out through this right
9 side of her neck, towards the back.

10 This gunshot wound did quite a bit of damage on its
11 way through, including completely severing the spinal cord
12 from the brain stem. So it was quite high up, and it
13 severed the spinal cord entirely from the brain stem. And
14 so, then there were associated findings, including
15 hemorrhage and quite a few fractures, and those sorts of
16 things. But the main finding was the through-and-through
17 gunshot wound to Ms. Alydia's face and through her neck.

18 Q. Okay. And so, Doctor Schandl, what can you say about
19 the trajectory of that bullet?

20 A. So when we say trajectory, what we're looking at is
21 how did the projectile, in this case the bullet, go through
22 the body. So I don't have any information about how the
23 body was positioned, all I have is that I know that it
24 started here, and then ended up here. So from my point of
25 view, this bullet was going back, so from front to back

1 from her, and then to the right, and then a little bit
2 down. So that's the trajectory of this bullet.

3 Q. Okay. And trajectory, as you alluded to before, is
4 dependent on the body's position, right?

5 A. Absolutely. So you can imagine that if -- if you bent
6 over like this, it would look like a bullet was coming
7 straight down from the sky if it was coming from over
8 there. So it would look like it was going straight down,
9 even if that, you know, the shooter could've been right
10 over there. So it makes a great deal of difference how the
11 body is positioned, where -- how I see the trajectory, or
12 basically the hole from the front to the back.

13 Q. So if a bullet is coming from somewhere below, and the
14 victim is ducking down, that would affect the trajectory?

15 A. Yeah. Any activity on the part of the victim, whether
16 it's ducking or squatting or crouching, whatever, even just
17 standing there you can -- you know, you tend to move,
18 particularly if you're getting shot at. So, yes, those
19 things absolutely affect what I see at autopsy, because all
20 I have is, you know, I put the person in what we call
21 anatomic position, on their back, and then I just look from
22 one hole to the other.

23 Q. Okay. Could you tell anything about whether or not it
24 was a distant shot or close-range shot, anything like that?

25 A. So we have some markers that we look for on the skin

1 to try to give us an idea of distance. Those could be soot
2 directly on the skin, or a scraping of the skin around the
3 entrance gunshot wound. In this case I did not see either
4 one of those, so from my point of view that means it's
5 either distant, so the gun was at least three feet or more
6 from the person; or there was an intermediate target, so
7 the bullet went through something and left any of that sort
8 of evidence on that target. So those are the
9 possibilities.

10 So since I can't tell that the -- between those two
11 things, I call gunshot wound range when I don't see
12 anything on the skin as a determinate, because it may have
13 been a -- you know, across the street, but it may have been
14 much closer, but with an intermediate target, like a door,
15 or even sometimes the clothing, or a pillow, or something
16 like that; in which case I wouldn't see anything on the
17 skin, but it may still be quite close. So, I call this
18 indeterminate range.

19 Q. Okay. As part of the autopsy, do you take a blood
20 sample from the patient?

21 A. Yes. We take blood samples, both for routine
22 toxicology analysis, and then, also, as a DNA source, if
23 needed.

24 Q. Okay. I'm going to hand you State's Exhibit 55 and
25 ask if this is a blood sample from Alydia Ling that was

1 taken at autopsy.

2 A. Well, this -- this is the Estill Police department
3 envelop, so this is not how I would've given it to them.

4 Q. Okay.

5 A. So I can't tell you that.

6 Q. We can open it.

7 A. We have smaller envelops.

8 Q. I --

9 THE CLERK: Here you go.

10 BY SOLICITOR SWANSON:

11 Q. Okay. If you can --

12 A. Okay, yeah. There's a smaller envelop in here, and it
13 has my autopsy sticker still on it. So, yes, I can -- I
14 can verify that this was something that I provided from
15 autopsy.

16 Q. Okay. Thank you, Doctor Schandl.

17 SOLICITOR SWANSON: And this was for identification
18 purposes, State's 55.

19 Q. What did you conclude the cause of death to be in
20 Alydia Ling's case?

21 A. Oh, I'll read that directly. Gunshot wound to the
22 head.

23 Q. All right. And the manner of death?

24 A. Manner of death, homicide.

25 Q. All right. All right. let's move on to Baby Boy Ling.

1 Tell us what your findings were in his autopsy.

2 A. So, if I may go back to Alydia's autopsy. During the
3 autopsy, we discovered that there was a baby almost full-
4 term in Ms. Alydia's womb, and so that generated a second
5 autopsy case for us, so a second death in this case with
6 gunshot wound. Looking at the baby and measuring him, he's
7 about thirty-eight or thirty-nine weeks, so very close to
8 term, which is usually considered forty weeks.

9 He had no congenital abnormalities, so he wasn't
10 malformed. He didn't have any heart defects, nothing
11 sequen -- nothing was wrong with the baby. The -- the
12 amniotic sac was intact around him, the placenta was still
13 on the wall of the uterus. Everything looked as it should
14 be at that time.

15 Q. Okay. And you said he was around thirty-eight to
16 thirty-nine weeks. So, I mean, essentially, is that a
17 full-term baby?

18 A. Well, again, term is considered forty weeks, but any
19 time past thirty-six weeks, there's a very, very small
20 minimal chance of the child not doing well. So we would
21 expect that a child of thirty-eight to thirty-nine weeks
22 would've had no trouble surviving outside of the womb.

23 Q. Okay. So in your opinion, upon examination of this
24 baby, this baby would've been able to survive outside of
25 Ms. Ling's womb?

1 A. Yes.

2 Q. Okay. So what did you conclude was the cause of death
3 for Baby Boy Ling?

4 A. Again, I'll read exactly what I wrote. Intrauterine
5 fetal demise due to maternal death, due to gunshot wound.

6 Q. Okay. And I suppose if you could break that down in a
7 little bit more plain language, ---

8 A. Sure.

9 Q. --- does that mean he died because Mom died?

10 A. Right. So as soon as Ms. Alydia died, her blood
11 stopped pumping. And with her blood not pumping, the
12 baby's not getting any oxygen. And he can't get out, and
13 he can't get oxygen, and so he died.

14 Q. How long can a baby in the womb survive without
15 getting oxygen?

16 A. Well, it's like any of us. We can basically have our
17 brain survive for about five minutes without any oxygen,
18 and it's not much different for -- for a little one.

19 Q. Okay. And in order to have been able to save the
20 baby, I mean would Mom had to have been on an O.R. table
21 ready to have a C-section, or?

22 A. Yes, yes. Essentially, I mean, you have a very, very
23 short window, five minutes. I mean, you'd have to
24 recognize that Ms. Alydia was, indeed, dead; and then,
25 you'd have to immediately take the baby.

DOCTOR CYNTHIA SCHANDL: DIRECT BY SOLICITOR SWANSON
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1 Q. Okay. I'm going to hand you what's been marked as
2 State's 54. I have got this one open, and I'm going to ask
3 if this is the blood spot or sample that you took from the
4 baby at autopsy. od spot or sample that you took from the
5 A. Apologies. Yes. Yes, this certainly is. Again, this
6 is my little envelop with my autopsy sticker. Uh-huh.

7 SOLICITOR SWANSON: Thank you, Doctor Schandl. I have
8 nothing further at this time.

9 MS. CAMPBELL: No questions.

10 THE COURT: All right. Any objection to Doctor
11 Schandl being excused?

12 SOLICITOR SWANSON: None.

13 THE COURT: None?

14 You're excused, Doctor. Thank you.

15 (WITNESS LEAVES WITNESS STAND.)

16 SOLICITOR SWANSON: State calls Verona Herrera.

17 (WHEREUPON, VERONA HERRERA,
18 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

19 DIRECT EXAMINATION

20 AGENT VERONA HERRERA BY SOLICITOR SWANSON:

21 Q. Good morning.

22 A. Good morning.

23 Q. Agent Herrera, can you please tell us where you work
24 and what you do there?

25 A. I work at South Carolina Law Enforcement Division or

1 SLED. I'm a technician, or forensics serologist, in the
2 DNA case work department.

3 Q. All right. And so, can you tell the jury what
4 forensics serologist does.

5 A. We take larger pieces of evidence such as clothing,
6 car parts, handguns. We look for blood or semen on those.
7 We also -- and we can also do saliva. We also collect
8 what's called ownership or touch DNA, where someone may
9 have worn a shirt or touched an object, like a lighter or
10 something. We try to collect those skin cells and forward
11 those for further DNA testing.

12 Q. And what kind of training and education do you have in
13 this field.

14 A. I have two associate of science degrees, one from Tri-
15 County Tech, one from Greenville Tech, in science; and the
16 other is in public service with forensics. I have a four-
17 year degree from Liberty University in forensic science,
18 and then I've been with SLED for approximately ten and a
19 half years. On-the-job training, for the most part, was
20 the specific training with -- under a court-qualified
21 analyst.

22 Q. All right. And have you ever testified as an expert
23 in the field of serology?

24 A. Yes, ma'am.

25 Q. How many times?

AGENT VERONA HERRERA: DIRECT BY SOLICITOR SWANSON

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1 A. In serology itself probably five, I believe; and in
2 evidence processing, which is now a part of serology with
3 our department, I think it's somewhere around ten times.

4 Q. Okay.

5 SOLICITOR SWANSON: At this time I would offer Agent
6 Herrera as an expert in evidence processing, as well as
7 serology.

8 MS. CAMPBELL: No objection.

9 THE COURT: Ladies and gentlemen, in this case this
10 agent is testifying in the area of evidence processing and
11 serology. That allows her to give her opinion and the
12 reasons for her opinion. And again, that's for you to use
13 as you see compared to other evidence in the case.

14 BY SOLICITOR SWANSON:

15 Q. And so, Agent Herrera, did you have the opportunity to
16 prepare evidence for analysis and test evidence in the case
17 against Johnnie McKnight?

18 A. Yes, ma'am, I did.

19 Q. All right. Starting with your first item of evidence,
20 I'm going to hand you what has been entered as State's 44.
21 This is your SLED Item 4. If you can tell us what you did
22 with the fired bullet.

23 A. I swabbed the entire bullet and tested it for the
24 presumptive test for blood. That's a quick color-change
25 test. If it turns a bright pink, there's a possibility

1 blood can be on the item. If there's no color change, then
2 we would not forward it up for further testing.

3 Q. Okay. And what was your result?

4 A. It was negative.

5 Q. Okay. I'm going to hand you State's 47, black and
6 brown backpack, and ask if you prepared this item for
7 testing.

8 A. Yes. This is SLED's Item 9. My initials and the lab
9 number are here, and as well as on the processing paper
10 inside.

11 Q. Okay. And what did you do with the items in that bag?

12 A. Pardon me, I'm sorry. Item 9, the handle and the
13 straps of the backpack were scraped and then swabbed, to
14 try to collect the skin cells, and forward it on for
15 further DNA testing.

16 Q. Okay. And this is just the backpack that you swabbed,
17 not the swabs themselves, right?

18 A. Correct.

19 Q. Okay.

20 SOLICITOR SWANSON: So at this time State would move
21 47 into evidence. I think I have, actually. I'm sorry.

22 Okay.

23 Q. I'm handing you State's 48, Agent Herrera. This is a
24 bag containing a black tee-shirt, camo pants, and a green
25 washcloth, and ask if these are items that you processed to

AGENT VERONA HERRERA: DIRECT BY SOLICITOR SWANSON

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1 then go to DNA for analysis.

2 A. Yes, ma'am, this is. Again, my initials and the lab
3 number are on the bag, as well as the paper that's inside
4 the bag.

5 Q. And Agent Herrera, I'm going to hand you State's 56,
6 and ask if these are the swabs that you prepared from the
7 items that we just spoke about. If you need to, you can
8 cut the bag open, you may be able to see.

9 A. Yes, ma'am. These are the swabs that I collected from
10 those items.

11 Q. All right. Did you seal -- is that -- tell us how you
12 collected those swabs. What was your process?

13 A. For the tee-shirt, the neck and the underarm areas
14 were scraped and swabbed. It's on, basically, like a one-
15 sided Q-tip. They are dried and then placed in these coin
16 envelops with the item number and lab number on it, and
17 then sealed with my initials and the date.

18 For the pants, the interior waistband is scraped and
19 swabbed as well. And the washcloth, the entire item was
20 scraped and swabbed. Also, those swabs are dried down,
21 individually packaged, and then they're sealed in this
22 heat-seal envelop -- heat-seal pouch.

23 Q. Thank you. And then, did that conclude the evidence
24 processing that you did for this case?

25 A. Yes, ma'am, it did.

AGENT VERONA HERRERA: DIRECT BY SOLICITOR SWANSON
CROSS BY MS. CAMPBELL

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1 Q. All right. And those swabs went on to who, in DNA?

2 A. Adrienne Hefner.

3 Q. Okay. All right.

4 SOLICITOR SWANSON: I think that's all the questions
5 I have. Thank you.

6 MS. CAMPBELL: May it please the Court.

7 CROSS-EXAMINATION

8 AGENT VERONA HERRERA BY MS. CAMPBELL:

9 Q. Good morning.

10 A. Good morning.

11 Q. Ms. Herrera, you issued your report in this case on
12 January 8th, 2018?

13 A. Yes, ma'am.

14 Q. Okay. And serology, that's basically -- is that
15 another word for blood, or fluids and things of that
16 nature?

17 A. Serology in our laboratory is a combination of taking
18 the larger items of evidence and processing those for body
19 fluids, which would be the blood, semen, saliva; but it's
20 also the collection of the ownership or the skin cells from
21 -- for possible touch DNA or ownership. And then, we can
22 identify body fluids, such as blood, semen, if that case
23 warrants it.

24 Q. So under the big umbrella of what you do, blood
25 evidence is one of those items?

VERONA HERRERA: CROSS BY MS. CAMPBELL

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1 A. That is correct.

2 Q. Okay. And if I direct your attention to your list
3 items of evidence, Item No. 4, SLED Item No. 4, that you
4 were asked to look at -- let me find it here. Do you have
5 it? Do you have it?

6 A. No, ma'am, I do not.

7 Q. Okay. If I could -- it's State's Exhibit 44, SLED
8 Item 4, I think is what it's labeled there.

9 A. Yes, ma'am.

10 Q. Okay. So we're talking about the same thing here.

11 A. Yes, ma'am.

12 Q. Okay. So Item 4, when you worked with this item, the
13 presump -- your answer and result was the presumptive
14 testing that you do for blood was negative?

15 A. That is correct.

16 Q. Thank you.

17 MS. CAMPBELL: That's all I have.

18 THE COURT: Anything further?

19 SOLICITOR SWANSON: Nothing further.

20 THE COURT: All right. You may be excused. Thank
21 you.

22 (WITNESS LEAVES WITNESS STAND.)

23 SOLICITOR SWANSON: Thank you. State calls Adrienne
24 Hefney.

25 THE COURT: You all okay? Does anyone need a break?

2 (WHEREUPON, ADRIENNE HEFNEY,
3 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

5 AGENT ADRIENNE HEFNEY BY SOLICITOR SWANSON:

9 | A. Good, how are you?

12 A. All right. I'm a forensic DNA analyst for the South
13 Carolina Law Enforcement Division, more commonly known as
14 SLED.

15 Q. All right. Can you tell them how long you've been
16 there and what your education and training was to get you
17 into this field?

18 A. Sure. I joined SLED in November of 1997, so I've been
19 there a little over twenty years, twenty -- almost twenty-
20 one years. And I have a bachelor of science degree in
21 biology from the University of South Carolina. I also have
22 a master in business administration from Winthrop
23 University. I was trained on the job by a court-qualified
24 analyst, and each year I stay abreast of anything changing
25 in the field of forensic DNA analysis by -- you have to

AGENT ADRIENNE HEFNEY: DIRECT BY SOLICITOR SWANSON

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1 have eight hours of continuing education, so we attend
2 conferences or either workshops, or have people come to us
3 and speak.

4 Q. Okay. And have you ever testified as an expert in DNA
5 analysis in court before?

6 A. I have, roughly about seventy-five times.

7 Q. All right.

8 SOLICITOR SWANSON: State would offer Agent Hefney as
9 an expert in DNA analysis.

10 MS. CAMPBELL: No objection.

11 THE COURT: Ladies and gentlemen, in this case Agent
12 Hefney is being qualified in the area as an expert in DNA
13 analysis. Again, that allows her to give her opinion and
14 the reasons for her opinion, and that's for you to use as
15 you see appropriate, and compared to other evidence in the
16 case.

17 SOLICITOR SWANSON: Thank you.

18 Q. Agent Hefney, did you receive evidence from Estill
19 P.D. to analyze in the case against Johnnie McKnight?

20 A. I did.

21 Q. All right. And one of the first things that you did
22 was to determine a paternity issue, right?

23 A. That is correct.

24 Q. Okay. I'm going to hand you State's 45, which is a
25 buccal swab from Johnnie McKnight, and ask if you were able

AGENT ADRIENNE HEFNEY: DIRECT BY SOLICITOR SWANSON

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1 to establish the DNA profile on that item.

2 A. Yes, ma'am, I was.

3 Q. Okay.

4 SOLICITOR SWANSON: State would move 45 into evidence
5 at this time.

6 MS. CAMPBELL: No objection.

7 THE COURT: Without objection, it's in evidence.

8 (WHEREUPON, STATE'S EXHIBIT NO. 45, IDENTIFIED AND
9 MARKED, RECEIVED INTO EVIDENCE.)

10 BY SOLICITOR SWANSON:

11 Q. I'm going to now hand you State's Exhibit 55, a blood
12 spot from Alydia Ling, and ask if you were able to
13 establish a DNA profile on that.

14 A. Yes, ma'am, I was.

15 Q. Okay.

16 SOLICITOR SWANSON: State would move 55 into evidence.

17 THE COURT: Without objection?

18 MS. CAMPBELL: Yes, ma'am.

19 THE COURT: It's in evidence.

20 (WHEREUPON, STATE'S EXHIBIT NO. 55, IDENTIFIED AND
21 MARKED, RECEIVED INTO EVIDENCE.)

22 THE COURT: Thank you.

23 SOLICITOR SWANSON: All right.

24 Q. And State's 54, a blood spot from Baby Boy Ling, were
25 you able to establish a DNA profile on that?

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1 A. Yes, ma'am, I was.

2 Q. All right.

3 SOLICITOR SWANSON: State would move 54 into evidence?

4 THE COURT: Without objection?

5 MS. CAMPBELL: Without objection.

6 THE COURT: It's in evidence.

7 (WHEREUPON, STATE'S EXHIBIT NO. 54, IDENTIFIED AND
8 MARKED, RECEIVED INTO EVIDENCE.)

9 BY SOLICITOR SWANSON:

10 Q. And so, what was your conclusion regarding the profile
11 developed from Baby Boy Ling?

12 A. Okay. I'll read what I have written in my report.

13 "The DNA profile developed from Baby Boy Ling is
14 consistent with being from a biological offspring of Alydia
15 Ling and Johnnie McKnight. It is approximately 4.7 billion
16 times more likely to see these genetic results if the
17 alleged father is the true biological father than if a
18 random man is the father. Given the genetic evidence
19 greater than 99.99 percent of randomly-tested men would be
20 excluded as the biological father."

21 Q. Thank you. I'm going to hand you what's been marked
22 as State's Exhibit 41, which is labeled as a swab from the
23 F-150 steering wheel.

24 A. Uh-huh.

25 Q. Your SLED Item Number 5, and ask if you tested this

1 item?

2 A. I did.

3 Q. And what was the result?

4 A. There was a partial DNA profile developed, but it was
5 insufficient for interpretation?

6 Q. And so, what does that mean?

7 A. That means it's a touch DNA swab, to begin with. So
8 that's essentially if you're touching an item like the
9 steering wheel, and someone comes behind it and swabs. You
10 may get a few cells that we are able to get DNA from, but
11 when I tracked the DNA and ran the profile, it was very few
12 that I would not make an interpretation on.

13 Q. All right. So you were not able to get enough data
14 from that profile to make -- have an opinion on it?

15 A. That is correct.

16 Q. Okay.

17 SOLICITOR SWANSON: I'll go ahead and enter 41 into
18 evidence at this time.

19 THE COURT: Without objection?

20 MS. CAMPBELL: No.

21 THE COURT: Without objection. Thank you.

22 (WHEREUPON, STATE'S EXHIBIT NO. 41, IDENTIFIED AND
23 MARKED, RECEIVED INTO EVIDENCE.)

24 BY SOLICITOR SWANSON:

25 Q. And then, I'm handing you State's 56. Did you analyze

AGENT ADRIENNE HEFNEY: DIRECT BY SOLICITOR SWANSON

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1 several swabs from different articles of clothing and a
2 backpack that were prepared by Agent Herrera?

3 A. Yes, ma'am, I did.

4 Q. Okay. And are those the swabs?

5 A. Yes, ma'am. they are.

6 Q. Okay.

7 SOLICITOR SWANSON: I would move ---

8 Q. I'm sorry, what is the number on that?

9 A. 56.

10 SOLICITOR SWANSON: --- 56 into evidence at this time?

11 THE COURT: Any objection?

12 MS. CAMPBELL: No objection.

13 THE COURT: Okay. Without objection.

14 (WHEREUPON, STATE'S EXHIBIT NO. 56, IDENTIFIED AND
15 MARKED, RECEIVED INTO EVIDENCE.)

16 BY SOLICITOR SWANSON:

17 Q. And if we can go through your findings on each one of
18 those, please.

19 A. Yes, ma'am. I'll start with Item 8.1.2, which was a
20 swab from the scraping of the neck and underarm areas of
21 black tee-shirt. And the DNA profile is a mixture of at
22 least three individuals. The partial DNA profile of the
23 major contributor matches the DNA profile of Johnnie
24 McKnight. The probability of randomly selecting an
25 unrelated individual having a DNA profile matching the

1 major contributor to this mixture is approximately one in
2 690 billion. And due to the inability to calculate a
3 statistics, no further interpretation will be offered
4 regarding the minor contributors.

5 Q. Okay. And so, can you explain what a major
6 contributor means?

7 A. Absolutely. When we get articles of clothing,
8 sometimes our processing technician or we will scrape them
9 for ownership, what we call ownership. That is skin cells
10 that will slough off while you're wearing an article of
11 clothing. You would expect, like, when you're wearing a
12 tee-shirt, that around your collar, that you will get some
13 skin cells from having just worn it all day. That is what
14 we look for when we're doing a DNA profile for ownership.

15 In this case we got three individuals on this shirt,
16 so that means, in addition to Mr. McKnight, that a couple
17 of other people may have worn this shirt. The -- and
18 that's what's known as a mixture. The major contributor to
19 the mixture is the person whose DNA profile is most
20 prominent on this shirt, or the most intense DNA profile
21 that we develop, and that matched Mr. McKnight.

22 Once we do a visual match, so we compare the DNA
23 profile that was developed from the shirt from the major
24 contributor to his profile. We sought -- we apply a
25 statistical match, a statistical weight to the match, and

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1 that is what we have, one in 690 billion.

2 The other two people whose DNA profile was also a
3 minor portion of this mixture was so weak that we couldn't
4 make an interpretation of that.

5 Q. Okay. And it may sound odd to some of us, but in your
6 experience testing items of clothing, is it unusual to get
7 multiple contributors?

8 A. It's not. I mean, people mostly share clothes, or you
9 know, and household members could be where you're doing the
10 laundry, you may fold clothes and get DNA on it.

11 Q. Okay. Thank you. What about this swab from the
12 waistband of the camo pants?

13 A. The DNA profile -- that was Item 8.2.2, swab from
14 scraping of waistband of camouflage pants. The DNA profile
15 is a mixture of at least two individuals. The DNA profile
16 of the major contributor matches the DNA profile of Johnnie
17 McKnight. The probability of randomly selecting an
18 unrelated individual having a DNA profile matching the
19 major contributor to this mixture is one in 55 octillion.
20 And due to the inability to calculate a statistic, no
21 further interpretation will be offered regarding the minor
22 contributors.

23 Q. Okay. And then, the swab from the washcloth.

24 A. The washcloth, the DNA profile was a mixture of at
25 least three individuals. The partial DNA profile of the

1 major contributor matches the DNA profile of Johnnie
2 McKnight. The probability of randomly selecting an
3 unrelated individual having a DNA profile matching the
4 major contributor to this mixture is approximately one in
5 6.2 billion. And again, due to the inability to calculate
6 a statistic, no further interpretation will be offered
7 regarding the minor contributors.

8 Q. All right. And were you able to reach any conclusion
9 on the swab from the straps of the black and brown
10 backpack?

11 A. The DNA profile from that is a mixture of at least
12 four individuals. And when we get that many in a mixture,
13 it -- due to the complexity of this mixture, the DNA
14 profile is not suitable for comparison.

15 Q. Okay. Can you -- and that was the extent of the
16 things that you tested, right?

17 A. Yes, ma'am.

18 Q. Okay. Did you receive other items, or did SLED
19 receive other items from Estill P.D.?

20 A. SLED did receive -- I'm showing it -- look at my chain
21 of custody. You mean just as far as DNA department, or
22 SLED as a --

23 Q. Just as an agency. And you can just say yes or no,
24 and then I'm going to have you explain your protocol on
25 what items are tested, or how many items are tested.

AGENT ADRIENNE HEFNEY: DIRECT BY SOLICITOR SWANSON

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1 A. Okay. Yes, SLED did receive other items in this case.
2 And typically, to explain the protocol, what we do is we
3 limit the items that we're looking at initially. Like in
4 violent crime cases we'll try to look at the first five,
5 most probative items, or most -- items that would answer
6 the most questions or have the most meaning to the case.

7 Q. Okay. And then, if you are able to reach a conclusion
8 on those items, do you just keep testing?

9 A. No. Once we're able to reach a conclusion, where an
10 association has been made or not made, then we stop at that
11 point.

12 Q. Okay. Thank you.

13 SOLICITOR SWANSON: I have no further questions.

14 MS. CAMPBELL: No questions.

15 THE COURT: All right. Any objection to this agent
16 being excused from anyone?

17 SOLICITOR SWANSON: No, please.

18 THE COURT: You are excused. Thank you.

19 (WITNESS LEAVES WITNESS STAND.)

20 SOLICITOR SWANSON: Your Honor, at this time the State
21 rests its case.

22 THE COURT: All right. Ladies and gentlemen, at this
23 time the State has rested their case. There's a matter of
24 law I need to take up with the attorneys. I'm going to
25 send you back out to your jury room. Ladies and gentlemen,

1 grab a cup of coffee, do not discuss the case. Again, it
2 wouldn't be appropriate to do so at this time. We'll be
3 back with you shortly to tell you where we're going from
4 here. Okay? Thank you.

5 (JURY EXITS COURTROOM AT 11:36 A.M.)

6 THE COURT: All right. Any motions, Ms. Campbell?

7 MS. CAMPBELL: May it please the Court, your Honor?

8 THE COURT: Yes, ma'am.

9 MS. CAMPBELL: At this time, on behalf of Mr.
10 McKnight, I'll be making a motion for a directed verdict.

11 The foundation of this case by the *State of South*
12 *Carolina*, the cornerstone of that case is Shamond Ling.
13 Your Honor had testimony from Mr. Ling in this case, and
14 that is the State's direct evidence.

15 The other evidence in the case then be built upon that
16 stone, if you will, foundation, and that all of that
17 evidence is circumstantial evidence. And so, we take the
18 position that, obviously, the decision to direct a verdict
19 rests clearly with your Honor at this point. You have to
20 look at this evidence and judge the credibility and the
21 reliability of it, and the admissibility of it, in order
22 for us to move forward and to allow the State to continue
23 its prosecution of Mr. McKnight; and thus make a
24 determination that the Court finds credibility in the
25 testimony and the evidence that you've been given.

1 So, you would have to determine that the evidence in
2 this circumstance as we see it that Mr. Ling's testimony is
3 not credible, and should not be essentially given the kind
4 of deference and reliability that the Court would have to
5 do at this point in considering it as fact. For instance,
6 the Court is aware from the evidence at this point that Mr.
7 Ling is a liar, that he lied, telling EPD that night, if
8 I'd a known that I'd a shot back at him. He is the type of
9 witness for the State who hides evidence. He hid his
10 holster, he hid his gun, he concealed his actions for over
11 a week. And then, this is the foundation on which the
12 State is building a case for your Honor, and then for this
13 jury.

14 If this -- if the Court finds that type of evidence
15 admissible, then, obviously, that is your decision. If you
16 found that not admissible and not reliable enough to move
17 forward, then all you have is circumstantial evidence. And
18 if all we have is circumstantial evidence, then you have to
19 say that it's reasonably tending to prove the guilt of Mr.
20 McKnight from which his guilt could be fairly logically
21 deduced. And we would submit that at point, it would be
22 mere suspicion.

23 There is no testimony other than Shamond Ling that
24 even puts Johnnie McKnight on 5th Street that night. The
25 evidence as it stands now from Mr. Ling, from Lieutenant

1 Williams, from Deborah, she was very -- a little bit wishy-
2 washy in her testimony, but there is evidence in the record
3 that she came to the door and said, who was that? So I
4 would submit to your Honor that the sole witness that
5 places Mr. McKnight on 5th Street at this crime scene is so
6 fatally flawed, so unable to overcome the history of lies
7 and concealing of evidence that to allow the case to move
8 forward would be allowing him to continue his perpetrations
9 upon the State, the Court, and this jury.

10 Thank you, your Honor.

11 THE COURT: Thank you, Ms. Campbell.

12 Ms. Swanson.

13 SOLICITOR SWANSON: Thank you, your Honor. We have
14 already argued about whether or not evidence is admissible.
15 Everything that the jury heard was admitted in evidence.

16 Credibility is an issue for the jury, not for the
17 Court, with all due respect, so we know we are -- the
18 standard here is the evidence taken in the light most
19 favorable to the State, and there is both direct and
20 circumstantial evidence that corroborates that direct
21 evidence.

22 There was Shamond's testimony. He was cross-examined
23 by Ms. Campbell, and that will be up to the jury to
24 determine whether or not and what parts of this testimony
25 to believe. But, his testimony was corroborated by the

1 physical evidence, the bullet holes, everything that was
2 found at the scene and photographed by Captain Williams.

3 It was further corroborated by Deborah Ling, who did
4 actually say that she saw Johnnie drive back up. She did
5 testify that she saw him in that car that night. There are
6 forensics that also corroborate the fact that Johnnie was
7 the shooter.

8 So, you know, I think that the State certainly gets
9 past directed verdict at this point, and that there is
10 ample evidence in the record from which a jury could
11 determine that Mr. McKnight is guilty of the three counts
12 of attempted murder.

13 Remember, Wayne Morris Ritter was also a visitor at
14 the house. That was testified to by Deborah Ling. He was
15 on the back porch. So the three counts of attempted murder
16 for Deborah Ling, Shamond, and Wayne Ritter.

17 Discharging into a dwelling, which there was testimony
18 about, obviously, and pictures to corroborate that. And
19 then, the murder of Alydia and her unborn child, you know,
20 has been testified to, and the pathologist did render her
21 opinion as well.

22 THE COURT: Okay. All right. Well, taking the
23 evidence in the light most favorable to the State, as I'm
24 required to do, I think there is direct and circumstantial
25 evidence in this case from which this jury could determine

1 that Mr. McKnight committed these seven offense. I think
2 it's absolutely a jury issue in this case, and we will send
3 it to them, at least at this point.

4 All right. Ms. Campbell, is now a good time to go
5 through your client's rights about whether or not he wishes
6 to testify, and --

7 MS. CAMPBELL: Yes.

8 THE COURT: Okay. Mr. McKnight, would you please
9 stand and raise your right hand, sir?

10 (WHEREUPON, JOHNNIE MCKNIGHT,
11 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

12 THE COURT: Sir, we are now at the point in your trial
13 where you may present your defense in this case. What you
14 need to understand, sir, is you have the right to claim the
15 protections that are given to you under the *Fifth Amendment*
16 to the *Constitution of the United States*, which states in
17 part that no criminal defendant shall be required to be a
18 witness against themselves in a criminal trial.

19 Sir, what I want to make sure you understand is this.
20 You also are able to be a witness, if you wish to, in your
21 own defense. If you choose to be a witness in the trial of
22 this case, you need to know and understand, sir, that you
23 can be questioned and cross-examined by the State about any
24 matter that I deem relevant to this case, sir.

25 Additionally, I don't know if you all have said on the

1 record at all with Mr. McKnight, does he have any prior
2 convictions, Ms. Campbell, that could used?

3 MS. CAMPBELL: I would just ask that the State, at
4 this time, let your Honor know what convictions they
5 believe ---

6 THE COURT: Okay.

7 MS. CAMPBELL: --- they would like to use, should he
8 make the decision to testify.

9 THE COURT: Okay. Okay. Solicitor?

10 SOLICITOR SWANSON: Mr. McKnight has a 1999 accessory
11 before the fact of a strong-armed robbery. I believe that
12 is outside of the window that can be used.

13 There is a 2004 possession of counterfeit currency,
14 and a federal gun violation for which he received 121
15 months. And so, I believe that that would fall within the
16 time frame, because he would not have been released in the
17 past ten year -- or beyond --

18 THE COURT: And it's possession of counterfeit
19 currency?

20 SOLICITOR SWANSON: Currency. Uh-huh.

21 THE COURT: Okay.

22 SOLICITOR SWANSON: And so, I would propose to the
23 Court that that would be a crime of dishonesty.

24 THE COURT: All right.

25 SOLICITOR SWANSON: And he should be able to be cross-

1 examined on that.

2 THE COURT: And that is all; is that correct?

3 SOLICITOR SWANSON: Well, I mean, he's got a hold on
4 him from Savannah for trafficking. So he's got other
5 pending charges ---

6 THE COURT: Okay.

7 SOLICITOR SWANSON: --- but yes.

8 THE COURT: But nothing else you can use against him?

9 SOLICITOR SWANSON: Correct.

10 THE COURT: Okay. All right. So we've settled the
11 record, then. I will say that because I do think the
12 possession of counterfeit currency is a crime of dishonesty
13 or moral turpitude, I would allow her to -- and you
14 wouldn't have been released until within the time period if
15 you got a 121-month sentence, within the time period,
16 within the ten-year time period; unless you have some other
17 evidence, Ms. Campbell, that he was released and off parole
18 at a specific date.

19 MS. CAMPBELL: No, I have no other information.

20 THE COURT: Okay. Okay. So other than that, Mr.
21 McKnight, what you need to know, again, is, is that if you
22 choose to testify in this case the Solicitor's Office can
23 ask you, again, about anything relevant to this case, or
24 that I believe is relative to this case, and they can
25 cross-examine you.

1 Additionally, I am permitting her to ask you questions
2 about -- it'll be, simply, do you have a conviction on your
3 record for possession of counterfeit currency. I would let
4 her -- if you denied that in some way I would allow her to
5 prove it, but if you just state yes, and that's pretty much
6 it.

7 Also, sir, you need to know that if you choose not to
8 testify in the trial of this case, which is your absolute
9 constitutional right, I'm going to instruct the jury in my
10 jury charge that they aren't even to consider that, and the
11 reason why is, you're not required to prove your innocence.
12 The burden is on the State to prove your guilt as to this
13 charge beyond a reasonable doubt.

14 So with that said, sir, have you had some time to
15 speak with Ms. Campbell about whether or not you wish to
16 testify in this case?

17 MR. MCKNIGHT: Would I need some time?

18 THE COURT: Have you had some time? Have you spoken
19 with her about it?

20 MR. MCKNIGHT: I would like the opportunity to --

21 THE COURT: Would you like some -- you'd like some
22 more time?

23 MR. MCKNIGHT: Yes, ma'am.

24 THE COURT: Okay. And that's fine, sir. What I'm
25 going to do is this. We are going to take a break, a short

1 break, where you and Ms. Campbell can talk.

2 Ms. Campbell, do you intend on putting up any other
3 evidence that you know of at this point?

4 MS. CAMPBELL: We would not.

5 THE COURT: You would not. Okay. So let's do this.
6 Let's go ahead and take just a ten-minute break or so. You
7 have an opportunity to talk with Mr. McKnight, decide
8 whether or not he wishes to testify. And then, from that,
9 if he wants to testify we'll put him up on the stand, and
10 he can testify. If he chooses not to, we'll go ahead and
11 send the jury to lunch.

12 MS. CAMPBELL: Uh-huh.

13 THE COURT: And take a break. We'll talk about the
14 jury charge, and then we'll send them to lunch, and come
15 back and argue and charge. Okay?

16 MS. CAMPBELL: Perfect.

17 THE COURT: Okay. All right. So let's just take ten
18 minutes right now. Okay?

19 MS. CAMPBELL: Perfect.

20 THE COURT: And you have an opportunity to speak to
21 Mr. McKnight. Okay, Ms. Campbell?

22 MS. CAMPBELL: Thank you, your Honor.

23 THE COURT: Thank you.

24 MS. CAMPBELL: I understand that they'll need to move
25 him to the attorney room. So I'll --

1 THE COURT: Send them to the attorney room so they can
2 talk. Thank you.

3 MS. CAMPBELL: Yes. Thank you.

4 THE COURT: I appreciate it.

5 (COURT IN RECESS AT 11:47 A.M.)

6 (COURT BACK IN SESSION AT 11:59 A.M.)

7 THE COURT: Okay.

8 THE BAILIFF: We're ready?

9 THE COURT: Just a second, no.

10 Ms. Campbell, will you and Mr. McKnight stand, please?

11 MS. CAMPBELL: Yes, ma'am.

12 THE COURT: Mr. McKnight, have you and your attorney,
13 Ms. Campbell, had an opportunity to speak over the last
14 break, sir, about whether or not you wish to testify?

15 MR. MCKNIGHT: Yes, ma'am.

16 THE COURT: Sir, do you want to testify in this case?

17 MR. MCKNIGHT: No, ma'am.

18 THE COURT: All right. And is that your decision,
19 sir?

20 MR. MCKNIGHT: Yes, ma'am.

21 THE COURT: All right. Thank you. You may be seated.

22 Okay. And Ms. Campbell, you're not going to put
23 anything else up, correct?

24 MS. CAMPBELL: That is correct. So I understand your
25 Honor would like to release the jury, so they can have

1 lunch?

2 THE COURT: I'm going to have them go grab some lunch.

3 MS. CAMPBELL: So if you would permit, I guess, then,
4 do you want -- when they come back in would you like for me
5 to rest at that time?

6 THE COURT: Actually, I'd like you to rest probably
7 right now, when I bring them in.

8 MS. CAMPBELL: Okay.

9 THE COURT: So what I'm going to do is bring them in,
10 I'm going to have you rest, for the record. I'm going to
11 have you renew your motions.

12 MS. CAMPBELL: Okay.

13 THE COURT: And we're going to talk about the jury
14 charge, and then you all are going to go get a bite to eat.
15 And then, when you come back, we'll go ahead and go
16 straight into closing arguments. Okay?

17 MS. CAMPBELL: Thank you, Judge.

18 THE COURT: Absolutely. All right.

19 Let's bring them in.

20 (JURY RE-ENTERS COURTROOM AT 12:03 P.M.)

21 THE COURT: Welcome back, ladies and gentlemen.

22 Ms. Campbell.

23 MS. CAMPBELL: May it please the Court?

24 THE COURT: Yes, ma'am.

25 MS. CAMPBELL: At this time the Defense rests.

1 THE COURT: Ladies and gentlemen, at this time the
2 Defense rests their case as well. What we have left to do,
3 ladies and gentlemen, is hear the closing arguments from
4 the attorneys. I need to charge you on the law. But there
5 are some matters that I need to take up with the lawyers
6 before we can do all that. So what I'm going to do, ladies
7 and gentlemen, is tell you all to go out and grab a bite to
8 eat for lunch, and we're going to finish all that up so
9 when you come back in you can hear the closing arguments,
10 and we can charge you. Okay?

11 So we are going to wrap up all the testimony and the
12 closing arguments and my charge today, just to let you
13 know. Okay?

14 Ladies and gentlemen, I need to warn you again, even
15 though you have heard all of the evidence in this case, you
16 have not heard the closing arguments of the lawyers, you
17 have not heard my charge on the law, and it would be
18 inappropriate in any way for you to discuss this case or do
19 any independent research.

20 Go get a bite to eat, ladies and gentlemen. I am
21 asking you to be back in your jury room, excuse me, at
22 1:15, where we're going to go ahead and conclude this case.
23 All right? Gives you just a little over an hour to grab a
24 bite to eat. Okay?

25 Ladies and gentlemen, I don't know exactly how long

1 the closing arguments will take. I can tell you that my
2 jury charge usually takes roughly twenty minutes or a
3 little more than that, and their closing arguments, and I
4 expect to be at least that. Okay? Each of them. So
5 that's just to let you know what to expect. All right? Go
6 grab a bite to eat. I look forward to seeing you back
7 again in your jury room at 1:15. Thank you.

8 THE BAILIFF: Everybody else remain seated.

9 THE COURT: Thank you.

10 (JURY EXITS COURTROOM ON LUNCH RECESS AT 12:05 P.M.)

11 THE COURT: All right, Ms. Campbell, for the record,
12 if you'll renew your motions?

13 MS. CAMPBELL: Your Honor, at this time, on behalf of
14 my client, I would renew all of our pretrial motions, and
15 our previous motion for a directed verdict, based upon the
16 same grounds as stated before.

17 THE COURT: Respectfully, based on my earlier rulings,
18 I am denying those motions, respectfully, and I think we're
19 -- I don't think, I know we're going to send this case to
20 the jury. Let's talk about the jury charge. Let's first
21 start with if anyone -- Ms. Campbell, are you asking for
22 any lesser-includeds?

23 MS. CAMPBELL: I am not.

24 THE COURT: Okay. Secondly, is there any position on
25 mutual combat or self-defense, based on -- not a whole lot

1 of evidence there, so I'm going to let you argue against
2 whatever, it's up to you, you go ahead and tell me what
3 you're looking for.

4 MS. CAMPBELL: May it please the Court, your Honor?

5 THE COURT: Yes.

6 MS. CAMPBELL: The Defense would be requesting a
7 charge on self-defense, and we would be opposing a charge
8 on mutual combat.

9 THE COURT: Okay.

10 MS. CAMPBELL: Understanding the State also -- and the
11 Court mentioned something about transferred intent.

12 THE COURT: Uh-huh.

13 MS. CAMPBELL: And we would also oppose a charge on
14 transferred intent. So the basis of our request on self-
15 defense, as your Honor noted in the rulings on the directed
16 verdict, at this juncture there is testimony that places
17 Mr. McKnight on 5th Street that the jury could believe that
18 he was there, based upon Deborah Ling's testimony that he
19 was there, and that there was gunfire. Additionally, again
20 viewing this, you know, close call, if you will, always
21 goes to the defendant.

22 THE COURT: Let me ask you this, Ms. Campbell. So I'm
23 looking at this as what evidence do we have of the exchange
24 of gunfire? From what I see, we have Mr. Ling in the
25 second interview that was not introduced to the jury, but

1 it is testimony he stated that he shot in response three
2 shots. He brought three casings to the police, is my
3 understanding, and that is what the evidence is in the
4 record.

5 So, that he says he, in response to the gunfire, fired
6 back, that's his testimony, and we have three casings. And
7 we -- correct me if I'm wrong, we also have one bullet hole
8 in the blue Honda that we're not quite sure whether or not
9 it came from this or not, correct?

10 I think that's what -- that's what we established,
11 that we don't know where that came from. So that's what I
12 see as the evidence, so using that, tell me either if
13 there's other evidence, or using that, how that's enough to
14 get us to a self-defense, because I'm not saying one way or
15 the other it is.

16 MS. CAMPBELL: So there is a question as to who fired
17 first. I mean, that -- that seems clear from the record.
18 It seems clear from Officer Williams' testimony when he
19 says Mr. McKnight's family saying he acted in self-defense.

20 "That's why I called you down here. I need you to
21 give me your shell casings, I need you to give me your gun,
22 because I need to compare those" --

23 THE COURT: My question is this. Hold on a second.
24 So is him -- is Officer Williams stating that Mr.
25 McKnight's family says it was self-defense, is that enough

1 to get in the idea of self-defense? Because -- and I'm
2 only looking at it this way, Ms. Campbell. He could be
3 falsifying all of this, and as we all know, he could in
4 investigation say x, y, and z, and it could all be
5 improper. And it could -- let's say the whole thing was
6 not the truth. Let's say it came from left field, and he
7 was trying to, you know, see what Mr. Ling was going to
8 say. Is that enough to get the self-defense in?

9 MS. CAMPBELL: Well --

10 THE COURT: I'm not sure it is.

11 MS. CAMPBELL: Well, again, I would take the position
12 that it is yes, because Officer Williams pursued that line
13 of investigation. He pursued the line of investigation as
14 to whether or not this was self-defense.

15 THE COURT: Just so I understand, what line, because I
16 don't think he did anything. Other than taking the three
17 casings, he never got the gun, and tell me what testimony --
18 --

19 MS. CAMPBELL: Well --

20 THE COURT: --- Williams said that he pursued that?
21 Other than asking Ling about it, I don't see that he did
22 anything in response to it.

23 SOLICITOR SWANSON: Well, and I do want to clarify
24 that was a misstatement of Captain Williams' testimony.
25 What he said was, he wasn't sure where they received the

1 information.

2 THE COURT: Okay.

3 SOLICITOR SWANSON: But they received some sort of
4 information that Shamond may have been shooting, and that
5 he followed up on that. That was what he testified to.

6 THE COURT: Okay. That he followed up on that.

7 SOLICITOR SWANSON: So there was no testimony that
8 McKnight's family says that this was self-defense. That's
9 not in the record. And I'm happy to argue against the rest
10 of it, but I just -- so that we're not -- we're all on the
11 same page.

12 THE COURT: Got it. Okay. Keep going, Ms. Campbell.

13 MS. CAMPBELL: So when I asked Lieutenant Williams if
14 he said in his questioning on September 7th, "I have you
15 here because Mr. McKnight's family says he was acting in
16 self-defense" Lieutenant Williams agreed with me, yes, I
17 said that.

18 THE COURT: But let's not mix up, because I saw that
19 only in the second interview, which was not played for this
20 jury.

21 MS. CAMPBELL: No, it wasn't played for the jury, but
22 he testified that, in fact, that was his -- that's a
23 question -- excuse me -- a statement that he made to
24 Shamond Ling at the beginning of the second interview on
25 September 7th. So his testimony was --

1 THE COURT: That he testified to that?

2 MS. CAMPBELL: He -- yes, he did.

3 THE COURT: Okay.

4 MS. CAMPBELL: I asked him specifically that question,
5 "Isn't it true you said, I've got you in here because
6 Johnnie McKnight's family is saying he was acting in self-
7 defense" and his answer was "yes". So then, we move on to
8 -- to the actions of the officer, and I'm hearing what your
9 Honor is saying. And that --

10 THE COURT: I just -- I want to make sure. I know you
11 hate read backs and I don't mean that, but my question is,
12 can you go back to Williams' testimony and tell me where
13 Williams is the one that said on the stand --

14 And Ms. Swanson, if you remember hearing it, tell me,
15 so we're not going to waste our time. I didn't remember it
16 specifically on the stand. I clearly heard, and I agree,
17 it was from his family, and that was said in the interview.

18 SOLICITOR SWANSON: Correct. And she may have asked --
19 Ms. Campbell may have asked that question, but when -- when
20 it was asked open-ended, where did you receive that
21 information, or now, you received that from Johnnie's
22 family, Captain Williams, and correct me if I'm wrong, but
23 I thought Captain Williams said, you know I'm not sure
24 where I received it. Michael Thomas was another
25 investigator here. But ---

1 THE COURT: Was the question, though, that ---

2 SOLICITOR SWANSON: --- I received information that I
3 followed up on.

4 THE COURT: My question was, is, though, was the
5 question whether or not he shot -- Mr. Ling shot at all, or
6 was it that this was a self-defense case? On the stand.

7 SOLICITOR SWANSON: I'm not -- I'm not sure what the
8 ques -- what the question was for the response that I
9 recall. Now, if he just agreed with Ms. Campbell's leading
10 question about the recorded interview, I still don't think
11 that gets us there. I mean.

12 THE COURT: I mean, the recorded interview isn't in,
13 but ---

14 SOLICITOR SWANSON: Because --

15 THE COURT: --- its what's based on Williams'
16 testimony while he was up here.

17 SOLICITOR SWANSON: Right.

18 MADAM COURT REPORTER: Judge, it'll take me a minute
19 to find that.

20 THE COURT: Can you find it?

21 MADAM COURT REPORTER: I don't know, but it'll take me
22 a minute.

23 THE COURT: Okay. Can you do like a word search? Can
24 you do a word search for --

25 MADAM COURT REPORTER: No.

1 THE COURT: No.

2 MADAM COURT REPORTER: Wait just a minute. Can I hear
3 -- can I hear the Defense statement, please? Tell me what
4 you --

5 MS. CAMPBELL: I just want to say it would be at the
6 beginning of cross-examination.

7 THE COURT: Thank you.

8 MADAM COURT REPORTER: Well, I can find that easy.

9 THE COURT: There we go.

10 MADAM COURT REPORTER: You said the beginning of
11 cross, or re-cross?

12 MS. CAMPBELL: Cross.

13 THE COURT: Cross.

14 MADAM COURT REPORTER: Oh, that's the very beginning.

15 MS. CAMPBELL: Is it something I can help her with?

16 MADAM COURT REPORTER: It'll take me just a minute to
17 find.

18 THE COURT: I think she just has to find it, so.

19 MADAM COURT REPORTER: Can I play this for everybody
20 to hear, Judge?

21 THE COURT: Sure. Sure. Sure.

22 Ladies and gentlemen, for those of you, the rest of
23 you that are in here, if you want to go grab a bite to eat
24 you're more than welcome to. I understand you only have so
25 much time. We're going to start back at 1:15, and the

1 lawyers may be grabbing a quick sandwich or having things
2 brought in. So if you all want to, we're going to sit and
3 listen to this, so feel free to go grab something.

4 (CAPTAIN WILLIAMS TESTIMONY PUBLISHED FOR THE COURT.)

5 THE COURT: Thank you, Wanda. I appreciate it.

6 All right, you all, just based on the questioning and
7 what the investigator said, I think I have to charge self-
8 defense out of fairness and completeness.

9 Again, I'm concerned that -- I'm not concerned, it's a
10 jury issue as to whether all four elements will be
11 satisfied to guilt obviously show or prove self-defense.
12 Not prove, but your job is to disprove self-defense. So
13 with that said, I'm going to charge self-defense.

14 Ms. Swanson, I'm not gonna do the mutual combat
15 charge, I don't think it's a mutual combat, really, case.
16 I don't think it is. Just in reading the charge it just
17 doesn't seem appropriate under the facts, and I also think
18 if we're charging self-defense, I think throwing mutual
19 combat on that would really confuse this jury.

20 SOLICITOR SWANSON: Okay.

21 THE COURT: Okay? And that's --

22 SOLICITOR SWANSON: I would request transferred intent
23 then; because if he's saying it's self-defense, his target
24 is Shamond, and his bullet hits Alydia.

25 THE COURT: Alydia.

1 SOLICITOR SWANSON: So, I mean, if they decide, you
2 know -- I mean, I do think transferred intent applies. I
3 mean, that's ---

4 THE COURT: Okay.

5 SOLICITOR SWANSON: --- getting muddy.

6 THE COURT: It does get muddy. Let me look to see.

7 That would be under your theory of the case that he
8 intended to kill Shannon Ling. I mean you can't have
9 transferred intent on the self-defense. Self-defense is a
10 complete defense, so it doesn't matter. If self-defense is
11 right, then he has self-defense. And actually its --
12 transferred intent reads like this. If the defendant, with
13 malice aforethought, attempts to kill another person, which
14 we're going to assume is Shannon Ling in this case, but by
15 mistake injures or kills a different person, Alydia ---

16 SOLICITOR SWANSON: Oh, okay.

17 THE COURT: --- the defendant still has the intent to
18 kill. The intent to kill is merely transferred from the
19 original person the defendant attempted to kill. Because
20 the question, really, in this case is, and I think you've
21 raised it, is, is the animus and is the firing directly at
22 Alydia, or is it directed at Shannon, because we have this
23 prior difficulty between Shannon and Mr. McKnight at a
24 club.

25 SOLICITOR SWANSON: Well, I mean, it's all of them.

1 THE COURT: I know.

2 SOLICITOR SWANSON: And you know, he's shooting at the
3 house, and then he's shooting at Shaman. And so --

4 THE COURT: And they're all victims, too. I mean,
5 that's the other thing to remember.

6 SOLICITOR SWANSON: Right. So maybe it's not
7 transferred intent if they're all ---

8 THE COURT: I mean, they're all victims.

9 SOLICITOR SWANSON: --- listed as victims.

10 THE COURT: I think they're all victims, because it's
11 still -- I mean, Shannon Ling is still a victim of
12 attempted murder.

13 SOLICITOR SWANSON: Correct. There was just the
14 battery.

15 THE COURT: I say -- I think just for clarity for this
16 jury --

17 SOLICITOR SWANSON: I don't want them to get too
18 confused.

19 THE COURT: --- I say that Ms. Campbell doesn't want
20 transferred intent, I think that maybe -- because again, if
21 you took away the attempted murder charge as just Shannon
22 Ling, you know, as victim Shannon Ling, I would say yes,
23 transferred intent would be a matter. But because he is a
24 victim, because attempted murder has to be exactly
25 everything short of murder. Trying to kill them.

1 SOLICITOR SWANSON: Uh-huh

2 THE COURT: The intent to kill them, right? I don't
3 think you can have it, I don't. Let's do this. Let's sit
4 tight for a minute. I just don't -- I don't think in this
5 scenario.

6 SOLICITOR SWANSON: No, I get it. I'm fine.

7 THE COURT: Let's say --

8 SOLICITOR SWANSON: I'm just re-reading mutual combat,
9 because the problem with the mutual combat is it's with the
10 adversary ---

11 THE COURT: It doesn't --

12 SOLICITOR SWANSON: --- that he would've been engaging
13 in, and he's engaging with ---

14 THE COURT: Yeah.

15 SOLICITOR SWANSON: --- Shamond.

16 THE COURT: Okay.

17 SOLICITOR SWANSON: Okay.

18 THE COURT: Okay. I think -- I think mutual combat is
19 out, transferred intent is out. So what I do have in, and
20 you both have tried so many cases with me. I told you I'm
21 going to charge the self-defense. I am -- everything else
22 is pretty standard. Everything else is -- we still need to
23 charge, correct me if I'm wrong, on potentially
24 inconsistent prior statements. I also am going to define,
25 as you have asked for, Ms. Swanson, that an unborn fetus is

1 viable ---

2 SOLICITOR SWANSON: Thank you.

3 THE COURT: --- is -- can constitute -- whatever the
4 exact language is. Sorry, I apologize. A vital unborn
5 fetus constitutes a person even before it leaves the
6 mother's womb. The State must prove beyond a reasonable
7 doubt that the fetus involved was viable, meaning it was
8 able to live separate and apart from its mother, without
9 the aid of artificial support, so I'm going to charge that.

10 I'm looking -- obviously if the defendant did not
11 testify it cannot be considered. Expert witnesses. That
12 prior inconsistent statements, because I think there was
13 testimony as what was told and what was not, either through
14 Williams' testimony about Shannon Ling's interview that
15 didn't come in.

16 Credibility of witnesses, obviously. Direct and
17 circumstantial evidence, and it's the full one because I
18 think it's necessary, certainly in this case. Obviously
19 the full reasonable doubt, and that's it. Okay? And then
20 as far as the verdict form that Julia did, it literally
21 lists each of the charges, and it says as to this, you
22 know, person. As to Alydia, as to the unborn fetus, as to
23 Shannon or Shamond Ling, as to Deborah Ling, as to the man.

24 But, so, other than that I think it's pretty
25 straightforward, Trasi. Anything else that you can think

1 of that you all need, and I know I'm eating into your
2 lunchtime?

3 MS. CAMPBELL: Your Honor, would you -- I'm very
4 familiar with all of your charges, I just wanted to be sure
5 that I've got how you're charging self-defense.

6 THE COURT: Okay.

7 MS. CAMPBELL: I know that there are a number of
8 things that I would want to make sure that were included in
9 there ---

10 THE COURT: Let me read --

11 MS. CAMPBELL: --- with regard to the law.

12 THE COURT: Let me read what sections I'm putting in
13 this one, Trasi, really quickly ---

14 MS. CAMPBELL: Okay.

15 THE COURT: --- for you just so you have an idea.

16 MS. CAMPBELL: Thank you.

17 THE COURT: Sure. Because I took one out because it
18 didn't make sense.

19 MS. CAMPBELL: Okay.

20 THE COURT: There was no self -- it was defense of
21 others.

22 MS. CAMPBELL: Right.

23 THE COURT: There was no defense of others, is the
24 only thing that I took out. But I'll tell you right now.
25 So obviously you start without fault ---

1 MS. CAMPBELL: Uh-huh.

2 THE COURT: --- imminent danger. I took out the
3 defense of others because it wasn't appropriate, so that is
4 not in. The right to act on appearances is in.

5 MS. CAMPBELL: Uh-huh.

6 THE COURT: Words accompanied by hostile acts. May
7 establish self-defense -- I mean, what I heard is that the
8 only hostile words came from Mr. McKnight, but I think, out
9 of an abundance of caution, I think we can put it in.

10 Prior difficulties, because I think that's
11 appropriate. Size and age. I mean, I got in here the
12 victim's violent reputation, and it's -- and that's not how
13 I call it. I just state the reputation of the victim as
14 may be considered in deciding whether there was a need for
15 force.

16 Whether the defendant had a reason to believe there
17 was a need for force, and whether deadly force was
18 reasonably necessary. I don't know if it's his. I don't
19 know if we necessarily would call it a violent reputation,
20 but I guess the fact that Mr. McKnight knew that Mr. Ling
21 carried a gun, you know, because he had that prior
22 altercation with him when he was serving as security in a
23 club, I guess, is about the only stretch.

24 And then -- and then, I would just do, also, threats
25 made by the victims, if any, may be considered in

1 determining whether the defendant actually was or believed
2 he was in imminent danger. And then, obviously, the last
3 part of no way to avoid the danger. Okay?

4 MS. CAMPBELL: So the specifics of the defendant has
5 the right to act on appearances?

6 THE COURT: Yes. All of that is the standard charge.

7 MS. CAMPBELL: Okay. And the one law of self-
8 preservation, and in order to prevent his assailant getting
9 the drop on him, we would request that as well. And --

10 THE COURT: I don't know specifically about having
11 that in. If you want to give me the exact wording, where
12 you want it.

13 MS. CAMPBELL: Could I just hand this to your law
14 clerk?

15 THE COURT: She's not here.

16 MS. CAMPBELL: My -- my --

17 THE COURT: She's not here. You can hand it to me.

18 MS. CAMPBELL: Okay. So that I'm just putting
19 parentheses here around the two paragraphs that I'm asking
20 specifically to be included. I'm providing that to the
21 State, and then I can hand that up to your Honor. I think
22 both of those submissions that I'm suggesting are the law.

23 SOLICITOR SWANSON: I believe your Honor covers that
24 with the right to act on appearances.

25 THE COURT: I'm looking right now to see what's in

1 mine. I'm sorry.

2 SOLICITOR SWANSON: And I would just request your
3 Honor's standard.

4 THE COURT: I'll put some portion of this in there,
5 Trasi.

6 MS. CAMPBELL: Thank you.

7 THE COURT: Something to that effect. And I just need
8 to -- I just need to put it in your wording. It probably
9 won't be exactly. Okay? Just to let you know. All right,
10 you all. You have about, I don't know, thirty-five minutes
11 or so roughly. Grab a bite to eat, okay?

12 MS. CAMPBELL: Thank you, Judge.

13 THE COURT: We'll come back, and let me go fix the
14 rest of this charge. Okay?

15 (COURT ON LUNCH RECESS AT 12:44 P.M.)

16 (COURT BACK IN SESSION AT 01:27 P.M.)

17 THE COURT: Please be seated. All right. Will you --
18 Trasi, will you come look at this for me?

19 Any objections or additions from the State?

20 SOLICITOR SWANSON: No objection or exceptions.

21 THE COURT: From Defense?

22 MS. CAMPBELL: No, your Honor.

23 THE COURT: Thank you. All right. Okay. We're going
24 to go ahead and begin the closing arguments.

25 For those of you back there, if you'll just please

CLOSING ARGUMENT: BY SOLICITOR SWANSON

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1 keep your seats during the closing arguments so the jury is
2 focused on the attorneys. And I will tell you that when I
3 start the jury charge, they're going to lock the back door,
4 so you absolutely cannot get out. So that's just to let
5 you know. Okay? All right. We ready to go? Let's bring
6 'em.

7 (JURY RE-ENTERS COURTROOM AT 01:30 P.M.)

8 THE COURT: Welcome back, ladies and gentlemen. I
9 trust everybody got a bite to eat. At this time you are
10 going to hear the closing arguments from the attorneys, and
11 I am going to charge you on the law that's applicable to
12 this case, and we're going to send it to you. All right?

13 SOLICITOR SWANSON: Thank you, your Honor. May it
14 please the Court?

15 THE COURT: Yes, ma'am.

16 CLOSING ARGUMENT BY SOLICITOR SWANSON:

17 SOLICITOR SWANSON: This has not been a long trial,
18 all right, but because the State bears the burden of proof
19 in this case, I do need to go through a number of things,
20 and a number of things that you just heard in the past
21 couple of days. This is not an identity case, this is not
22 a whodunit. But I have to talk about it, because I still
23 have to prove that Johnnie McKnight killed Alydia Ling, her
24 baby, and attempted to murder the three people in the house
25 that day. I'm sorry, well, the one that was outside of the

1 house got behind an SUV, and then Deborah Ling and Wayne
2 Ritter, who were inside the house.

3 This is going to be my last time speaking with you,
4 because Ms. Campbell is going to be able to get up and
5 argue after me. So what I want to start out by doing is
6 going ahead and anticipating some of the things that she
7 might argue to you in addressing those.

8 First of all, I want to say that the Defense wants you
9 to look at everything and everywhere but the evidence that
10 implicates Johnnie McKnight. All right? And those are
11 called red herrings. Those are things that are meant to
12 distract you.

13 For instance, when Ms. Campbell was questioning
14 Captain Williams, she asked him, weren't there some DSS
15 records or something about Lydia being abused? Well, what
16 in the world does that have to do with her murder? Let me
17 ask you that. And if we want to talk about abuse and who
18 was abusing Lydia, how about the man that entered into a
19 sexual relationship with her when she was fifteen?

20 They're also going to want to harp on how Shamond
21 lied. Well, when he gave his interviews, he was not asked
22 if he fired back. Was that a lie of omission? Should he
23 have come clean at that point? Yes. Why did he do that?
24 Well, he's an armed security guard. Maybe he was concerned
25 it was going to affect his livelihood. But here's the

CLOSING ARGUMENT: BY SOLICITOR SWANSON

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1 thing. He's allowed to protect his family, himself, and
2 his property. That is not criminal. They may try and say
3 that Shamond covered things up and hid evidence. That was
4 alluded to throughout Ms. Campbell's questioning.

5 Well, when did that happen, pray tell? Because Marcus
6 Miller hears the shots that kill Lydia Ling in the parking
7 lot of Estill P.D. before 911 calls even come in. He
8 testified that 911 dispatched him at 9:37, and they got in
9 the Ling residence at 9:39. So in those two minutes,
10 Shamond is supposed to be covering things up, hiding
11 evidence, getting his story straight. No way. And that's
12 why I wanted to show you the body-cam from Officer
13 Pouchprom, because those were the first two minutes of what
14 they saw when they arrived. Shamond standing outside.

15 Yes, he's agitated, he's very angry and upset because
16 he just saw Johnnie McKnight kill his only sister and his
17 unborn nephew. That's reasonable. What he's saying at
18 that point is the truth, and what he's saying and what you
19 hear on that, I know who it is. And he's trying to tell
20 all these officers, I know who it is, it's Johnnie
21 McKnight; Johnnie McKnight from Fairfax. He got an AR. He
22 shot like twenty fucking times. That's what he says. Does
23 that sound like a story that he just crafted? And it makes
24 sense, because does this gun look like it can shoot twenty
25 times? It's got a thirty-round clip.

1 Was the scene a bit of a mess? Could the police work
2 have been a little bit better? Things could've been
3 documented differently. Other things could've been
4 followed up on. Some things could've been collected that
5 were not. Things could've been tested that were not. Is
6 that the case in almost every case? Yeah. But Johnnie
7 McKnight doesn't get a pass because the police work could
8 have been better, if we still had the evidence. All right?
9 And remember, your decision has to be based on the evidence
10 that you heard in the courtroom. It has to be based on the
11 evidence. All right.

12 So let's talk about the evidence, stop talking about
13 the red herrings, and basically, as Ms. Campbell's going to
14 tell you, the main eyewitness, which I will concede, is
15 Shamond Ling. All right? And let's remember his testimony
16 and where he said everything happened. All right? And
17 what you see is that his testimony is corroborated by the
18 visible evidence, corroborated by the pictures that Captain
19 Williams took that night.

20 When Johnnie initially comes down the road and meets
21 up with Lydia on the sidewalk, he's coming this way, past
22 the house. When he comes back, chooses to come back, he's
23 driving this way, hanging his AR out the window, and firing
24 and spraying rounds from left to right. He begins to shoot
25 over to the right when Shamond returns fire. And that

CLOSING ARGUMENT: BY SOLICITOR SWANSON

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1 makes sense because we see the bullet hole in the back of
2 the SUV, as well as over on the right passenger-side
3 mirror. Because if you recall Shamond's testimony, when he
4 gets behind that SUV, he's in the front of the SUV, he
5 first fires a shot this way. He gets back behind, and then
6 he says he fires two rounds this way. So we have the shot
7 that's returned from Johnnie hitting the back of the SUV,
8 and then the shot over to the right mirror.

9 Anyway, you can look at all of these pictures in the
10 jury room and see for yourself that the place is riddled
11 with bullets and holes, holes everywhere. Holes in cars,
12 holes in walls, holes in pictures, holes in a screen door,
13 holes in the shed out back, and the bullet that went
14 through Lydia.

15 Now, where are all these bullets? You heard Captain
16 Williams testify that while they believed there were
17 several within the residence they could not retrieve them,
18 did not have the tools, did not want to rip Ms. Ling's
19 walls down. You know, this family had suffered enough, and
20 now there's a judgment call, and I can't disagree with
21 them.

22 But we do have the spent fired bullets that match the
23 ammo that comes out of this type of gun. And the cases
24 that were found on the roadway, right where Shamond said
25 Johnnie pulled back up and was firing. Where are the rest

1 of the cases, you may ask.

2 Well, you're shooting out your car window, driver's-
3 side window, left to right, as I believe he was. Some of
4 those cases are probably popping back into the car, a great
5 many of them.

6 And if you recall, there are a number of things that
7 were taken out of the Honda Accord and placed in the F-150
8 by Johnnie McKnight. Had to have been, because nine bags
9 of clothing and all kinds of stuff were not meant to be in
10 that Groton Plantation F-150. He was cleaning up after
11 himself. Who's getting rid of evidence here? Johnnie
12 McKnight. Because he knows what he did.

13 So let's talk about the Honda Accord for a minute.
14 Another thing that is corroborated, or that corroborates
15 Shamond's testimony, he accurately describes the Honda
16 Accord, which is found abandoned on the side of Highway 3,
17 just inside the Allendale County line. The car was
18 rendered un-driveable, and so Johnnie went over and took a
19 car because he was trying to get out of the area. All
20 right? He's not calling police, he's not calling 911. He
21 is ditching his car, taking another car, cleaning out that
22 car, and then just pretending to go about his daily
23 business.

24 Now, that Honda Accord had one bullet hole in it.
25 One. It was not riddled with bullets like the Ling's house

CLOSING ARGUMENT: BY SOLICITOR SWANSON

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1 was. It had one. Shamond said he fired back three times.
2 That makes sense. That Honda, as you heard, I mean it's
3 obviously his; the temporary tags come back to him. It was
4 tested for gunshot residue. All that came back positive
5 except for on the exterior of the door where it was too
6 dingy to test. Again, evidence that a firearm was shot
7 from within that car, corroborating Shamond's testimony.

8 Why would Johnnie do this? What is malice? Because
9 the judge is going to talk to you about malice. She's
10 going to talk to you about the requirement of malice when
11 you find whether or not Johnnie McKnight is guilty of
12 murder or attempted murder. And malice is ill will,
13 hatred, bad feelings against someone, evil intent, things
14 of that nature. Things like die, bitch, twenty-seven
15 times. Die, bitch; die, bitch; die, bitch; die, bitch;
16 die, bitch; die, bitch; die, bitch; die, bitch.

17 You know, it's also this dysfunctional relationship.
18 You heard testimony from Gladys Roberts that Johnnie
19 McKnight had assaulted Lydia right in front of her.
20 Started verbally, and then he began attacking her, and
21 then, when she intervened he went and grabbed a gun. All
22 right? He lost his temper. Well, what do you think
23 happened here that night? You know, he let his ego and his
24 temper get the best of him. He could've left. As I told
25 you before, he could have and should have kept driving down

1 5th Street, but he chose not to.

2 There is simply no evidence in the record that this is
3 a case of self-defense. The judge is going to charge you
4 on self-defense, and I ask that you pay close attention and
5 analyze that as any reasonable person. All right? Because
6 there are four things that must be in place for the Defense
7 to have an acquittal on self-defense. You have to find all
8 four requirements for it to meet self-defense. If just one
9 of them fails, Johnnie McKnight does not walk free on self-
10 defense. Okay?

11 The first requirement is that the defendant be without
12 fault in bringing on the difficulty. That he's at no
13 fault. Well, Johnnie McKnight started bringing on the
14 difficulty probably about 2016, when he began messing
15 around with a fifteen-year-old, and that continued. The
16 difficulty continued. The family begged him to stay away
17 from Lydia. He didn't. And that toxic, horrible, volatile
18 relationship went on, and she ended up pregnant with his
19 child.

20 Let's not forget, he showed up to their house, yelling
21 at Lydia get in, get in, get in! Well, I mean she
22 obviously was not jumping to get in the car, and Shamond
23 tells her to go inside. He's bringing on the difficulty.
24 He's the one that starts cussing at Shamond when Shamond
25 tells Lydia go get in the house, get on out of here, go get

CLOSING ARGUMENT: BY SOLICITOR SWANSON

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1 in the house. But for Johnnie's actions that night, this
2 would've never happened; Lydia would be alive, as would her
3 baby boy. And that house on 5th Street wouldn't be riddled
4 with bullets.

5 Second requirement. Did Johnnie believe that he was
6 in danger? Well, not sure why he would believe he was in
7 danger, because there is no fact in the record that says
8 Shamond was shooting first or threatened him. There is
9 nothing in the record. There's nothing in the testimony.
10 There's nothing in the pictures. There's nothing in the
11 physical evidence that says that he was in danger, or that
12 Shamond was shooting first. So he shouldn't have felt like
13 he was in danger, and if he did, why didn't he just keep
14 driving or drive off? Could've called the police.
15 Certainly didn't do that.

16 Would a reasonable person have believed the same
17 thing? Would a reasonable person believe that they were in
18 danger? That's requirement number three. Well, is Johnnie
19 McKnight reasonable? I think we can agree, no. He has a
20 temper, he has an ego, and he has an ax to grind. His
21 actions were unreasonable, reckless, criminal, and deadly.

22 The fourth requirement. Johnnie had no other way to
23 avoid the danger. Really? Well, he drove off once, and
24 then turned around to come back and spray the house with
25 bullets. Clearly, he had a way to avoid the danger. He

1 had avoided any danger that he maybe could've thought
2 existed, and then he came back. That's not avoiding the
3 danger. He let his temper and his ego get the best of him,
4 and he came back, and he was going to teach the Lings a
5 lesson, not to mess with Johnnie McKnight.

6 This case meets not one of the elements required for
7 self-defense, not even one, and it must meet all four. So
8 please think hard about those elements and the facts that
9 you heard here, and what's actually in the record. I'm not
10 asking you to make leaps in your logic. I'm asking you to
11 be reasonable and use your common sense.

12 One of the most chilling things that I came across in
13 this case was that text message from two and a half months
14 before Lydia was murdered that said, if I die the baby
15 dies, too. Wow. And that's exactly what happened. She
16 had a reason to be scared of Johnnie. She knew what he was
17 capable of, and he told us what he was capable of in those
18 text messages.

19 As I did in my opening, I'm asking you to hold him
20 accountable for the lives that he took, the lives that he
21 tried to take, and the lives that he forever changed. I'm
22 asking you to find Johnnie McKnight guilty on all seven
23 counts. Thank you.

24 THE COURT: Thank you, Ms. Swanson.

25 Ms. Campbell, whenever you're ready.

CLOSING ARGUMENT: BY MS. CAMPBELL

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1 MS. CAMPBELL: May it please the Court?

2 THE COURT: Yes, ma'am.

3 CLOSING ARGUMENT BY MS. CAMPBELL:

4 MS. CAMPBELL: Good afternoon. When Deborah Ling
5 testified from right here and answered a question asked by
6 the solicitor, without thinking, it just sort of slipped
7 out; she said well, when the accident happened. And that
8 is critical for you, because that is the key that you need
9 to start unlocking the door to understanding what really
10 happened on August 31, 2017, 5th Street, 9:30 at night,
11 pitch dark.

12 I believe that you will look at the evidence, and you
13 may determine that these facts may have occurred, after you
14 look at this evidence. What we know, Johnnie McKnight
15 drove up to the house to pick up Alydia Ling. We know
16 she's pregnant, we know she's pregnant with his son. I
17 believe that when that happened, Shamond Ling got between
18 Johnnie and Alydia. Pretty clear that happened. He's
19 telling Alydia, go back in the house. Johnnie leaves, he
20 drives away. Okay. Kind of, I think, we're all probably
21 on the same page at this point. So you're going to need to
22 look at the tires on that blue Honda Accord in the
23 pictures, because they're gone. And you're going to need
24 to look at the blue Honda Accord.

25 Now, when you're looking at those pictures, you gonna

1 have to ask, well, now, why didn't the State show me a
2 picture of that big old bullet hole in the door? Because
3 you are, in fact, allowed to consider what you weren't
4 given. They've conceded that there was a bullet hole in
5 the blue Honda driver's door, and that important, and we're
6 going to come back to that.

7 I believe that what happened was, because of their
8 past history, because of the bad blood, if you will,
9 between Shamond and Johnnie, that when Johnnie took off,
10 Shamond stepped out, and he fired at Johnnie when Johnnie
11 was driving off. And then, Johnnie turned around because
12 who's at the house where the gunshots are coming from?
13 Alydia and his unborn so. So he turns around and he comes
14 back down the street to find out who's firing and why
15 they're firing. And when he does, that's when the two
16 front tires get shot out, because you can't shoot the tires
17 out at the end of the driveway from that angle, where he
18 puts himself. It's impossible.

19 But if you're standing out here and Johnnie's coming
20 back, and you're angry, and you don't like him -- and we're
21 going to get to that, too, in a minute -- and you take your
22 stance, both tires are going to be disabled. Shoot out the
23 tires, hide in your spot, and then as he rolls up clippity-
24 clopping, because the tires are rolling, pulls up there at
25 the end, and then he fires again, if you want to believe it

CLOSING ARGUMENT: BY MS. CAMPBELL

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1 was just the three shell casings.

2 And how do we know? Because the Solicitor has gone
3 down the rabbit hole with EPD. How do you know who shot
4 first? I'm gonna tell you how you know. And she can call
5 them all red herrings all she wants, but facts are facts,
6 and you've got the evidence right there. There's a bullet
7 hole in the driver's-side door of that blue Honda Accord,
8 and that driver's-side window is perfectly intact. If that
9 window had been down when that bullet went through that
10 door, that window would be shattered and it's not. So
11 you've answered your question on who fired first.

12 The window on the blue Honda Accord was rolled down
13 after it took fire, and that is when the shell casings wind
14 up at the end of the driveway as he's trying, at that
15 point, because his car's been disabled, to protect himself
16 because he's taking fire. And let me say, in this country
17 you are allowed to defend your right. As far as he knew,
18 he was defending Alydia's life and the baby as well, from
19 whoever is shooting at him.

20 Now, that evidence cannot lie. That evidence can't be
21 twisted. If you are firing in self-defense, it's a
22 complete defense, it's totally justified, there can be no
23 conviction whatsoever.

24 Let's talk a little bit about the particular items in
25 this case. And I'm not gonna rumble and rummage through

1 everything, you're going to have it. I want you to handle
2 it, I want you to look at it, because if you look at Item
3 4, your eyes can tell you, the experts told you, the bullet
4 that they're putting forth as the bullet that hit Alydia
5 has no blood on it. None. And the picture of that Item 4,
6 it doesn't even look like the actual bullet that's in the
7 evidence bag that went to SLED. So you say to yourself,
8 well, how might that happen? How might these things be
9 mixed up?

10 Well, because, Lieutenant Williams -- and you know, it
11 gives me little pleasure to do what I have to do because,
12 you know, that's what I'm called to do. But -- just like
13 John Adams was. But EPD, it is not credible. Why? You
14 heard Officer Williams have to admit it, I mean ever one of
15 us deserves competent -- just the bare minimum of
16 competence. If we -- if a brother or sister or father or
17 mother is accused of a crime, there were items from other
18 cases mixed up in with this evidence. That's gross
19 incompetence.

20 And you heard Officer Williams say he didn't care if
21 witnesses lied to him, that didn't impact how he felt about
22 a case. Well, they don't call SLED for help. You know, so
23 they can't hide behind the fact that they're undermanned or
24 understaffed or were a small agency. There's help
25 available in this state. They take the lies that were

CLOSING ARGUMENT: BY MS. CAMPBELL

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1 packaged up for them by Shamond Ling, and they just tie 'em
2 up in a package, and they hand them over to the State, and
3 then the State hands them over to you. And they want you
4 to put your individual stamps of approval on it. And --
5 okay.

6 Where is this Wayne Ritter? He's the subject in one
7 of these indictments. Who is this man? What does he look
8 like? How can you judge his credibility? You can't. You
9 can't judge the credibility of somebody who's not even
10 here. Again, why don't you bring him here? Where is he?
11 What would he say? Does he not want to be asked about the
12 abuse in that home? About the investigation into what was
13 happening to Alydia? Where is that man? The lies and the
14 people who lied cannot be trusted. If EPD wants to trust
15 liars, if the state of South Carolina wants to trust liars,
16 okay. But you should not trust these liars.

17 You can -- you are allowed -- her Honor is going to
18 tell you the credibility of the witnesses. You are allowed
19 to completely -- completely -- in its entirety, discard,
20 disregard, get rid of that testimony. What you don't
21 believe, what you -- listen, if Shamond Ling built a bridge
22 for you between one mountaintop and another mountaintop and
23 you were told, you've got to walk across that bridge, would
24 you hesitate on his word? If you do, reasonable doubt,
25 that's not guilty. Now, put your child on that bridge.

1 Not guilty.

2 Johnnie McKnight was about the business of building a
3 life for them. Look in those papers that came out of that
4 truck. He bought a piece of property. He sent text
5 messages to her about he had bought the camper. They were
6 setting up a life together. And okay, so the text
7 messages? Well, everybody texts now. I can't hardly stand
8 to answer my phone. I'm like, don't call me, text me.
9 People communicate in text message. And okay, he's older,
10 she's younger. She's sixteen years old by the time she's
11 pregnant, and you know what? Whatever was happening in
12 that house, Alydia Ling had come up with a way to get out.
13 And was she using that baby to get out of that house?
14 Absolutely.

15 And you know, we don't always use our right minds when
16 we send messages back to one another, but I think the other
17 text messages showed you lovers, husbands and wives,
18 parents and children, we say things that we don't really
19 mean, or are nasty in our text messages; but we also tell
20 our loved ones that we love them. Do we regret things that
21 we say that aren't so nice? Sure. But it's not all
22 arguing. Good morning, I love you, I bought us a camper.

23 Now, you also heard testimony about trajectory of the
24 bullet, and I believe that back, right, and down is an
25 elevated positioning. And the solicitor, in anticipation

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1 of your questioning how in the world could you be sitting
2 down in a Honda Accord and get to an elevated position,
3 because it's a physical impossibility, tries to ask Doctor
4 Schandl from MUSC about that. Well, if you're leaning
5 down, if you're this way, if you're that way, maybe that
6 can change it and make it more elevated. But regardless,
7 you can't elevate a shot from the blue Honda Accord. You
8 could elevate a shot from the porch, where Shamond was at
9 one point, if Alydia is in the yard. But you're talking
10 about the accident.

11 Now, EPD, Lieutenant Williams, I had to ask him, you
12 know, we had to get into it, so he's questioning Shamond on
13 September 7th. Now, we're hearing from Johnnie's family
14 that he shot back at you in self-defense. Clearly he had
15 talked to him, Shamond, before that. Oh, bring me your
16 shell casings. Brings in three shell casings. I feel
17 fairly certain by now we can all be in agreement that the
18 fact that Lieutenant Williams never got Shamond Ling's
19 handgun, or any gun, or got a search warrant for his room,
20 or his car, or his house, again, is gross incompetence,
21 leaves you with questions unanswered, and questions
22 unanswered is not guilty.

23 You have evidence in this case, but you don't have all
24 of it. And for all you know, Shamond, think about it,
25 because of the way it was done, for all you know, Shamond

1 was firing a rifle that night. How do you know? We would
2 know. If you'd gotten his gun, if you'd searched his room.
3 And Johnnie, after he was under fire from Shamond, because
4 we already know he was under fire from Shamond first
5 because of the window, he leaves. He drives that blue
6 Honda Accord out of the danger, out of the shots from
7 whoever's firing on him, just about as far as he can before
8 it's down to the rims. You can see it in the pictures.

9 And he drives toward his father's house where he might
10 feel safe, Groton Plantation, and he takes one of their
11 trucks, and he goes to school the next day. He goes
12 exactly where everyone would go to find him. He's not gone
13 to Savannah, he's not gone to Atlanta, he's not hiding,
14 he's where he's supposed to be because he hasn't done
15 anything wrong.

16 It's not against the law to defend yourself. And the
17 solicitor wants to talk about the sprayed bullets and
18 things like that, and being in the blue Honda Accord. And
19 I was talking with my investigator about this, and I was
20 like, well, you know, who polices their brats? Like, must
21 be, what twenty-five, right, inside that blue Honda Accord.
22 But -- but leaves behind this -- the -- all the identifying
23 items. The camera, the computer, the tablet, everything
24 that would identify you with your car, with that car. You
25 know what's on them. Of course -- of course you don't do

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1 that. You're gonna -- you're gonna clean up one thing, but
2 not clean up the other? No.

3 And at the end of this sordid tale, at the end of the
4 tragedy, the loss, everybody knew that Shamond wore the
5 shoulder holster. Everybody that night saw him wearing it.
6 Everybody knows that he has the gun strapped into the
7 shoulder holster. Johnnie knew him to be armed. Fear is
8 reasonable. And you know what, Shamond, you lie -- you lie
9 when you've done something wrong. You don't lie when you
10 return fire, you lie when you fired on someone.

11 I don't know if Shamond shot Alydia. I don't know if
12 his bullet hit her. I don't know the answer to that. We
13 don't know the answer to that. There are a lot of things
14 you don't know the answer to. Again, that's reasonable
15 doubt. That's not guilty. But what you do know is that in
16 the moments after she got shot, Shamond Ling had the
17 presence of mind to step over his sister to go to his
18 bedroom, to put up his gun, and to lay down the shoulder
19 holster, to take it off, so he could conceal it, and
20 conceal the fact that he was shooting that night. And he
21 says to the cops right at the beginning, right at the
22 beginning, oh, if I had known that, I'd have shot back.
23 He's formulating that story, the lie that is perpetuated
24 even here today.

25 The SLED firearms, its all inconclusive, you heard

1 that testimony. There's no fingerprint evidence on the
2 shell casings of any kind. You can fingerprint them, you
3 heard that testimony, but that wasn't done. There's no
4 touch DNA on the shell casings whatsoever.

5 You know, Johnnie McKnight knew that that was his son.
6 He has no -- zero reason to want to kill his child. He has
7 every right to defend his life, as you do, as I do, when
8 we're taking fire.

9 Her Honor is going to instruct you about a few
10 principles of law. One of the things she's going to tell
11 you is, no man or woman in this country must prove their
12 innocence. Everybody is presumed innocent. You know, they
13 write books about it, they've got shows about it, movies
14 about it, but it's the law. It's the bedrock foundation
15 under this very courthouse where you and I walk in every
16 day, expecting the foundation to be solid, in case I need
17 it the next time. And to diminish that foundation, to put
18 cracks in that foundation by diminishing the presumption of
19 innocence, or the burden of proof beyond a reasonable
20 doubt, hurts everyone.

21 Each of you sits here this afternoon in your own
22 individual chair. You each have your own mind. You will
23 each have your own thoughts about what you believe happened
24 that night. And her Honor will encourage you to go through
25 the evidence, to discuss the evidence with your fellow

1 CLOSING THE COURT: BY MAPPOCULATE it, you all. Thank you.-421-
CHARGE TO THE JURY:

2 MS. CAMPBELL: Thank you, Judge.
1 jurors. And remember this, each individual one of you will

3 (COURT IN EVENING RECESS AT 04:45 P.M.)
2 have your own thoughts and your own opinion. And at some

4 (COURT BACK IN SESSION WEDNESDAY, FEBRUARY 6, 2019 IN
3 point, your foreperson will say to you, I think that we
5 THE MATTER OF STATE V. JOHNNIE LEE MCKNIGHT AT 10:01 A.M.)
4 should, you know, try to make some decisions. And I

6 (STATE VERSUS JEFFREY CAPERS PLEA WITH CHARLIE JOHNSON
5 believe, again, factoring in that the critical key

7 AT 10:01 A.M.)
6 component of the State asking you to find Johnnie guilty

8 (COURT IN CONFERENCE WITH BAILIFF/JUROR MATTER)
7 rests upon lie after lie after lie, after concealing, after

9 (HISPANIC MALE JUROR ENTERS COURTROOM.)
8 concealing, after hiding.

10 THE COURT: Good morning. I hear you're feeling under
9 I feel confident, I feel hopeful, that you'll remember

11 the weather.
10 the bullet hole in the blue Honda Accord, and the fact that

12 A. Yes, ma'am, I had a bad headache this morning and my
11 the window is not shattered, and that you will tear off

13 throat was killing me. We didn't have any thermometer at
12 your pieces of paper when that time comes, and you will

14 the house and I couldn't take my temperature.
13 write down your decision on each indictment, and you will

15 THE COURT: Okay. You feel pretty bad?
14 fold that up, and you will pass it on down the line to your

16 A. Yes, ma'am.
15 foreperson, who will then look at those pieces of paper,

17 THE COURT: Do you want me to go ahead and excuse you
16 and bring back a verdict on these indictments which says

18 and put one of the alternates in your place?
17 every person in this country, every person in this room,

19 A. Uh-huh.
18 everyone here, has an absolute right to defend themselves,

20 THE COURT: Yes? All right, sir, I'm gonna go ahead
19 and that's a verdict of not guilty. Thank you.

21 and take your badge, because I don't want you getting the
20 THE COURT: Ladies and gentlemen, everyone stand up

22 rest of this jury sick, okay. I will tell you this, you
21 and take a quick stretch.

23 are excused and you can go home but you are not to discuss
22 You all ready? Okay. Go ahead and take a seat.

24 this case with anyone. Do you understand?

23 CHARGE TO THE JURY:

25 A. Yes, ma'am.

24 THE COURT: Madam Foreperson, members of the jury, you

25 have followed very patiently and listened very intently to

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1 the presentation of the evidence in this case, and I want
2 to thank you for that. It now becomes the duty of the
3 trial judge to charge and instruct you on the law that's
4 applicable to this case, and it's your duty as jurors to
5 accept and apply the law as I will now state it to you.

6 As jurors, it your exclusive duty to decide all issues
7 of fact in this case. You must determine the effect, the
8 value, and the weight of the evidence because both the
9 State of South Carolina and the defendant, Mr. McKnight,
10 have a right to expect that you will carefully consider and
11 evaluate the evidence, and apply the law of the case to the
12 evidence. And by doing that, both the state of South
13 Carolina and the defendant, Mr. McKnight, will receive a
14 fair and impartial trial in this case.

15 Now, the state of South Carolina, by the bills of
16 indictment in this case, charge the defendant, Johnnie
17 McKnight, with two counts of murder, three counts of
18 attempted murder, discharging a firearm into a dwelling,
19 and possession of a weapon during the commission of a
20 violent crime.

21 Now, I remind you that the fact that the defendant was
22 arrested, charged, and indicted in this case is not
23 evidence in this case, and cannot be considered by you as
24 evidence of guilt in this case, nor does it create any
25 presumption or inference of guilt. An indictment is simply

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1 the formal written instrument which contains the charge
2 made against the defendant. It's the formal document by
3 which the case is brought into the courtroom.

4 Now, ladies and gentlemen, in this case the defendant,
5 Mr. McKnight, had pled not guilty to these indictments, and
6 that plea puts the burden on the State to prove the
7 defendant guilty beyond a reasonable doubt.

8 Ladies and gentlemen, a person charged with committing
9 a criminal offense in South Carolina is never required to
10 prove themselves innocent. I charge you that it's an
11 important rule of law that a defendant in a criminal trial,
12 no matter what the seriousness of the charges may be, will
13 always be presumed innocent of the crime for which an
14 indictment was issued, unless guilt has been proven by
15 evidence satisfying you, the jury, of that guilt beyond a
16 reasonable doubt.

17 Now, this presumption of innocence does not end when
18 you begin your deliberations, but it accompanies the
19 defendant throughout the trial, until you reach a verdict
20 of guilt, based on evidence satisfying you of that guilt
21 beyond a reasonable doubt. The presumption of innocence is
22 like a robe of righteousness that's placed about the
23 shoulders of the defendant, and it remains with the
24 defendant until it has been stripped away by evidence
25 satisfying you of the defendant's guilt beyond a reasonable

1 doubt.

2 The presumption of innocence is not just a mere legal
3 theory, it's not just a legal phrase we use. It is a
4 substantial right to which every defendant is entitled,
5 unless you, the jury, are satisfied from the evidence of
6 the defendant's guilt beyond a reasonable doubt. So what
7 is reasonable doubt in the law?

8 A reasonable doubt is the kind of doubt that would
9 cause a reasonable person to hesitate to act in their most
10 important decisions. The State has the burden of proving
11 the defendant guilty beyond a reasonable doubt; and again,
12 the term reasonable doubt must be given its plain and
13 ordinary meaning. Again, to the extent that I may define
14 it for you, a reasonable doubt is the kind of doubt that
15 would cause a reasonable person to hesitate to act in their
16 most personal decisions.

17 Now, the defendant is entitled to every reasonable
18 doubt arising in this case, and upon any issue of fact
19 essential to a conviction you have a reasonable doubt as to
20 how that issue should be resolved, you must resolve that
21 reasonable doubt in favor of the defendant.

22 Now, some of you may have served as jurors in civil
23 cases where you were told that it was only necessary to
24 prove that a fact is more likely true than not true, or
25 what we call the greater weight, or the preponderance of

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1 the evidence. In criminal cases, the State's proof must be
2 more powerful than that. It must be beyond a reasonable
3 doubt. Suspicion, no matter how strong, is insufficient to
4 convict a person charged with a crime. That the facts and
5 circumstances presented may seem suspicious, and the
6 defendant's guilt may seem probable, this is not sufficient
7 in the law to convict. Proof beyond a reasonable doubt is
8 proof that leaves you firmly convinced of the defendant's
9 guilt.

10 Now, there are very few things in this world that we
11 know with absolute certainty, and in criminal cases the law
12 does not require proof that overcomes every possible doubt.
13 If, based on your consideration of the evidence, you are
14 firmly convinced that the defendant is guilty of the crime
15 or crimes charged, you must find the defendant guilty. If,
16 on the other hand, you think there is a real possibility
17 that the defendant is not guilty, you must give the
18 defendant the benefit of that doubt, and find him not
19 guilty.

20 Now, I remind you that during this trial, you and I
21 have certain duties to perform. As the judge it's my
22 responsibility to preside over the trial of this case, and
23 I also have the duty to rule on the admissibility of
24 evidence that's offered during the trial. You are to
25 consider only the competent evidence before you. You are

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1 to consider only the testimony from the witness stand, as
2 well as any exhibits which have been made a part of the
3 record in this case. I have the additional duty to charge
4 you the law that's applicable to this case. I am the sole
5 judge of the law, and it's your duty as jurors to accept
6 and apply the law as I will now state it to you. If you
7 have any idea as to what the law is, or what you think the
8 law ought to be, and it does not agree with what I now tell
9 you the law is, you must abandon this idea, because you are
10 sworn to accept the law and apply the law exactly as I
11 state it to you.

12 Now, in every case tried in this court before a jury,
13 the jury becomes the sole and exclusive judge of the facts.
14 A trial judge cannot intimate, comment on, or make any
15 statement to a trial jury about the facts in a case. And
16 since you, the jury, are the sole judge of the facts of
17 this case, you are not to infer from what I've said during
18 the progress of this trial, in ruling upon the
19 admissibility of evidence or otherwise, or anything that I
20 say now during the course of this instruction to you that I
21 have an opinion about the facts in this case. The law does
22 not allow me to have an opinion about the facts in this
23 case. This is a matter solely for you, the jury, to
24 determine. As jurors, it is your duty to determine the
25 effect, the value, and the weight of the evidence that's

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1 presented during the trial.

2 Now, there are two types of evidence which are
3 generally presented during a trial, direct evidence and
4 circumstantial evidence. Direct evidence is the testimony
5 of a person who claims to have actual knowledge of a fact,
6 such as an eyewitness. It is evidence which immediately
7 establishes a main fact to be proved.

8 Circumstantial evidence is proof of a chain of facts
9 and circumstances indicating the existence of a fact. It
10 is evidence which immediately establishes collateral facts
11 from which the main fact may be inferred. Circumstantial
12 evidence is based on inference, and not on personal
13 knowledge or observation.

14 Crimes may be proven by circumstantial evidence. The
15 law makes no distinction between the weight or value to be
16 given to either direct or circumstantial evidence.
17 However, to the extent the State relies on circumstantial
18 evidence, all of the circumstances must be consistent with
19 each other and when taken together point conclusively to
20 the guilt of the accused beyond a reasonable doubt. If
21 these circumstances merely portray the defendant's behavior
22 as suspicious, the proof has failed.

23 Now, the State has the burden of proving the defendant
24 guilty beyond a reasonable doubt, and the burden rests with
25 the State regardless of whether the State relies on direct

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1 evidence, circumstantial evidence, or some combination of
2 the two.

3 Now, it is your duty as jury to determine the
4 credibility of witnesses who have testified in this case,
5 and credibility simply means believability. It's your duty
6 as jurors to analyze and to evaluate the evidence, and
7 determine which evidence convinces you of its truth. In
8 determining the believability of witnesses who have
9 testified in this case, you may believe one witness over
10 several witnesses, or several witnesses over one witness.
11 You may believe a part of the testimony of a witness, and
12 reject the remaining part of the testimony of that same
13 witness.

14 You may believe the testimony of a witness in its
15 entirety, or reject the testimony of a witness in its
16 entirety. And you may consider whether any witness has
17 exhibited to you any interest, bias, prejudice, or other
18 motive in this case, and you may also consider the
19 appearance and manner of a witness while on the witness
20 stand.

21 Now, there has been evidence presented that witnesses
22 have made prior statements which may not be consistent with
23 the witness's present testimony. You may use this evidence
24 to decide whether to believe the witness. You may also use
25 evidence of the earlier statements to determine the truth

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1 of those statements. It is up to you to decide whether to
2 believe the earlier statements or the testimony given at
3 trial.

4 If a witness is shown to have knowingly testified
5 untruthfully concerning any material matter, you may
6 consider this in determining whether to trust the witness's
7 testimony as to other matters. You may reject all
8 testimony of that witness, or give all or part of the
9 testimony the weight you think it deserves.

10 Now, normally a person cannot give, during a trial,
11 what we call opinion testimony. Normally, when a person
12 testifies, they must testify as to what they either saw,
13 heard, or sensed by smell, or something of that nature.
14 However, there is an exception when someone is qualified
15 because of education and/or experience, they are permitted
16 to give their opinion in certain areas if the Court
17 qualifies them that way. And that evidence, ladies and
18 gentlemen, is for you to use in any way you see fit, and
19 give it the weight and credibility you believe is
20 appropriate.

21 Now, I instruct you and emphasize that the fact that
22 the defendant did not testify is not a factor to be
23 considered by you in any way in your deliberations, and in
24 your consideration on the question of the guilt or the
25 innocence of the defendant. It must not be considered by

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1 you in any manner whatsoever. A defendant has the
2 constitutional right to remain silent, and the assertion of
3 that right must not be considered by you in your
4 deliberations. I repeat, under your oath you are to draw
5 no conclusion whatsoever from the fact the defendant in
6 this case did not testify. The fact that the defendant did
7 not testify should not even be discussed in the jury room.

8 The burden of proof, as I stated to you, is on the
9 State. The defendant is not required to prove himself
10 innocent, and the burden of proof remains on the State to
11 prove guilt beyond a reasonable doubt.

12 Now, there are seven separate indictments or charges
13 in this case, and each charge or indictment is a separate
14 and distinct offense. You must decide each indictment
15 separately on the evidence and the law applicable to it.

16 And Madam Foreperson, you will be asked to write a
17 separate verdict of guilty or not guilty for each
18 indictment or charge.

19 Now, to begin, the defendant is charged with the
20 offense of murder of Alydia Ling and Baby Boy Ling. Now,
21 to prove murder, the State must prove beyond a reasonable
22 doubt that the defendant killed another person with malice
23 aforethought, either express or implied. Malice is hatred,
24 ill will, or hostility towards another person. It is the
25 intentional doing of a wrongful act without just cause or

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1 excuse, and with an intent to inflict an injury.

2 Malice aforethought does not require that malice
3 exists for any particular time before the act is committed.
4 But malice must exist in the mind of a defendant just
5 before and at the time the act is committed. Therefore,
6 there must be a combination of the previous evil intent and
7 the act. Malice aforethought may be either expressed or
8 inferred, and these terms, express or inferred, do not mean
9 different kinds of malice, but merely the manner in which
10 malice may be shown to exist. That is either by direct
11 evidence, or by inference from the facts and circumstances
12 which are proved.

13 Expressed malice is shown when a person speaks words
14 which express hatred or ill will for another, or when the
15 person prepared beforehand to do the act which was later
16 accomplished. For example, lying in wait for a person, or
17 any other acts of preparation going to show that the deed
18 was within a defendant's mind would be what we call express
19 malice. Malice may be inferred from conduct that is so
20 reckless and wanton as to indicate a depravity of mind and
21 general disregard for human life.

22 If facts are proof beyond a reasonable doubt
23 sufficient to raise an inference of malice to your
24 satisfaction, this inference would simply be an evidentiary
25 fact to be taken into consideration by you, along with all

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1 the other evidence in this case, and you may give it the
2 weight that you decide it should receive.

3 Ladies and gentlemen, I charge you that it is the law
4 of this state that a viable, unborn fetus constitutes a
5 person even before it leaves the mother's womb. To show
6 that charge the State must prove beyond a reasonable doubt
7 that the fetus involved was viable, meaning that it was
8 able to live separate and apart from its mother, without
9 the aid of artificial support.

10 Now, the defendant is also charged with the attempted
11 murder of Shamond Ling, Deborah Ling, and Wayne Ritter. In
12 order to prove this crime or offense, the State must prove
13 the defendant attempted to kill another person with malice
14 aforethought, either expressed or implied, as I explained
15 to you earlier. Again, as I stated to you in the charge on
16 murder, malice is hatred, ill will, or hostility towards
17 another person. It's the intentional doing of a wrongful
18 act without just cause or excuse, and with an intent to
19 inflict injury; or under circumstances the law will infer
20 an evil intent.

21 Now, the defendant is also charged with the offense of
22 discharging a firearm into a dwelling. It is unlawful,
23 ladies and gentlemen, for a person to unlawfully discharge,
24 or cause to be discharged, a firearm at or into a dwelling
25 house, other building, structure, or enclosure regularly

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1 occupied by persons. Therefore, in order to convict the
2 defendant of this charge, the State must prove beyond a
3 reasonable doubt that the defendant unlawfully discharged,
4 or caused to be discharged, a firearm, at or into a
5 dwelling. If the State fails to prove this act beyond a
6 reasonable doubt, you must find the defendant not guilty.

7 Last, ladies and gentlemen, the defendant is charged
8 with possession of a weapon during the commission of a
9 violent crime. Now, to prove this charge, the State must
10 prove beyond a reasonable doubt that the defendant was in
11 possession of a firearm, or visibly displayed what appeared
12 to be a firearm, during the commission of a violent crime.
13 A firearm means any machine gun, automatic rifle, revolver,
14 pistol, or any weapons which will, is designed to, or may
15 be readily converted to expel a projectile.

16 In order to find the defendant guilty of possession of
17 a weapon during the commission of a violent crime, you must
18 first find the defendant guilty of committing a violent
19 crime, and under the laws of the state of South Carolina, I
20 charge you that murder and attempted murder are violent
21 crimes under our laws.

22 Ladies and gentlemen, the state must last prove beyond
23 a reasonable doubt that the weapon further advanced or
24 helped in the commission of the crime.

25 Now, ladies and gentlemen, the defendant has raised

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1 the defense of self-defense in this case, and self-defense
2 is a complete defense, and if it is established, you must
3 find the defendant not guilty. The State has the burden of
4 disproving self-defense by proof beyond a reasonable doubt.
5 If you have a reasonable doubt of the defendant's guilt
6 after considering all the evidence, including the evidence
7 of self-defense, then you must find the defendant not
8 guilty. On the other hand, if you have no reasonable doubt
9 of the defendant's guilt after considering all of the
10 evidence, including the evidence of self-defense, then you
11 must find the defendant guilty.

12 Now, the following elements are required to establish
13 self-defense. The State must disprove only one of the
14 elements of self-defense for it not to apply. First, the
15 defendant must be without fault in bringing on the
16 difficulty. If the defendant's conduct was the type which
17 was reasonably calculated to, and did, provoke a deadly
18 assault, the defendant would be at fault in bringing on the
19 difficulty, and would not be entitled to an acquittal based
20 on self-defense.

21 The second element of self-defense is that the
22 defendant was actually in imminent danger of death or
23 serious bodily injury; or that the defendant actually
24 believed he was in imminent danger of death or serious
25 bodily injury. If the defendant was actually in imminent

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1 danger, it must be shown that the circumstances would have
2 warranted a person of ordinary firmness and courage to
3 strike a blow to prevent death or serious bodily injury.
4 If the defendant believed he was in imminent danger of
5 death or serious bodily injury, it must be shown that a
6 reasonably prudent person of ordinary firmness and courage
7 would've had the same belief.

8 In deciding whether the defendant actually was, or
9 believed he was in imminent danger of death or serious
10 bodily injury, you should consider all the facts and
11 circumstances surrounding the crime, including the physical
12 condition and characteristics of the defendant and the
13 victims.

14 Now, the defendant does not have to show that he was
15 actually in danger. It is enough if the defendant believed
16 he was in imminent danger, and a reasonably prudent person
17 of ordinary firmness and courage would've had the same
18 belief. The defendant has the right to act on appearances,
19 even though the defendant's beliefs may have been mistaken.
20 It is for you to decide whether the defendant's fear of
21 immediate danger of death or serious bodily injury was
22 reasonable, and would've been felt by an ordinary person in
23 the same situation.

24 Now, evidence of prior difficulties between the
25 defendant and the victims may be considered in deciding

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1 whether a threat existed, whether the defendant had a
2 reason to believe a threat existed, and how serious that
3 threat was. The relative sizes, ages and weights, of the
4 defendant and the victims may be considered in deciding the
5 apparent or actual need for force and self-defense, and the
6 amount of force needed. The reputation of the victims may
7 be considered in deciding whether there was a need for
8 force, whether the defendant had reason to believe there
9 was a need for force, and whether deadly force was
10 reasonably necessary. Threats made by the victims, if any,
11 may be considered in determining whether the defendant
12 actually was, or believed he was, in imminent danger.

13 Ladies and gentlemen, the final element of self-
14 defense is that the defendant had no other probable way to
15 avoid the danger of death or serious bodily injury than to
16 act as the defendant did in this particular instance.
17 Ordinarily, one is not justified in shooting, or employing
18 a deadly weapon after the adversary has been disarmed or
19 disabled. However, when a person is justified in firing
20 the first shot, he is justified in continuing to shoot
21 until it is apparent that the danger to his life and body
22 has ceased.

23 Also, if the defendant is in a place where he is
24 rightfully allowed to be, then the defendant has no duty to
25 retreat before acting in self-defense. Additionally, once

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1 the right to fire or respond with deadly force in self-
2 defense arises, the defendant is not required to wait until
3 his adversary is on equal terms; or until his adversary has
4 fired or aimed his weapon, or leveled a blow upon him.

5 Madam Foreperson, members of the jury, as you retire
6 to begin your deliberations in this case, I wish to express
7 the hope that each of you are mindful of the importance of
8 your responsibility here today. You're not called upon
9 very often to serve as jurors, and the proper performance
10 of that duty requires each of you to reach the height of
11 freeing your mind of all improper influences.

12 Please don't get the idea that I'm trying to intimate
13 to you how I think you should decide this case. As I've
14 already told you, under the laws of this state, you, the
15 jury, are the sole judge of all facts, and it would be
16 highly inappropriate for me to influence you in your
17 performance of that duty.

18 However, ladies and gentlemen, as the presiding
19 officer of this court, I am vitally concerned that whatever
20 verdict you reach will be the result of you going back into
21 your jury room, and confining your considerations and your
22 deliberation to the evidence and the law that you've heard
23 here in this courtroom, weighing it fairly and impartially,
24 as I have every confidence you will.

25 Madam Foreperson, the jury's verdict must be

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1 unanimous. It must be the verdict of all twelve jurors,
2 and to that end you will have a verdict form. And it
3 simply states the caption, it's the *State of South Carolina*
4 *versus Johnnie Lee McKnight*, and it has a number of
5 questions as to each of the charges. It begins with, as to
6 the charge of murder of Alydia Ling, we, the jury, find the
7 defendant, Johnnie McKnight, and it either says guilty or
8 not guilty. It then goes on and says, as to the murder of
9 Baby Boy Ling, we, the jury, find either Johnnie Lee
10 McKnight guilty or not guilty. It goes through all of the
11 questions and asks as to the attempted murder of Shamond
12 Ling, of Deborah Ling, and also of Wayne Ritter.

13 And then, it lastly asks the two questions as to
14 discharging a firearm into a building, guilty or not
15 guilty; and possession of a weapon during a violent crime.

16 Madam Foreperson, you are required to answer all of
17 the questions on this verdict form. When the jury has
18 reached a unanimous verdict, I want you to fill out the
19 verdict form, sign it, date it, and knock on the jury room
20 door.

21 Additionally, Madam Foreperson, please don't infer the
22 order that I put guilty or not guilty on a verdict form.
23 Every trial we simply reverse it, is what we do. All
24 right? So for the very last time I'm going to send you
25 back to your jury room, and I am going to tell you not to

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1 begin your deliberations. If there's something further on
2 the law, I'm going to bring you out in the courtroom, and
3 I'm going to charge you further.

4 If not, Madam Foreperson, you're going to get a copy
5 of my jury charge, as well as the verdict form, and all the
6 evidence in this case that's been entered, and that's going
7 to be your signal to begin your deliberations.

8 Just a few other notes, ladies and gentlemen. I will
9 tell you that you will have all the evidence that's been
10 introduced into this case. If it is not back there with
11 you in the jury room, you are not entitled to it, so you
12 cannot have it. All right?

13 Additionally, you've seen Wanda, my court reporter,
14 taking down everything that's said. I want you to know
15 that there's no printed transcript. At this point all
16 there is is an audio backup. Therefore, if there is
17 certain testimony you wish to have played back, what I can
18 do is bring you back into the jury room, and we will play
19 the audio recording for you. What I need to tell you is
20 this, though. If you ask for a witness' testimony, whoever
21 it is, we are required to play that witness's entire
22 testimony, which means the direct, the cross-examination,
23 the re-direct and re-cross, as long as they've testified.
24 All right?

25 All right, ladies and gentlemen, again, I am going to

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1 send you back there. Don't begin discussing this case
2 until you get the verdict form, the jury charge, and the
3 evidence. And I'm assuming we have some gloves as well, is
4 that correct, back there, for them?

5 THE CLERK: We have some here.

6 THE COURT: We have some here. All right. If you all
7 need them. Okay. You're excused back to your jury room.

8 Thank you.

9 (JURY EXITS COURTROOM FOR DELIBERATIONS AT 02:40 P.M.)

10 THE COURT: Will you give this to Wanda? And we'll
11 bring the alternates right back out when we take all the
12 evidence back in there. And have that marked. We don't
13 need to mark the verdict form, just give the verdict form
14 back. Have you been through the evidence, you all? Let's
15 do it right now. Okay.

16 SOLICITOR SWANSON: And everything is -- the only
17 things I took out were the items that were right here so I
18 don't know if y'all went through it.

19 MADAM COURT REPORTER: We've got 1 through 56, and the
20 Clerk has gone through them, too.

21 THE COURT: Okay.

22 MADAM COURT REPORTER: Everybody is happy with that?

23 THE COURT: Okay. So here's the verdict form, here's
24 the charge.

25 MADAM COURT REPORTER: The Defendant's: The disc and

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1 the motion. Yes, ma'am. That's it. Appreciate it.

2 THE COURT: Okay. And when you take the evidence in,
3 will you bring me the two alternates, okay? Oh, does Ms.
4 Melinda take the evidence in here? Who takes the evidence
5 in here?

6 MADAM CLERK: I usually let the bailiff.

7 THE COURT: Okay. That's what I thought, okay. And
8 he'll just bring the alternates out. Okay.

9 MS. CAMPBELL: And just for the record, there are no
10 objections.

11 THE COURT: Thank you.

12 MS. CAMPBELL: To the charge as given, from the
13 defendant.

14 THE COURT: Thank you. Any objections from the State?

15 SOLICITOR SWANSON: None from the State.

16 THE COURT: All right. Thank you.

17 (ALTERNATE JURORS REENTERS COURTROOM.)

18 THE COURT: Gentlemen, you all have matching shorts
19 on. I noticed that when I saw you earlier. I want to
20 thank you for being here. Obviously, I only lost one
21 juror, so at this time I'm going to go ahead and release
22 you. And I'm going to release you from jury duty for the
23 remainder of the week. I will tell you that you are
24 permitted to go home and talk about the case, if you want
25 to. If you are interested in what the verdict is,

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1 certainly you can call to the Clerk of Court's Office
2 tomorrow to find out. It may or may not be in the
3 newspaper. I'm guessing it probably -- no? Wanda says no,
4 so if you want to call the Clerk of Court's Office and ask,
5 I have no idea how long they're going to deliberate.

6 The only thing I do ask you is if you have made
7 friends with some of these jurors, I don't want you talking
8 to any of them until they have reached a verdict. I don't
9 think they're going to go overnight, but sometimes it
10 happens. So if that were to happen and you talk to
11 someone, you aren't supposed to. Okay? So, again,
12 gentlemen, thank you.

13 We really appreciate it very much. Thank you.

14 All right. They're going to take you out and make
15 sure you get home safe. Okay? Thank you.

16 (ALTERNATE JURORS DISMISSED AT 02:45 P.M.)

17 THE COURT: All right. Well, right now we're going to
18 go ahead in this case, be at ease. I'm going to talk to
19 the solicitor to see if there's anything we need to do, if
20 there's any - I don't know if there is but it's okay if
21 there isn't.

22 (COURT IN RECESS AT 02:45 P.M.)

23 (COURT BACK IN SESSION AT 03:44 P.M.)

24 THE COURT: All right. We're waiting on Mr. McKnight
25 and Ms. Campbell? There she is.

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1 (DEFENDANT RE-ENTERS COURTROOM AT 03:47 P.M.)

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

3 SOLICITOR SWANSON: The State's ready.

4 THE COURT: Defense ready?

5 MS. CAMPBELL: Defense is ready.

6 THE COURT: All right. Ladies and gentlemen, for
7 those of you that are here in the gallery watching, I just
8 want to make sure you understand that whatever the verdict
9 is, I can't have any type of outburst. If, for any reason,
10 you feel like you can't contain yourself, I need you to
11 remove yourself now; because unfortunately if there is any
12 outbursts, I have to take you into custody. All right? I
13 don't want to have to do that with anyone. Okay? So let's
14 go ahead and bring the jury in. Let's bring them in.

15 (JURY RE-ENTERS COURTROOM AT 03:48 P.M.)

16 THE COURT: All right. Madam Foreperson, I understand
17 the jury has reached a verdict.

18 MADAM FOREPERSON: Yes.

19 THE COURT: Will you please give it to the bailiff?

20 (VERDICT RECEIVED UP BY THE COURT.)

21 THE COURT: All right, Melinda too. Thank you.

22 All right. Ms. Campbell, if you and Mr. McKnight
23 would rise, please.

24 In the case of the *State of South Carolina versus*
25 *Johnnie Lee McKnight*, as to the charge of murder of Alydia

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1 Ling, we, the jury, find the defendant, Johnnie McKnight,
2 guilty.

3 As to the charge of murder of Baby Boy Ling, we, the
4 jury, find the defendant, Johnnie McKnight, guilty.

5 As to the charge of attempted murder of Shamond Ling,
6 we, the jury, find the defendant, Johnnie McKnight, guilty.

7 As to the charge of attempted murder of Deborah Ling,
8 we, the jury, find the defendant guilty.

9 As to the charge of attempted murder of Wayne Ritter,
10 we, the jury, find the defendant, Johnnie McKnight, guilty.

11 As to the charge of discharging a firearm into a
12 dwelling, we, the jury, find the defendant, Johnnie
13 McKnight, guilty.

14 As to the charge of possession of a weapon during a
15 violent crime, we, the jury, find the defendant, Johnnie
16 McKnight, guilty. You may be seated.

17 Ladies and gentlemen of the jury, if this is your
18 verdict, will you please indicate by raising your right
19 hand?

20 (ALL JURORS AFFIRMED THE VERDICT.)

21 THE COURT: Sir? Thank you. You may put it down.

22 Would you like the jury individually polled, Ms.
23 Campbell?

24 MS. CAMPBELL: Yes, please.

25 THE COURT: Ladies and gentlemen, what I am going to

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1 do is this. I'm going to say your juror number, and if,
2 for some reason, you don't remember that, I will prompt
3 you. But what I'm going to ask you when I call your name,
4 I need you to stand and I am going to ask you if this is
5 your verdict. The answer is yes or no; and is this still
6 your verdict, yes or no, and then you can be seated. Okay?
7 And I'm going to go through all twelve of you, all right?
8 So, to begin with, Juror Number 26.

9 (WHITE MALE STANDS.)

10 THE COURT: Sir, is this your verdict?

11 JUROR NO. 26: Yes, ma'am.

12 THE COURT: Is it still your verdict?

13 JUROR NO. 26: Yes, ma'am.

14 THE COURT: Thank you, sir. You may be seated.

15 Juror Number 56.

16 (BLACK FEMALE STANDS.)

17 THE COURT: Ma'am, is this your verdict?

18 JUROR NO. 56: Yes, ma'am.

19 THE COURT: Is this still your verdict?

20 JUROR NO. 56: Yes, ma'am.

21 THE COURT: Thank you. You may be seated.

22 Juror No. 65.

23 (WHITE MALE STANDS.)

24 THE COURT: Sir, is this your verdict?

25 JUROR NO. 65: Yes, ma'am.

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1 THE COURT: Is this still your verdict?
2 JUROR NO. 65: Yes, ma'am.
3 THE COURT: Thank you. You may be seated.
4 Juror No. 40.
5 (WHITE FEMALE STANDS.)
6 THE COURT: Ma'am, is this your verdict?
7 JUROR NO. 40: Yes, ma'am.
8 THE COURT: Is this still your verdict?
9 JUROR NO. 40: Yes, ma'am.
10 THE COURT: Thank you. You may be seated.
11 Juror No. 104.
12 (WHITE FEMALE STANDS.)
13 THE COURT: Ma'am, is this your verdict?
14 JUROR NO. 104: Yes, ma'am.
15 THE COURT: Is this still your verdict?
16 JUROR NO. 104: Yes, ma'am.
17 THE COURT: Thank you. Juror No. 143.
18 (BLACK FEMALE STANDS.)
19 THE COURT: Ma'am, is this your verdict?
20 JUROR NO. 143: Yes, ma'am.
21 THE COURT: Is this still your verdict?
22 JUROR NO. 143: Yes, ma'am.
23 THE COURT: Thank you. Juror No. 69.
24 (WHITE MALE STANDS.)
25 THE COURT: Sir, is this your verdict?

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1 JUROR NO. 69: Yes, ma'am.

2 THE COURT: Is this still your verdict?

3 JUROR NO. 69: Yes, ma'am.

4 THE COURT: Thank you, sir. Juror No. 77.

5 (BLACK MALE STANDS.)

6 THE COURT: Sir, is this your verdict?

7 JUROR NO. 77: Yes, ma'am.

8 THE COURT: Is this still your verdict?

9 JUROR NO. 77: Yes, ma'am.

10 THE COURT: Thank you, sir. Juror No. 18.

11 (WHITE FEMALE STANDS.)

12 THE COURT: Ma'am, is this your verdict?

13 JUROR NO. 18: Yes, ma'am.

14 THE COURT: Is this still your verdict/

15 JUROR NO. 18: Yes, ma'am.

16 THE COURT: Thank you. Juror No. 28.

17 (WHITE FEMALE STANDS.)

18 THE COURT: Ma'am, is this your verdict?

19 JUROR NO. 28: Yes, ma'am.

20 THE COURT: Is this still your verdict?

21 JUROR NO. 28: Yes, ma'am.

22 THE COURT: Thank you. Juror No. 170.

23 (BLACK MALE STANDS.)

24 THE COURT: Sir, is this your verdict?

25 JUROR NO. 170: Yes, ma'am.

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1 THE COURT: Is this still your verdict?

2 JUROR NO. 170: Yes, ma'am.

3 THE COURT: Thank you, sir. And Juror No. 110.

4 (BLACK MALE STANDS.)

5 THE COURT: Sir, is this your verdict?

6 JUROR NO. 110: Yes, ma'am.

7 THE COURT: Is this still your verdict?

8 JUROR NO. 110: Yes, it is.

9 THE COURT: Thank you, sir. You may be seated.

10 Is there anything further required of this jury, from
11 the State?

12 SOLICITOR SWANSON: None from the State.

13 THE COURT: From the Defense?

14 MS. CAMPBELL: No, your Honor.

15 THE COURT: Ladies and gentlemen of the jury, I want
16 to thank you for your service here. Your job is to return
17 a verdict, and it's my job to sentence Mr. McKnight. I
18 will tell you that I will go ahead right now, and go on and
19 sentence him at this point. You don't have to stay for
20 that, but if you want to you can stay. It's completely up
21 to you.

22 Before I do go ahead and excuse you though, ladies and
23 gentlemen, I need to tell you that when you go home now,
24 you are permitted to discuss what you've been doing up
25 here. There's no prohibition against that. I just want to

1 make sure that if someone persist or tries to talk to you
2 about it, you're never required to talk to anyone, of
3 course, about what you've been doing up here, but you are
4 permitted to tell people if you'd like to. All right?

5 Also, ladies and gentlemen, I am going to go ahead and
6 excuse you for the remainder of the week. You all have
7 done your service, and I think you have earned Thursday and
8 Friday off, ladies and gentlemen, because I know it's very
9 difficult to sit up here and listen to these cases. So I
10 am going to go ahead and excuse you for the rest of the
11 week.

12 If you need a work excuse, we're either going to have
13 you talk to Mr. Matthews.

14 Do you have to go downstairs to grab them if they need
15 one? They're going to go down to the Clerk's Office, and
16 they'll get you work excuses for them to tell them where
17 you've been. All right? Does anyone have anything else?

18 At this time I am going to go ahead and excuse you.
19 If you would like to leave before the sentencing, you can
20 go ahead and do that now. If you'd like to stay, you can
21 just remain in your seats. It's completely up to you. I
22 tell every jury this, again, your responsibility is simply
23 to return a verdict on the case as to the charges. It's my
24 responsibility to actually sentence someone, so that is
25 something that I just accept when I get appointed as a

1 judge. So at this time if you want to go ahead and excuse
2 yourselves, you are welcome to right now. If not, you can
3 stay. So if you want to go, now is the time to go. All
4 right? You all want to stay? Go ahead and go. You're
5 fine. Whoever doesn't want to stay, please.

6 (SMALL NUMBER OF JURORS LEAVING.)

7 THE COURT: Thank you all. Thank you.

8 All right. You have the sentencing sheets?

9 SOLICITOR SWANSON: I do, your Honor. I'm handing
10 them to the Defense. I did not have a Social, so that may
11 need to be --

12 THE COURT: Thank you, Ms. Campbell. All right.

13 MS. CAMPBELL: It's gonna take a minute.

14 THE COURT: That's okay. Ladies and gentlemen, I'll
15 also tell you that for the remainder of the week I don't
16 think I'm going to try another case. Our intent tomorrow
17 is, is I have a list of matters. They are guilty pleas.
18 Some are walk-in guilty pleas where people are out on bond,
19 some of them are jail matters that people plead guilty. I
20 couldn't try every case, so we're doing that. I'm setting
21 bonds, I'm hearing motions in criminal cases as well.

22 And I can tell you that I believe I'll probably be
23 done here in Hampton tomorrow afternoon, and then Friday
24 morning I'll be back in Beaufort, where we have a little
25 heavier case load. Over in Beaufort I'm doing a couple of

1 civil matters in the morning, and taking a couple of guilty
2 pleas, and then I am going through and doing what are
3 called status conferences on cases that are jury trials out
4 of Beaufort.

5 So I can tell you as the residence circuit court judge
6 in the Fourteenth Circuit, it's my pleasure to go to all of
7 these counties. I'll be the first to tell you that I am
8 partial to Hampton. It's absolutely wonderful coming here.
9 I will tell you, I have loved Melinda Nettles your Clerk of
10 Court Clerk for a very long time. She is a wonderful Clerk
11 of Court. She runs her office so well, and it's a pleasure
12 to be here.

13 And I can tell you as a circuit court judge, not only
14 do I go to the courthouses in my circuit, those five, but
15 they send me everywhere. So, I go to Charleston, Richland,
16 which is Columbia. I go up to Greenville, I go to
17 Greenwood, I go everywhere. Not all courthouses work the
18 same and are the same, and it really is the people in them,
19 and I can tell you the people in this courthouse are
20 wonderful. They do a great job for Hampton County, you all
21 are very fortunate. It's a pleasure to be here.

22 And I love that, because my law clerk, who's next to
23 me, Julia Bradshaw, she is a lawyer and graduated from law
24 school last year, and about every year or two years, I get
25 a new law clerk, and it's fun to see what their reaction

1 is, because I've been doing this for years. But she always
2 said, and we've only been here now twice, and since she's
3 been with me, and she says how fabulous all the people are
4 here, and I like hearing that from someone other than
5 myself, because you recognize it.

6 It's just a good -- it's just a good feeling in this
7 courthouse. Everyone does their job, everyone works hard.
8 They appreciate the seriousness of what we do, but they
9 also, you know, understand that this is what we do every
10 day. So I appreciate it, and I'm grateful to be here. So
11 I just wanted y'all to know that you are fortunate.

12 MS. CAMPBELL: Your Honor, would you like me to do my
13 post-trial motions?

14 THE COURT: Absolutely. Let's go ahead -- go ahead
15 and do the post-trial motions, sure.

16 MS. CAMPBELL: I think that would be best.

17 THE COURT: Sure.

18 MS. CAMPBELL: And I do have my client's Social
19 Security Number written down here, and perhaps the Clerk
20 can just put that information into the sentencing sheets
21 for your Honor.

22 THE COURT: Perfect. Thank you.

23 MS. CAMPBELL: Thank you.

24 THE COURT: Thank you, Trasi. Okay.

25 MS. CAMPBELL: Your Honor, at this time, on behalf of

1 Mr. McKnight, I would make a motion for a new trial. The
2 basis for that motion, as your Honor is extremely familiar
3 with the pretrial motions that we had, and argued and your
4 Honor ruled on. And then, the motion for a directed
5 verdict when the State rested. And then, again, we renewed
6 that motion for a directed verdict after the Defense
7 rested.

8 I would simply submit to your Honor that the same
9 bases apply to the arguments that I would make at this
10 time, and on that basis I would ask your Honor to grant Mr.
11 McKnight a new trial. I would simply add at this juncture
12 that the verdict as given is not supported by the weight of
13 the evidence in this case. And thank you, your Honor.

14 THE COURT: Thank you. All right. Well,
15 respectfully, Ms. Campbell, as you know, I had an
16 opportunity at the directed verdict stage, both at the end
17 of the State's case and at the end of your case, obviously,
18 the burden is on the State to prove your client guilty
19 beyond a reasonable doubt, and while that is a hefty burden
20 the State, I believe, proved ample evidence, certainly the
21 jury agreed, that Mr. McKnight is guilty of the seven
22 charges that were brought and tried here. So I'm going to
23 respectfully deny your motion for a new trial; deny your
24 previous motions, again, based on the same grounds, and
25 thank you.

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1 MS. CAMPBELL: Thank you, your Honor.

2 THE COURT: All right. So let's talk about any
3 mitigation, Ms. Campbell. It's my understanding your
4 client only has a few things on his record previously, and
5 there is a hold on him in Chatham? Is that correct, or am
6 I wrong?

7 MS. CAMPBELL: Based upon ---

8 THE COURT: Yeah.

9 MS. CAMPBELL: --- the information I have received,
10 your Honor is correct. And I would just ask at this
11 juncture, for sentencing purposes, that, you know, I
12 believe if the State has any victim impact testimony that
13 they'd like to submit, in addition to what has been given,
14 you know, during the trial ---

15 THE COURT: Uh-huh

16 MS. CAMPBELL: --- I think it would be appropriate for
17 the State to do that first. And then, if Mr. McKnight's
18 family -- his mother, I think, had to step out.

19 THE COURT: Okay.

20 MS. CAMPBELL: But his grandmother is here. If they
21 had anything to add; or if we need to add anything we can
22 do that.

23 THE COURT: Ms. Swanson, does anyone from the family
24 want to speak? I've heard their testimony. I certainly --

25 VICTIM ADVOCATE: No, your Honor. Thank you.

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1 THE COURT: All right. I appreciate that.

2 Again, anything else on behalf of the State?

3 Obviously, I sat through the entire trial.

4 SOLICITOR SWANSON: Right.

5 THE COURT: Which always helps me know the complete
6 story. On a guilty plea there's a lot less that I know,
7 and so, and typically listen a little bit if there's more
8 to add, but I've certainly been through this case.

9 SOLICITOR SWANSON: I just wanted your Honor to be
10 aware of his prior record.

11 THE COURT: Yes, ma'am.

12 SOLICITOR SWANSON: He does have the 1999 accessory
13 before strong-armed robbery conviction, for which he
14 received a ten-year suspended sentence. That was revoked
15 the next year.

16 THE COURT: Uh-huh.

17 SOLICITOR SWANSON: And so, he was given that full
18 ten-year suspended sentence in that revocation. And in
19 2004, the counterfeit currency federal charge, as well as
20 the possession -- unlawful possession of a weapon, for
21 which he was given a 121-month sentence, which is about ten
22 years, and then three years supervised release. And the
23 State does have a position on sentencing.

24 THE COURT: Okay. Yes, ma'am.

25 SOLICITOR SWANSON: And I would be requesting a life

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1 sentence on that.

2 THE COURT: I understand that. Okay.

3 All right. Ms. Campbell, mitigation?

4 MS. CAMPBELL: Your Honor, this has been very
5 emotional for my client's mother. She is unable to be here
6 at this time. I've been in communication with her before
7 the trial and during the trial. One of the things that she
8 talked to me about was the fact that her son, you know, is
9 now a grandfather. I mean, there is a -- there is a recent
10 birth for him and his family, and that was something that
11 they were celebrating. And it is -- it stands in stark
12 contrast to the loss and the tragedy of the child that was
13 to be born.

14 THE COURT: Uh-huh.

15 MS. CAMPBELL: I would ask your Honor to consider the
16 wide latitude that you have. The minimum sentence that you
17 can give him is thirty years. And life is life in South
18 Carolina, there is no parole. So considering my client's
19 age, and the sentencing range that you do have, we would
20 ask for a thirty-year sentence.

21 THE COURT: Does your client wish to speak, Ms.
22 Campbell?

23 MS. CAMPBELL: He -- he probably would, but I've
24 advised him against that ---

25 THE COURT: Okay.

SENTENCE:

-457-

1 MS. CAMPBELL: --- for obvious reasons.

2 THE COURT: Okay.

3 MS. CAMPBELL: Thank you.

4 THE COURT: All right. In the case of 2017-455, it's
5 for murder, the sentence of this court is that you be
6 committed to the Department of Corrections for a period of
7 life.

8 On Indictment 2017-462, for the charge of murder,
9 again, the sentence of this court is that you be committed
10 to the Department of Corrections for a period of life.

11 On Indictment 2017-456, for the charge of attempted
12 murder, the sentence of this court is that you be committed
13 to the Department of Corrections for a period of thirty
14 years.

15 On Indictment 2017-457, again for attempted murder,
16 the sentence is you be committed to the Department of
17 Corrections for a period of thirty years.

18 On Indictment 2017-458, for the charge of attempted
19 murder, the sentence of this court is you be committed to
20 the Department of Corrections for a period of thirty years.

21 On Indictment 2017-459, for discharging of a firearm
22 into a dwelling, the sentence of this court is you be
23 committed to the Department of Corrections for a period of
24 ten years.

25 On Indictment 2017-460, for possession of a weapon

1 during a violent crime, the sentence of this court is you
2 be committed to the Department of Corrections for a period
3 of five years. Those are to all run concurrent to each
4 other. Good luck to you, sir.

5 MS. CAMPBELL: Thank you, Judge.

6 SOLICITOR SWANSON: Thank you, your Honor.

7 THE COURT: Thank you. Ladies and gentlemen, if
8 you'll just keep your seats until we're ready to go, if
9 that's okay. Just sit tight, they just have to take him
10 back and you all will be walking back in the same place so
11 it's one of our rules. I walk through the same way. So
12 it's something that we didn't quite figure out when we
13 redid the courthouse perfectly but you can't always
14 anticipate it.

15 (DEFENDANT, JOHNNIE MCKNIGHT, EXITS COURTROOM.)

16 THE COURT: All right. If that's all the business for
17 today, everything? Ms. Swanson, correct?

18 SOLICITOR SWANSON: Yes, your Honor.

19 THE COURT: On behalf of the Solicitor's Office; is
20 that correct?

21 SOLICITOR SWANSON: Correct.

22 THE COURT: Everyone else fine? Probation, everyone?
23 Thank you all. I appreciate it. Thank you.

24 Tomorrow morning we are starting back at 9:30. We are
25 going to do everything, and we are going to run hard and

1 not take a break. As long as Wanda can keep going, we're
2 going to keep working, okay. All right, I'll see you all
3 in the morning, 9:30, thank you.

4 All right, ladies and gentlemen, thank you again.

5 You are excused.

6 (COURT ADJOURNED IN THE MATTER OF *STATE VERSUS JOHNNIE*
7 *LEE MCKNIGHT* AT 04:14 P.M.)

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CERTIFICATE OF REPORTER

State of South Carolina)
)
County of York)

I, Wanda Nelson, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Hampton County, South Carolina, on the 4th, 5th, 6th, days of February, 2019.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Wanda S. Nelson
Wanda S. Nelson, CVR-M
Certified Verbatim Reporter,
Official Court Reporter,
Notary Public, in and for
The State of South Carolina.

My Commission Expires: 1/21/2021

DATE: May 30 / 2019

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Hampton County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOHNNIE LEE MCKNIGHT,

APPELLANT

APPELLATE CASE NO 2019-000219

ANDERS BRIEF OF APPELLANT

ROBERT M. DUDEK
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the court erred by admitting remote, more than two-month-old text messages, between appellant and the decedent, his girlfriend, where those remote text messages were only going to confuse the jury, since some of them threatened the decedent while others showed a very warm relationship between appellant and his girlfriend which only invited undue prejudicial speculation into the murder or self-defense case deliberations?

STATEMENT OF THE CASE

Appellant was indicted at the September 20, 2018 term of the Hampton County Grand Jury for the murder of Alydia Ling, his girlfriend, and her unborn baby. The grand jury also indicted appellant for three counts of attempted murder, discharging a firearm into a dwelling, and possession of a weapon during a violent crime from in the same shooting incident. R. p. *.

Appellant's case was called to trial on February 4, 2019 before the Honorable Carmen T. Mullen, and a jury. Trasi Campbell represented appellant. Hunter Swanson was the assistant solicitor. R. 1.

On February 6, 2019, the jury found appellant guilty on all counts. R. 443, l. 24 – 444, l. 13. Judge Mullen sentenced appellant to life imprisonment on each count of murder, thirty years imprisonment on each count of attempted murder, ten years imprisonment for discharging a firearm into a dwelling, and five years imprisonment for possession of a weapon during a violent crime. R. 457, l. 4 – 458, l. 4.

This appeal follows.

STANDARD OF REVIEW

The admission of evidence is within the discretion of the trial court and will not be reversed absent an abuse of discretion.” State v. Hatcher, 392 S.C. 86, 91, 708 S.E.2d 750, 753 (2011) (“quoting State v. Pagan, 369 S.C. 201, 208, 631 S.E.2d 262, 265 (2006)). “An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law.” Id.; see also State v. Brockmeyer, 406 S.C. 324, 340, 751 S.E.2d 645, 653 (2013).

ARGUMENT

The court erred by admitting remote, more than two-month-old text messages, between appellant and the decedent, his girlfriend, where those remote text messages were only going to confuse the jury, since some of them threatened the decedent while others showed a very warm relationship between appellant and his girlfriend which only invited undue prejudicial speculation into the murder or self-defense case deliberations

Pre-trial Argument

Prior to trial, the solicitor sought to obtain a favorable ruling, allowing the state to introduce text messages “between the defendant and the victim that came off the defendant’s Samsung Galaxy phone. These were a couple months before the murder. And there are a series of text messages specifically, I mean the ones that I think are most important, but are twenty-seven texts in a row that are to the victim that state ‘die bitch.’” R. 30, ll. 2 – 25.

The solicitor claimed there was “a little back and forth” between the older appellant and his sixteen-year-old decedent girlfriend, and the solicitor repeated that they were exchanged about “two and a half months” before the fatal shooting. R. 30, ll. 2 – 25.

Defense counsel Campbell argued that the text messages are “way too remote.” Further, if the threatening text messages the state wanted before the jury were admitted, then the defense then would be entitled to the admission of a great many text messages between the couple “[i]n the weeks right before August 31 where every morning there is a loving exchange of messages between the two of them. You know, good morning, babe, I love you, you know, back and forth, what’s going on today?” R. 31, ll. 2 – 16. See Rule 106, SCRE. This was only going to confuse the jury.

The solicitor argued that the “loving text messages” would indeed be a proper subject for cross-examination but she maintained that the threatening text messages should be admitted over the defense objection. R. 31, l. 2 – 33, l. 3. The judge did not conduct any on-the-record analysis before admitting the text messages, and the judge admitted them over, state’s exhibit 52, over objection before the jury. R. 322, l. 10 – 323, l. 17.

The Trial

Estill police officer, Marcus Miller, testified on the night of August 31, 2017 he was in the parking lot of the police station, talking to the parents of a couple teenagers, when “I heard several shots in the distance, and being familiar with the town and the area, I guess—guesstimated, or I could approximate it was coming from the north-east side of town.” R. 130, l. 6 – 131, l. 15. Miller ran inside the police station and notified his Corporal of the shots being fired, “and then dispatch came over the radio and gave us an address to where we responded.” R. 131, ll. 10 – 19.

Police body camera footage of the chaotic Fifth Avenue crime scene was introduced into evidence. Shamond Ling, the decedent’s older brother, is seen screaming on the body camera that appellant had shot his sister. That tape is on file with this Court to review as defense exhibit #1.

Miller said he heard a series of shots in “rapid succession” before he arrived at the Ling residence on Fifth Street at about 9:37 that evening. R. 132, ll. 1 – 23. Miller remembered seeing Shamond Ling wearing a white tank top—a “wife-beater”—and Ling was in the road yelling, “He shot my sister. He shot my sister...” and he said, “It was Johnnie Mack.” Miller admitted Ling was acting erratically and was highly upset at the time. R. 134, l. 4 – 135, l. 18.

Officer Zatch Pouchprom of the Estill Police Department also recalled that August 31, 2017 night shooting. R. 151, l. 2 – 155, l. 9. Pouchprom described it as a chaotic scene and “very emotionally charged.” R. 155, ll. 3 – 9. He spoke with Shamond Ling, who told him that Johnnie McKnight was driving a blue Honda and that appellant had allegedly “opened fire” in front of the Ling residence. Several shell casings were found on the ground. R. 156, ll. 5 – 20; r. 162, ll. 3 – 6.

Michelle Bryan of Hampton County EMS responded to the scene that evening, as well. She testified she “found a young female, who was pregnant, laying on her back inside the doorway of the residence; not breathing, without a pulse, with blood around her.” R. 164, ll. 10 – 17.

Bryan explained that the unborn baby was viable but died at the scene, as well. Bryan offered: “There’s a very small window from the time the mother takes her last breath ‘till the time” when the unborn baby could be saved. Bryan said she was not able to perform “any life-saving measures” in this case. R. 167, ll. 1 – 8.

Shamond Ling testified he lived with his mother, and the sixteen-year-old decedent on Fifth Street in Estill. Ling worked “armed security” at night clubs and elsewhere, and he had a concealed weapons permit for a nine-millimeter Smith and Wesson. R. 170, l. 7 – 171, l. 8.

On August 31, 2017, Ling was smoking a cigarette in front of their house when a car pulled up, and appellant asked the decedent to “get in the car, get in the car. I told Alydia to come back in the house. The car pulled off, went down to the stop sign at the end of the street, turned around and came back in front of the house. At that point in time I just stepped off the porch in front of the—in front of my mother’s truck. [He] pulled back up yelling and raging and everything like that. I was—I got beside my mother’s truck and the next thing I know [he]

just—just start shooting, but that’s when I pulled my weapon and returned—and tried to return fire.” R. 171, ll. 11 – 23. Ling said appellant was driving “a little four-door blue Honda” that night, and maintained that appellant had shot first. R. 172, ll. 2 – 19.

Describing the scene at the house that evening, Ling identified his mother’s Mercedes SUV in front of the house and his Chevy Impala parked near it. R. 173, l. 12 – 176, l. 19. Ling claimed that the first bullets went towards the house, and then appellant started shooting towards him. One bullet was found inside the Mercedes and one hit the rear-view mirror on his Chevy Impala. R. 175, l. 7 – 176, l. 19.

Ling gave inconsistent testimony about whether he knew appellant was the father of his decedent sister’s unborn child. At one point, Ling said, “I didn’t even know the guy before that [shooting].” R. 177, l. 19 – 178, l. 10.

Ling confirmed that he did not tell the police on the night of the shooting that he had fired his gun also. R. 187, l. 22 – 189, l. 1. Ling was at a subsequent meeting with law enforcement when he was told that appellant maintained he shot in self-defense, and the police asked Ling for his gun. Ling promised to turn over his weapon so it could be examined but he never did. The jury was ultimately given the verdict options of finding appellant guilty or not guilty by reason of self-defense. R. 430, l. 19 – 437, l. 4.

On cross-examination, Ling said he knew appellant because appellant had been banned from a club, the VFW Lounge, where he worked. Ling denied that he had pulled a gun on appellant at the night club on a prior occasion. Ling also denied he knew appellant had received a fifty-thousand-dollar settlement from an automobile accident, and that appellant had given “hundreds and hundreds and hundreds of dollars” to his decedent sister and to his mother. R. 191, l. 21 – 194, l. 20.

The decedent's mother, Deborah Ling, testified she was a nursing assistant at CNA. She later found out that her sixteen-year-old decedent daughter was in a relationship with appellant. She maintained that when she found out appellant was a much older man: "I talked to him one time after that, and I beg him [sic] when I find out what his age was, and he promised me that he was gonna stop."¹ R. 197, l. 13 – 199, l. 25. Deborah Ling testified her decedent daughter was standing by her "not far from the door" when her daughter got shot. She said she saw her son, Shamond Ling, get down in front of her Mercedes SUV at one point. R. 202, l. 11 – 203, l. 5.

Alex Williams of the Estill Police Department testified that appellant was located in Denmark, South Carolina, where his "white Ford F-150" company truck was located also. In addition, appellant's Honda was found with a bullet hole in the right driver's side door, and with the tires were "destroyed, just shredded" on a highway near Denmark. R. 282, l. 1 – 283, l. 6.

Williams acknowledged that he later met with Shamond Ling. Williams told Ling that the McKnight family had told him that appellant was only firing in self-defense that evening. He told Ling that he needed his firearm, so it could be tested. Ling promised to give Williams his gun for testing. However, Williams never received that firearm from Ling so it could be tested. R. 291, l. 1 – 301, l. 6.

Text Messages

SLED agent Viann Brantley testified that she was able to recover the text messages from appellant's phone. R. 320, l. 17 – 322, l. 12. In all, Brantley recovered 830 pages of data from appellant's phone. The solicitor had Brantley read, over the defense's previous objection, some of the text messages for the jury, including: "We done, yo. That crack head can have you."

¹ There was no evidence in this record that appellant ever admitted the decedent was his girlfriend, but the state introduced DNA evidence that appellant was the father of the decedent's unborn child. "99.99% of randomly-tested men would be excluded as the biological father." R. 365, l. 13-20.

Another text messages said “Die, birth; die, bitch;; die, bitch.” R. 323, l. 15 – 324, l. 11. Yet another message read, “I hate you, bitch,” “Die, bitch,” “That’s the crackhead baby,” and “Bitch, you done.” R. 323, l. 11 – 326, l. 7.

On cross-examination, the defense then had Brantley identify other text messages, which read, “Somewhere loving you,” “Good morning, my beautiful lady,” and “Bae, I love you.” R. 328, l. 13 – 330, l. 15. Brantley confirmed there were no text messages pulled from appellant’s phone for the month of August, 2017 or August 31, 2017, the day of the shooting. R. 331, ll. 15 –17.

Defense counsel argued to the jury that appellant shot at Shamond Ling in self-defense, and that it could not be determined from the evidence which bullet – from which gun – hit and killed the decedent and her unborn baby. R. 411,12 – 420, l. 20.

Discussion

Rule 403, SCRE states that “although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, *confusion of the issues*, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” (emphasis added). Defense counsel correctly argued that the text messages in this case were too remote since the last of the text messages were exchanged at least two months before the fatal shooting incident.

Text messages containing threats and text messages showing a warm relationship between appellant and his decedent girlfriend were only going to confuse the jury and allow impermissible speculation. Here, the judge did not conduct any Rule 403, SCRE analysis on-the-record as to defense counsel’s argument and assertion that this evidence would cause

confusion of the issues in the minds of the jurors. See State v. Spears, 403 S.C. 247, 742 S.E.2d 878 (2013).

While an analysis being put on the record in Rule 403, SCRE cases usually involves the Rule 403 prong pertaining to the probative value of the evidence being substantially outweighed by its danger of unfair prejudice to the defendant, there is no reason why a confusion of the issues analysis should not also be put on the record for this Court to review. This Court has in the past remanded a case to the trial court for a State v. Colf, 337 S.C. 622, 629, 525 S.E.2d 246, 249 (2000), on the record analysis where it was, as here, lacking. Cf. State v. Scriven, 339 S.C. 333, 529 S.E.2d 71 (Ct. App. 2000)(remand for hearing on Rule 608(a)(1) analysis on the admissibility of prior convictions). The jury in this case was going to be confused by text messages threatening the decedent and by text messages with appellant expressing his love for the decedent.

Further, and importantly, defense counsel also argued that the threatening text messages were too remote to be admissible. The threatening text messages were more than two months old according to the solicitor. In State v. King, 334 S.C. 504, 514 S.E.2d 578 (1999), the decedent was killed on March 10, 1995 after suffering blunt force trauma and dying in a fire determined to be an arson. The state introduced evidence from King's ex-wife that prior to their separation in October 1994 -- and again after they reconciled in 1995 -- that King stole cash from her purse, forged checks from her bank account, stole cash from her bank account, and stopped paying his share of the bills. The Supreme Court held that this remote evidence of King's thefts was not admissible for any purpose. The state in King sought to show that, because money was missing from the decedent's wallet at the time his body was found that King's thefts showed he

was constantly in need of money and willing to commit illegal acts to obtain money. However, that was remote inadmissible bad character propensity evidence.

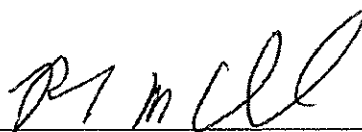
As in State v. King, the threatening text messages in this case were certainly not part of the *res gestae*, as they were not necessary to a “full presentation” of the offense. See State v. Adams, 322 S.C. 114, 122, 470 S.E.2d 360, 370-71 (1996). They were also remote since they were two and half months old. The state, as in King, want to paint appellant as a person of bad character who would kill a pregnant sixteen-year-old.

However, what made the inadmissible evidence worse in this case than in King was that the jury here had to consider whether the shooting was in self-defense. Consequently, gratuitously admitting evidence that appellant threatened the decedent with vague text messages months before the fatal shoot-out was even more prejudicial, and confusing. The jury in this case had to determine whether appellant acted in self-defense, and whether he therefore, rather than Ling, was the person actually returning fire. That was the only issue for the jury.

In sum, the admission of these remote, confusing text messages was highly prejudicial in this self-defense case, and appellant should be granted a new trial.

CONCLUSION

By reason of the foregoing arguments, appellant's conviction should be reversed and this case remanded to the Hampton County Court of General Sessions for a new trial.

A handwritten signature in black ink, appearing to read 'R M Dudek', is written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 28th day of January, 2020.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

 Appeal from Hampton County

 Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOHNNIE LEE MCKNIGHT,

APPELLANT

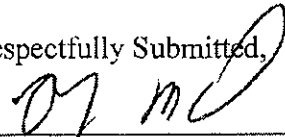
 PETITION TO BE RELIEVED AS COUNSEL

Counsel for Johnnie Lee McKnight states:

1. He is Chief Appellate Defender for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. He has reviewed the record of appellant's trial before Judge Carmen T. Mullen, which was held on February 4 - 6, 2019, and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, He asks the Court to relieve him as counsel for Johnnie Lee McKnight.

Respectfully Submitted,



 Robert M. Dudek
 Chief Appellate Defender
 ATTORNEY FOR APPELLANT

This 28th day of January, 2020.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Hampton County
Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOHNNIE LEE MCKNIGHT,

APPELLANT

**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) True-billed indictment(s):
- (2) Transcript of trial held February 4-6, 2019
- (3) Defendant's Exhibit #1 (8 CDs pertaining to the shooting)
- (4) State's Exhibit #32 (Text messages from the South Carolina Computer Crime Center)

I certify that this designation contains no matter which is irrelevant to this appeal.

January 28, 2020


Robert M. Dudek
Chief Appellate Defender

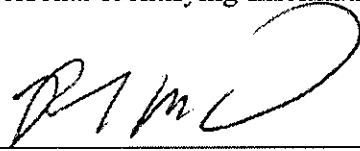
South Carolina Commission on Indigent
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PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

January 28, 2020.



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
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(803) 734-1330

ATTORNEY FOR APPELLANT

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Johnnie Lee McKnight, Appellant.

Appellate Case No. 2019-000219

Appeal From Hampton County
Carmen T. Mullen, Circuit Court Judge

Unpublished Opinion No. 2021-UP-220
Submitted May 1, 2021 – Filed June 16, 2021

APPEAL DISMISSED

Chief Appellate Defender Robert Michael Dudek, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General Melody Jane Brown,
both of Columbia, for Respondent.

PER CURIAM: Dismissed after review pursuant to *Anders v. California*, 386
U.S. 738 (1967). Counsel's motion to be relieved is granted.

APPEAL DISMISSED.¹

WILLIAMS, THOMAS, and HILL, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

FORM 5

STATE OF SOUTH CAROLINA)

County of Hampton)Johnnie Lee McKnight #268238)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2022-CP-25-238

FILED)

AM/PM)

AUG 24 2022)

APPLICATION FOR

POST-CONVICTION RELIEF

MYLINDA D. NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention McCormick Correctional Institution
2. Name and location of Court which imposed sentence Hampton County
Court of General Sessions
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2017GS2500455 Murder
 - (b) 2017GS2500456 Attempted Murder

- (c) 2017 GS 2500457 Attempted Murder
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) February 6, 2019 Life
- (b) February 6, 2019 30 years
- (c) February 6, 2019 30 years
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty Guilty
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. Appeal Dismissed
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. June 16, 2021
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. Unpublished Opinion No. 2021-UP-220
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) _____
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) The Court abused its discretion by; (1) denying the defendant
- (b) The Solicitor committed prosecutorial misconduct; (1)
- (c) Counsel's performance was deficient for; (1)
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) During initial appearance before Magistrate Judge Beckett the
- (b) The State provided the defense with a video from an EPD
- (c) Defense Counsel did not interview any of the four 911
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? Yes
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? No
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. Petition for Rehearing
- ii. Petition for Writ of Certiorari
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. S.C. Court of Appeals Columbia, South Carolina
- ii. S.C. Supreme Court Columbia, South Carolina
- iii. _____
- iv. _____

(c) the disposition thereof:

i. petition for rehearing is denied

ii. Dismissed

iii. _____

iv. _____

(d) the date of each such disposition:

i. August 23, 2021

ii. September 20, 2021

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. Appellate Case No. 2019-000219

ii. Appellate Case No. 2021-001021

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

Yes

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. The Court abused its discretion by admitting text messages.

ii. _____

iii. _____

(b) the proceedings in which each ground was raised:

i. Direct Appeal before the South Carolina Court of Appeals

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) The Court abused its discretion; 1-16, were not presented
- (b) The Solicitor committed prosecutorial misconduct; 1-18,
- (c) Trial Counsel's performance was deficient and fell below

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? Yes
- (b) your trial, if any? Yes
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
No

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Traci Campbell, P.O. Box 525, Beaufort, S.C. 29901-0525

ii. Robert Michael Dudek, P.O. Box 11589, Columbia, S.C. 29211-1589

iii. _____

(b) the proceedings at which each such attorney represented you:

i. arraignment, preliminary hearing, trial, and sentencing

ii. direct appeal from the judgment of conviction and imposition of sentence

iii. _____

19. State clearly the relief you seek in filing this application:

- My conviction vacated; my sentence vacated, and/or a new trial

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)

County of Hampton)

VERIFICATION

I, Johnnie Lee McKnight, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Johnnie McKnight

SWORN to and subscribed before me this 12th
day of August, 2020
Lakisha D. Gray (L.S.)
Notary Public

My Commission Expires: 01/13/30

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Johnnie Lee McKnight, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Johnnie Lee McKnight
Applicant

SWORN or affirmed to and subscribed before me this

19th day of August, 2002.

Lakisha D. Gung
Notary Public

My Commission Expires: 01/13/30

4 cont'd,

- (d) 2017GS2500458 Attempted Murder
- (e) 2017GS2500459 Discharging a Firearm into a Dwelling
- (f) 2017GS2500460 Possession of a Firearm During a Violent Crime
- (g) 2017GS2500462 Murder

5 cont'd,

- (d) February 6, 2019 30 years
- (e) February 6, 2019 10 years
- (f) February 6, 2019 5 years
- (g) February 6, 2019 Life

10. continued,

- (a)(i) his right to self-representation.
- (2) denying motion to dismiss the case despite the deprivation of due process making defendant's trial fundamentally unfair because, inter alia, the obstruction of justice by the State's main witness, lack of integrity in the investigation, loss and/or destruction of evidence, and Brady violations.
- (3) partially granting motion to sequester witnesses, but refusing to sequester all witnesses.
- (4) failing to conduct a proper inquiry of a purported prior difficulty and allowing the State to elicit detailed testimony
- (5) failing to rule on or conduct a proper inquiry into the State's lack of establishing a chain of custody on the blue Honda Accord and allowing the State use of evidence from the vehicle.
- (6) failing to rule on or conduct a proper inquiry into the State's lack of establishing the source for or authenticating the photo of a purported firearm (i.e., proof that the photo is of an actual firearm instead of a toy; proof that the photo was taken by defendant's phone and not a download from the internet or a photo forwarded to the phone from another source, e.g., via picture message, email, etc.).
- (7) failing to conduct a proper inquiry into the State's lack of establishing the source for or authenticating text messages and allowing the State use of those text messages
- (8) failing to conduct an on-the-record analysis of prior bad act evidence in the form of text messages and allowing the State use of those text messages
- (9) making an improper reference in jury charge by naming the deceased unborn fetus, "Baby Boy Ling," thereby arousing the passion, sympathy and prejudice of the jurors

10. continued,

(a)(10) making numerous improper references in opening statement and jury charge; the Court having already ruled that such language should be removed because it suggests that a verdict be reached by impermissible basis.

(11) giving an improper implied malice charge to jurors that should be excluded when a self-defense charge is given.

(12) making several improper statements pressuring jurors to reach a verdict by suggesting that once they reached an unanimous verdict by all twelve jurors, only then, would they be allowed to leave.

(13) allowing the State to use a very horrendous photo calculated to arouse the passion, sympathy and prejudice of the jury

(14) allowing the State to use a very horrendous video calculated to arouse the passion, sympathy and prejudice of the jury

(15) improperly sentencing defendant to five years for possession of a firearm during a violent crime despite sentencing defendant to life for murder which violates S.C. Code § 16-23-490 (A)

(16) failing to Order the State to produce all pertinent evidence (i.e., a purportedly lost cell phone, phone records, fired projectiles from the Ling residence, and a fired projectile from the blue Honda Accord) which has a significant role in defendant's defense; ~~said evidence being material to innocence or guilt.~~

10. (b)(i) because of a Brady violation which occurred due to the State's failure to provide defendant with the body camera video of Officer Marcus Miller; and the names, and statements of the witnesses (i.e., parents of juveniles) on the video; and the video of Cpl. Zatch Pouchprom.

(2) because of a Brady violation which occurred due to the State's failure to provide defendant with records from a phone the State purportedly lost

(3) because of a Brady violation which occurred due to the State's failure to provide defendant with records from Verizon Wireless for a phone the State purportedly lost

10. continued,

(b)(4) because of a Brady violation which occurred due to the state's failure to provide defendant with records from Alydia Ling's phone

(5) because of a Brady violation which occurred due to the state's failure to provide defendant with records from Verizon Wireless for Alydia Ling's phone

(6) by making an improper opening statement and closing argument about Alydia Ling's age and relationship with defendant, defendant's age and paternity of unborn fetus all calculated to arouse the passions, sympathy and prejudice of the jury

(7) by eliciting testimony from several witnesses about Alydia Ling's age and purported relationship with defendant, and paternity of unborn fetus and defendant's age all calculated to arouse the passions, sympathy and prejudice of the jury.

(8) by the state's unnecessary pre-indictment delay of over one year from defendant's arrest until he was indicted

(9) by making an improper reference in closing argument by naming the deceased unborn fetus, "Baby Boy Ling," calculated to arouse the passions, sympathy and prejudice of the jury

(10) by eliciting detailed testimony from Gladys Robert about a purported prior difficulty after the Court ruled that the details should be excluded

(11) by making improper statements during closing argument changing the testimony of witnesses and confusing jurors, thereby causing a verdict on impermissible basis of incorrect information

(12) by making improper references during closing argument which denigrates the integrity of trial counsel and impugning the institutional role of defense counsel with statements about counsel's devious intentions to mislead the jurors

(13) by making several improper references in closing argument which shifts the burden of proving self-defense to the defendant

(14) by making several improper references in closing argument about what is not in evidence; an indirect comment toward or inference to the defendant not testifying because defendant was the only person who could put self-defense testimony into evidence.

10. continued,

(b)(15) by entering a horrendous and prejudicial photo of Alydia Ling calculated to arouse the passions, sympathy and prejudice of the jury.

(16) by entering a horrendous and prejudicial video of Alydia Ling calculated to arouse the passions, sympathy and prejudice of the jury.

(17) by losing or destroying evidence (i.e., a purportedly lost cell phone, fired projectiles from the Ling's residence, a fired projectile from the blue Honda Accord and the two body camera videos from Estill Police Department) in bad faith; said evidence having exculpatory value that was apparent before the evidence was lost or destroyed and the defendant cannot obtain other evidence of comparable value by other means.

(18) because of a Brady violation which occurred due to the State's failure to provide defendant with the fired projectiles from the Ling's residence and the fired projectile from the blue Honda Accord and/or the test results therefrom

(10) (c)(1) failing to interview witnesses from the area of the incident and especially 911 callers

(a) failing to hire the appropriate personnel(s) to secure fired projectiles from the Ling's residence

(3) failing to hire the appropriate personnel(s) to secure the fired projectile from the blue Honda Accord

(4) failing to conduct a thorough pretrial conference with the defendant in preparation for trial

(5) failing to investigate an incident whereupon Shamond Ling robbed the defendant at a nightclub and obtain a copy of the incident report

(6) failing to hire the appropriate personnel(s) to conduct an extraction on Alydia Ling's I-phone

(7) failing to obtain records from Verizon Wireless for Alydia Ling's I-phone

(8) failing to obtain records from Verizon Wireless for a cell phone number purported to be defendant's cell phone number

(9) failing to contest the admissibility of evidence obtained from a Samsung Galaxy S6 and HP Laptop computer on the ground that the State lacked a return of the warrants

10. continued,

- (c)(10) failing to obtain the body camera videos of Officer Marcus Miller and Cpl. Zatch Pouchprom from the interviews with the parents of the juveniles at the Estill Police Department
- (11) failing to interview and obtain statements from the witnesses (i.e., the parents of the juveniles) and subsequently having subpoenas issued for these witnesses' presence at trial
- (12) failing to confer and provide the defendant with a copy of the incident report of Gladys Roberts about a purported prior difficulty
- (13) failing to investigate an incident whereupon Shamond Ling was arrested in connection with the unlawful carrying or possession of a firearm and obtain a copy of all records associated with this incident
- (14) failing to investigate and subpoena Alydia Ling's medical record
- (15) failing to investigate and obtain any information on Wayne Ritter
- (16) failing to investigate Dr. Cynthia Schandl and review prior cases for which she testified
- (17) selecting a juror who is partial to law enforcement; which has a close relative in law enforcement
- (18) failing to object to the state's opening statement which improperly reference Alydia Ling's age and purported relationship with defendant, and defendant's age and paternity of unborn fetus inferring the case being about the aforementioned all calculated to arouse the passions, sympathy and prejudice of the jury
- (19) failing to object to the State's closing argument which improperly reference Alydia Ling's age and purported relationship with defendant, and defendant's age and paternity of unborn fetus inferring the case being about the aforementioned all calculated to arouse the passions, sympathy and prejudice of the jury
- (20) failing to object to the state entering the four .223 shell casings into evidence because of the contaminated crime scene and an improper chain of custody
- (a) failing to object to the state entering the fired projectile purportedly retrieved from near Shamond Ling's Chevy Impala because of the contaminated crime scene and an improper chain of custody

10. continued,

- (c) (22) failing to object to the testimony of Gladys Roberts on the grounds that; the Court failed to conduct an on-the-record analysis of this purported prior difficulty which constitutes a prior bad act; the testimony was more prejudicial than probative; and confuses the issues before the jury
- (23) failing to object to the State eliciting the details from Gladys Roberts about a purported prior difficulty after the Court ruled that the details should be excluded
- (24) failing to cross-examine Gladys Roberts in an attempt to mitigate, refute or contest the testimony about a purported prior difficulty
- (25) failing to object to and/or renew objection to the use of, mentioning of or the entering of all evidence from the blue Honda Accord on the ground that the State failed to establish a chain of custody on the ~~vehicle~~ vehicle
- (26) making an improper opening statement and closing argument implying that Trasi Campbell did not want to represent the defendant but that she was forced to do so
- (27) failing to motion the Court to quash the indictment for the State's unnecessary and unreasonable pre-indictment delay of over one year from defendant's arrest until he was indicted
- (28) failing to object to the Court allowing the State to use text messages without the Court conducting a proper inquiry into the state's lack of establishing the source for or authenticating the text messages
- (29) failing to object to the State's use of text messages on the ground that the Court failed to conduct an on-the-record analysis of this prior bad act evidence; the text messages confuses the issues before the jury; and they were more prejudicial than probative; prior bad act propensity evidence
- (30) failing to object to the State entering a very horrendous, irrelevant, unnecessary and severely prejudicial photo of Alydia Ling calculated to arouse the passions, sympathy and prejudice of the jury
- (31) failing to object to the State entering a very horrendous, irrelevant, unnecessary and severely prejudicial video of Alydia Ling calculated to arouse the passions, sympathy and prejudice of the jury
- (32) failing to confront Shamond Ling with photos which proves he lied about his ability to see the blue Honda Accord turn around at the stop sign, thereby committing perjury
- (33) failing to address and/or expand on, during cross-examination of Debra Ling about her testimony regarding an accident happened

10. continued;

(c)(34) bolstering the State's case by asking if Alydia Ling was shot while in the house but failing to establish that it was impossible for Alydia to have been shot through the left side from the angle indicated by Debra Ling

(35) failing to question Captain Williams about jacketed rounds that he mentioned in a body camera video

(36) failing to renew motion to sequester witnesses and object to Captain Williams' prepared testimony after he heard other witnesses' testimony which allowed him to use their testimony to assist in his own testimony and helped to bolster the State's case

(37) failing to object to and contest the admissibility of a fired projectile purportedly from the Ling's residence that is different from the fired projectile photographed at the scene

(38) failing to cross-examine SLED Agent Smith about jacketed rounds (ammunition)

(39) failing to cross-examine SLED Agent Smith about comparing Exhibit 44 (i.e., the purported fired projectile from the Ling's residence) to the photograph of the fired projectile photographed at the scene to determine if he believed the two fired projectiles to be the same; considering the visual lands and grooves on the photographed fired projectile versus no lands and grooves being visible on the fired projectile entered as Exhibit 44

(40) failing to cross-examine a material fact witness (i.e., Officer Manor) and especially about if he was wearing a body camera and recorded the collection of a ~~fire~~ fired projectile

(41) failing to cross-examine a material fact witness (i.e., Stuart Atkinson) and especially about the location of a cell phone that the State has a photograph of but claim not to have the cell phone or have knowledge of its location

(42) failing to re-analyze body camera videos to ascertain if Shamond Ling was truthful about the location of where he claims to have placed his gun and shoulder holster in his room

(43) failing to object to the Court's improper jury charge pressuring jurors to reach a verdict by suggesting that once they reached an unanimous verdict by all twelve jurors, only then would they be allowed to leave.

(44) failing to object to the State making improper references during closing argument which denigrates the integrity of trial counsel and impugning the institutional role of defense counsel with statements about counsel's devious intentions to mislead the jurors

10. continued,
- (c) (45) failing to object to the State's improper closing argument whereupon the Solicitor named the deceased unborn fetus "Baby Boy Ling" calculated to arouse the passions, sympathy and prejudice of the jury
 - (46) failing to object to the Court's improper charge to jurors whereupon the Judge named the deceased unborn fetus "Baby Boy Ling" calculated to arouse the passions, sympathy and prejudice of the jury
 - (47) failing to cross-examine Dr. ~~Shand~~ Cynthia Shand, especially about if fragments of jacketed round was found in the bullet wound during Alydia Ling's autopsy
 - (48) failing to cross-examine Dr. Cynthia Shand, especially about the discrepancy with the pregnancy of Alydia Ling being more than nine months of gestation (i.e., 38-39 weeks)
 - (49) failing to motion for a mistrial and/or a new trial based upon the cumulative error doctrine due to the numerous errors before and during trial
 - (50) bolstering the State's case by doing the equivalent of testifying for the defendant during closing argument, admitting to the State's contentions and theory and also failing to establish the record to support any facts which even suggest self-defense
 - (51) failing to object to the State making several improper references in closing argument which shifts the burden of proving self-defense to the defendant
 - (52) failing to object to, or mitigate or refute improper speculative testimony from Michelle Bryan about "grazes" or bullet "holes" in the screen door and door frame of the Ling's residence; she is not law enforcement nor an expert on such
 - (53) failing to cross-examine, refute, contest or mitigate eight of the State's witnesses
 - (54) failing to request an adverse inference jury charge because of the loss and/or destroyed evidence by the State
 - (55) failing to request to charge the jury on spoliation because of the loss and/or destroyed evidence and the contaminated crime scene
 - (56) failing to request an involuntary and voluntary manslaughter charge of the jury
 - (57) failing to object to the imposition of a five year sentence for possession of a firearm during a violent crime despite the Court sentencing the defendant to life for murder which violates S.C. Code § 16-23-490(A)
 - (58) failing to object to the Court improperly charging the jurors on implied malice which should be excluded as a jury charge when self-defense is charged to the jury

10. continued,

- (c)(59) failing to object to the State making improper statements during closing argument changing the testimony of witnesses and confusing jurors, thereby causing the jury to reach a verdict on an impermissible basis of incorrect information
- (60) failing to object to the State making several improper references in closing argument about what is not in evidence; a direct comment toward or inference to the defendant not testifying because defendant was the only person who could put direct self-defense testimony into evidence
- (61) failing to brief on appeal the violation of defendant's right to a fair trial was severely impaired due to the lack of integrity in the investigation, loss and/or destroyed evidence, obstruction of justice by the State's main witness, and Brady violations, even though trial counsel renewed pretrial motions and the Court ruled on the motions
- (62) failing to brief on appeal the inadmissibility of a photo of an assault rifle from a micro SD card without said photo being authenticated and/or establishment of a source for the photo; even though counsel made an objection, renewed said objection and the Court made a ruling
- (63) failing to brief on appeal the inadmissibility of all evidence obtained from the blue Honda Accord due to the lack of the State establishing a chain of custody for the vehicle; even though trial counsel made an objection and the Court made a ruling
- (64) failing to brief on appeal the Court allowing the State to enter a photo as evidence of Alydia Ling laying in a puddle of blood with her stomach showing; even though trial counsel made an objection and the Court made a ruling
- (65) failing to brief on appeal the Court improper imposition of a five year sentence for possession of a firearm during a violent crime despite the Court sentencing the defendant to life for murder which violates S.C. Code § 16-23-490(A); even though the Court of Appeals allow leniency to address this issue without preservation of the issue
- (66) Trial counsel failing to request and/or motion the Court for an immunity hearing.

11. continued,

(a)(1) defendant asserted his right to self-representation. The Defendant was receiving pretrial discovery, via certified mail, from Estill Police Department (EPD) as it became available, purportedly. Later, Trasi Campbell was appointed to represent the Defendant against his will. Due to this discrepancy, a Faretti hearing was held during Arraignment before Judge Buckner and the Court denied the Defendant his right to self-representation and approved Trasi Campbell as counsel for the Defendant.

(2) Trial counsel filed a motion to dismiss the case. Shamond Ling lied about shooting on the night in question. R.187, L.22-189, L.6. A deliberate intent calculated to deceive law enforcement to prevent detection of his unlawful actions, thereby altering and hampering the investigation; pointing law enforcement in the wrong direction. R.140, L.21-142, L.2. Captain Williams admitted that he did not attempt to locate the murder weapon and bullet, and he deliberately left material evidence and lost a cell phone. R.14,23-20, L.23. R.273, L.22-274, L.7. R.283, L.7-11. R.297, L.15-298, L.7

(3) The Court stated that it was granting trial counsel's motion to sequester witnesses, but still allowed Debra Ling and Cpt. Williams to remain throughout the entire trial. R.12, L.23-13, L.19. Cpt. Williams used other witnesses testimony to assist him on cross-examination. R.306, L.8-307, L.1. R.312, L.15-18.

(4) The Court never conducted an on-the-record hearing specifically on the purported prior difficulty and determining whether it was more prejudicial than probative. R.103, L.6-106, L.22. Furthermore, the Court did specify that the witness could not go into the details about this alleged incident. R.112, L.25-113, L.14. However, the Court did not intervene when the State elicited the details during the witness' testimony. R.243, L.25-244, L.21.

(5) Counsel objected to the use of all evidence from the blue Honda Accord and explained that the State could not prove a chain of custody on the vehicle. The State conceded on this issue, as is evident by the solicitor's silence regarding this issue. The State did not contest counsel's contentions regarding the lack of a chain of custody. However, the Court still failed to specifically rule on the chain of custody issue. R.107, L.24-112, L.10.

(6) The Court did not specifically conduct a hearing requiring the State to authenticate the photo of an assault rifle, nor did the Court require the State to prove the source of the photo. R.107, L.24-112, L.10.

(7) The Court did not specifically conduct a hearing requiring the State to authenticate the text messages, nor did the Court require the State to prove the source of the text messages. R.30, L.2-33, L.3.

(8) The Court did not specifically conduct an on-the-record analysis of the text messages and the Court did not specifically rule upon whether the prior bad act evidence (i.e., bad character propensity evidence) was more prejudicial than probative. R.30, L.2-33, L.3.

11. continued,

- (a)(9) During the Court's charge to the jury, the Judge specifically named the deceased unborn fetus "Baby Boy Ling." R. 430, L. 20. and R. 438, L. 9.
- (10) The Court made statements about being "fair and impartial" to both parties and "judge of all facts" and "weighing fairly and impartially"; "render a true and just verdict," inter alia. R. 88, L. 8-14.; R. 115, L. 14-16.; R. 115, L. 24-116, L. 3.; R. 116, L. 11-14.; R. 422, L. 7-14.; R. 437, L. 13-17.; R. 437, L. 18-24.
- (11) The Court gave the jury a charge on implied malice and self-defense. R. 430, L. 20-432, L. 20.; R. 433, L. 25-437, L. 4.
- (12) The Court made statements to jurors that they "must" reach an "unanimous verdict" before they are to "fill out the verdict form, sign it, date it, and" then they could "knock on the jury room door." R. 88, L. 8-14.; R. 437, L. 25-438, L. 2.; R. 438, L. 16-20.
- (13) The Court allowed the State to enter the photo into evidence over the defense objection. R. 165, L. 10-20.
- (14) The Court allowed the State to enter the video into evidence and play the video for the jury. R. 154, L. 7-155, L. 5.
- (15) The Court sentenced the Defendant to two life sentences and a five year sentence. R. 457, L. 4-10.; R. 457, L. 25-458, L. 4.
- (16) The Court did not require the State to produce the purportedly lost cell phone, the fired projectiles from the Ling's residence and the blue Honda Accord; and the cell phone records from Verizon Wireless and the extraction of Alydia Ling's cell phone.

11. (b)(1) The State provided the defense with a video from an EPD cruiser camera; Officer Miller is seen on this video with a body camera talking to a man and woman in the parking lot at EPD. The State did not provide the defense with the entire video from both Officer Miller and Corporal Pouchprom of the interview with the parents of the juveniles up until the officers responded to the incident. R. 153, L. 9-14.

(a) During trial a discussion about a cell phone being lost was conducted but the transcript does not reflect this. The State has photos of the cell phone from the Ford F-150 but claim to have no knowledge of the phone's location. R. 258, L. 10-19.; R. 259, L. 3-6.

(3) There was a request for records submitted to Verizon Wireless for a phone number purportedly associated with the cell phone that was purportedly lost, but the State failed to provide the defense with these records.

(4) The State failed to provide the defense with the records acquired through an extraction conducted on Alydia Ling's cell phone.

(5) There was a request for records submitted to Verizon Wireless for Alydia Ling's cell phone number. The State failed to provide the defense with these records.

(6) The Solicitor made several statements during trial. R. 119, L. 16-20.; R. 120, L. 2-3.; R. 120, L. 13-15.; R. 402, L. 17-19.; R. 407, L. 17-21.; R. 408, L. 13-14.

(7) The Solicitor questioned witnesses to elicit prejudicial testimony. R. 166, L. 9-11.; R. 177, L. 19-178, L. 10.; R. 194, L. 21-195, L. 4.; R. 197, L. 1-10.; R. 198, L. 1-200, L. 7.; R. 242, L. 15-246, L. 11.; R. 312, L. 3-14.; R. 365, L. 10-20.

11. continued,

- (b)(8) The defendant was arrested on September 1, 2017 and he was indicted on September 20, 2018. The State has not stated a reason for this unnecessary and unreasonable delay.
- (9) The Solicitor questioned witnesses and during closing argument named the deceased unborn fetus. R. 348, LL. 21-22.; R. 352, L. 25.; 354, LL. 2-3.; R. 364, LL. 24-25.; R. 365, LL. 13.;
- (10) The Court ruled that the details of the purported prior difficulty should be excluded but the Solicitor did elicit the details. R. 243, L. 25-244, L. 21.; R. 113, LL. 9-14.
- (11) The witnesses testified differently than the Solicitor states. R. 131, LL. 17-22.; R. 132, L. 21-133, L. 8.; R. 166, LL. 17-20.; R. 171, LL. 14-23.; R. 182, LL. 14-17.; R. 403, LL. 5-14.; R. 404, LL. 22-25.; 405, L. 12.
- (12) The Solicitor made prejudicial statements about trial counsel. R. 402, LL. 8-19.
- (13) The Solicitor shifted the burden of proof on the defendant to prove self-defense. R. 408, LL. 2-3.; R. 409, LL. 7-12.; R. 410, LL. 6-9.
- (14) The Solicitor inferred that the defendant did not put testimony of self-defense into evidence. R. 408, L. 2-410, L. 9.
- (15) The Solicitor entered the photo as State's Exhibit No. 4. R. 165, L. 10-166, L. 8.
- (16) The Solicitor entered the video as State's Exhibit No. 37. R. 154, L. 7-155, L. 1.
- (17) During trial there was a discussion about a cell phone being lost but the transcript does not accurately reflect this. The State has photos of the cell phone from the Ford F-150 but claim to have no knowledge of the phone's location. Captain Williams admit that he did not try to secure the fired projectiles from the Ling's residence. And, he also failed to secure the fired projectile from the blue Honda Accord. He also confirms that he chose not to obtain help with the case from SLED. R. 258, L. 19.; R. 259, L. 3.; R. 273, L. 22-274, L. 7.; R. 283, LL. 7-11.; R. 297, L. 15-298, L. 7.
- (18) The State did not secure the fired projectiles from the scene or the blue Honda Accord even though they knew that the evidence was located in the Ling's residence and the blue Honda Accord. The State failed to provide this evidence to the defense. R. 273, L. 22-274, L. 7.; R. 283, LL. 7-11.; R. 297, L. 15-298, L. 7.

(c)(1) Counsel did not interview any of the four 911 callers, nor did she interview any witnesses in the area of the incident. R. 64, L. 2-65, L. 23.; R. 128, LL. 15-21.

(2) After the State failed to provide the defense with this evidence, Counsel failed to hire the personnel needed to secure the evidence. R. 26, LL. 8-14.

(3) After the State failed to provide the defense with this evidence, counsel failed to hire the personnel needed to secure the evidence. R. 26, LL. 8-14.

(4) Counsel did not provide the defendant with his discovery request until May 29, 2019. Even then Counsel provided, inter alia, four CDs but appeal counsel submitted eight CDs as Exhibits on appeal. Counsel has failed to provide the defendant with full discovery and she did not cover everything with defendant during pretrial conferences.