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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Williamsburg County

Honorable R. Ferrell Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARQUISE D. FRANKLIN,

APPELLANT

APPELLATE CASE NO. 2024-001277

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
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#84 (PICTURE).**

STATE OF SOUTH CAROLINA **TRANSCRIPT OF RECORD**
COUNTY OF WILLIAMSBURG CASE NO.: 2024-GS-45-00047

ORIGINAL

July 22-25, 2024

BEFORE: The Honorable R. Ferrell Cothran

STATE OF SOUTH CAROLINA,
Plaintiff,
vs.
MARQUISE D. FRANKLIN,
Defendant.

APPEARANCES:

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 Appearing for the Plaintiff/State.

Debbie Butcher, Esq.
 Appearing for the Defendant.

Official Stenographer Court Reporter
Natalie Dahl, RPR
National Registered Professional Reporter

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Transcript Legend

Dash (--) Indicates an interruption in speech
 Ellipses (...) Indicates trailing off in speech
 Phonetic (ph) Indicates a phonetic word
 (sic) Indicates word(s) is as said

P R O C E E D I N G S

THE COURT: Thank you. Let's swear the jury for jury selection.

(Whereupon, the jury was sworn.)

THE CLERK: Thank you. You may be seated.

THE COURT: Morning, ladies and gentlemen. I'm Ferrell Cothran. I'm a circuit court judge for the Third District, which is Sumter, Lee, Williamsburg, and Clarendon County. I'm from Clarendon County. I've been assigned to hold court by Chief Justice here this week.

I need to ask you a series of questions to see if you are qualified to serve as a juror, and it is important that you answer them correctly, because if you don't and you are selected on a jury and we try a case and we find out later that one of the jurors was not qualified, we have to try the whole case over again. So the worse thing can happen to you is you get to go home.

Is there any member of the jury panel who is not a citizen of the United States of America? If so, please stand.

Anyone not a resident of Williamsburg County? If so, please stand.

Anyone unable to read, write, speak, or

JURY SELECTION

1 If you don't agree, that is fine. We can go
2 through all of the steps. But if there is some of
3 them you agree, you don't have any objection to, we
4 can deal with that now. And then those who you do
5 have an objection to, I can rule on it. Sometimes
6 that makes things go faster. Do you have that?

7 MS. BUTCHER: If I may, Your Honor?

8 (A brief pause in the proceedings.)

9 MS. BUTCHER: If we can meet after, Your
10 Honor; that way, we've got that for you out of the
11 way prior to tomorrow morning?

12 MS. ALSTON: Yes.

13 THE COURT: And then, in the morning, give
14 them to the court reporter so she can premark them
15 so we're not having to stop to mark everything.

16 MS. ALSTON: Yes, sir.

17 MS. BUTCHER: Your Honor, also, we would ask
18 that there be no mention of any evidence that he
19 was on parole at the time, Your Honor, the ankle
20 monitor or any of that. That would simply bring in
21 evidence of other crimes, which would be, I think,
22 far too prejudicial and not enter any -- have any
23 probative evidence at all, Your Honor. They are
24 not related or anything of that matter.

25 THE COURT: Okay. What says the State?

JURY SELECTION

1 MS. ALSTON: Just to respond to that, the
2 ankle monitor is what actually places him at the
3 location of the incident. Also, it was used to
4 trace him leaving from the incident. So I believe
5 the probative value outweighs the prejudicial in
6 this matter.

7 THE COURT: Dealing with an ankle monitor?

8 MS. ALSTON: Yes, sir.

9 MS. BUTCHER: Your Honor, they have other
10 ways to put him at the scene. There is a video.
11 There is his girlfriend that drove him there.

12 MS. ALSTON: And there is evidence of flight
13 as well. The defendant actually cuts the ankle
14 monitor off once he leaves the scene, and he goes
15 to Ohio. So that is evidence as to flight in
16 regard to this incident as well.

17 THE COURT: Okay. How do you -- assuming --
18 and I understand the defense's argument about it,
19 as far as it is far more prejudicial than
20 probative. Sometimes that is true, and sometimes
21 it's not. The reason he had it on may be more
22 prejudicial than probative. The fact he had it on
23 may be a way that we can explain that it is not
24 necessarily prejudicial. But how are you going to
25 prove that he had it on? What witnesses are going

JURY SELECTION

1 to prove that? And who is going to come say that
2 he was at this location, at this particular time?

3 MS. ALSTON: We have one of the agents for
4 the Department of Probation and Parole.

5 THE COURT: Who was tracking him?

6 MS. ALSTON: Yes.

7 THE COURT: Okay. Okay. And so is the
8 tracking mechanism an issue here? Like, you know,
9 sometimes I've had scenarios where they are
10 questioning the accuracy of the tracking, like a
11 cell phone tower kind of tracking issues. So is
12 that an issue? I mean, outside of the person
13 testifying, I don't know whether it is an issue of
14 the accuracy of the fact that they can pinpoint him
15 to this particular location or region or mile or
16 block or 10 feet. Do you know the answer to that?

17 MS. ALSTON: So we don't know tracking from
18 beyond Williamsburg County to Ohio. It was cut off
19 here in Williamsburg County.

20 THE COURT: I'm not concerned about the Ohio
21 issue. I was concerned about who is going to say
22 that they know he was at this location. Many
23 times, the tracking device -- it depends on who is
24 running it, where it's from, how good it is, how
25 close they can pinpoint. Just like cell phone,

JURY SELECTION

1 sometimes I have testimony bouncing off of towers
2 that we can put this phone in this region, within
3 this time frame. Other times, it's I can put them
4 in a 20-foot spot. So is that going to be an issue
5 in this case? And who is going to testify that he
6 was actually there?

7 MS. ALSTON: No, sir, that should not be an
8 issue. It pinpoints almost his exact location at
9 the incident, and it was also accurate enough to
10 trace his speeds in the car that was leaving.

11 THE COURT: So you have someone that will
12 testify to that?

13 MS. ALSTON: Yes, sir, Your Honor.

14 THE COURT: Okay. So tell me a little bit
15 about what he was on parole for and how long he had
16 been out? And what's the time table?

17 MS. ALSTON: He was on parole for burglary --
18 sorry, two counts of kidnapping. He was given a
19 five-year sentence. That was back in 2015.

20 THE COURT: So when did he make parole?

21 MS. ALSTON: I could double check on that.
22 He finished parole last year.

23 THE COURT: So this occurs October of -- I
24 mean November of 2019 -- no. Sorry. Is that the
25 wrong indictment?

JURY SELECTION

1 MS. ALSTON: October 3 of 2020.

2 THE COURT: Okay. So in October of 2020,
3 what was his parole status?

4 MS. ALSTON: He was on parole during that
5 time.

6 THE COURT: When did he get out of prison and
7 start his parole? And was his parole revoked as a
8 result of this arrest?

9 MS. ALSTON: I believe so, Your Honor.

10 MS. BUTCHER: It was dismissed, Your Honor.

11 THE COURT: What was dismissed?

12 MS. BUTCHER: The revocation.

13 THE COURT: The revocation was dismissed?

14 MR. FRANKLIN: It was a five-year sentence
15 with 85, so they just put me on a ten-month ankle
16 monitor. And it was actually like over with, like,
17 in 2021 because I already served the extra ten
18 months that was due to the violation. So when I
19 went to court, they just --

20 THE COURT: So you got five years, it's a
21 non-parolable offense, and you served 85 percent?
22 And then were you picked up on this. Did you make
23 bond?

24 MR. FRANKLIN: No.

25 THE COURT: So you maxed out your sentence?

JURY SELECTION

1 MR. FRANKLIN: They put me on an ankle
2 monitor to finish out the rest of my sentence,
3 which was actually ten months.

4 THE COURT: So when did he get out of jail?
5 When did he get out of prison?

6 MS. BUTCHER: May 1st of 2020.

7 THE COURT: Okay. So May 1st of 2020, you
8 were released from prison, and this occurred on
9 October 3 of 2020? Okay. And the GPS tracking or
10 ankle monitor, when did the tracking stop or when
11 do you allege he cut it off? When did that occur?

12 MS. ALSTON: It is actually cut off the same
13 day, October 3, 2020, around 8:20 p.m.

14 THE COURT: October 3rd?

15 MS. ALSTON: Yes, sir. So the same day as
16 the incident.

17 THE COURT: What time?

18 MS. ALSTON: Around 8:21 p.m.

19 THE COURT: When did the incident occur, what
20 time?

21 MS. ALSTON: Around 7:45, Your Honor, p.m.

22 THE COURT: So what --

23 MS. BUTCHER: Your Honor, there is other ways
24 to prove that he was there. There is a video.
25 We're also wanting to suppress any use of the terms

JURY SELECTION

1 "flee" or "fled" to Ohio. Your Honor, he was shot
2 at. He left the scene. He went home, and he did
3 go to his sister's house in Ohio. But at the time,
4 there was no warrant for his arrest. He didn't
5 know anybody had died. He simply left.

6 And, Your Honor, I think the assumption is
7 going to be if they start using "fled" and all of
8 that, that he did it, and he ran, and it is going
9 to bring in a lot of speculation, Your Honor.

10 THE COURT: The problem is he wasn't a normal
11 citizen at that time. He was on parole. He can't
12 leave the state. He has an ankle monitor on. He
13 did flee. Whether he fled from the incident or
14 parole, but he fled. It is not like, you know, he
15 was a normal citizen with no restrictions on him,
16 and he went to see -- and it so happened that he
17 went to see his sister that night. That is not the
18 scenario in this case.

19 So I'm -- you know, I'm not going to rule
20 that they can't say -- you can object if something
21 gets out of hand, but the fact that he was on
22 parole and left the state -- and there is a case on
23 point dealing with fleeing in this scenario. Let
24 me look at it before I rule on it, unless you all
25 have a copy of it?

JURY SELECTION

1 MS. BUTCHER: I don't have a copy of it,
2 because I believe you can't even give a charge now
3 on that, on fleeing.

4 MS. ALSTON: You can, you just have to take
5 the totality of the circumstances.

6 MS. BUTCHER: Okay.

7 THE COURT: It is specific conditions, and I
8 need to look at those conditions again. I'll let
9 you know whether you can bring it up or not based
10 on that case about fleeing. If I do let the ankle
11 monitor situation in, we need to have a generic way
12 to explain that he had an ankle monitor on and not
13 go into the details as to why and a prior crime
14 unless -- sorry. Unless -- and I haven't heard it,
15 but unless the victims in this case were somehow
16 tied to the victims in the other case. You know,
17 whether the people he kidnapped was the sister of a
18 victim or -- as long as there is no connection, it
19 wouldn't come in unless he takes the stand.

20 If there is some kind of connection, I need
21 to hear about it now. If there is no Lyle
22 connection, then his prior crimes will not come in
23 unless he takes the stand, and then I'll rule
24 whether it fits in that.

25 But I'll let you all know about this ankle

JURY SELECTION

1 monitor, and if it comes in, how we can address it
2 in a way that is as least prejudice as possible.

3 MS. BUTCHER: Your Honor, he is willing to
4 stipulate that he was at the setting up.

5 THE COURT: Well, that might take care of it.
6 You know, they got the burden of proving their
7 case, and the fact that you can't necessarily
8 stipulate that -- if he will -- you can talk to
9 him, and I'll look at the ankle monitor case, and
10 that may resolve it. We'll see.

11 MS. BUTCHER: And, Your Honor, just again, I
12 think the prejudice of that is so strong that it
13 should be resolved in favor of the defendant when
14 it is a prejudicial issue like that. He will
15 stipulate that he was at the setting up.

16 THE COURT: Okay.

17 What else?

18 MS. BUTCHER: Your Honor, just -- I don't
19 know this is exactly the time, but just to let the
20 Court know that the girlfriend of the deceased,
21 Rainy --

22 MS. ALSTON: Raneisha Conyers.

23 MS. BUTCHER: We ask that her testimony be
24 proffered. We'll be moving to suppress any
25 testimony from her because she wasn't there. She

JURY SELECTION

1 claims he did it because she just knows he did it,
2 and she's not a witness at all, Your Honor.

3 THE COURT: Okay. What is the State's
4 position on that?

5 MS. ALSTON: Her statement leads to motive.
6 There was a prior incident between Ms. Conyers and
7 Mr. Franklin. Again, she is the girlfriend of the
8 deceased, so the action that was taken with her two
9 weeks prior to this incident gives way -- she
10 utilizes it as motive for the incident that takes
11 place on October 3rd.

12 MS. BUTCHER: Your Honor, there again, the
13 incident that happened two weeks prior is allegedly
14 my client slapped her at a bar. Her boyfriend, the
15 victim, was not there at the time. I think the
16 only motive this gives is the motive for the victim
17 to shoot my client, and he was shot at. I don't
18 think that provides any motive for my client to go
19 and shoot.

20 THE COURT: So you don't want them to provide
21 you a motive for the victim shooting at your guy?

22 MS. BUTCHER: Your Honor, I think what I have
23 seen from her testimony --

24 THE COURT: Well, we can proffer it at the
25 time, and I'll rule on it. Then, you know, let's

JURY SELECTION

1 see what she says. I mean, if she wasn't there,
2 she can't testify what happened there.

3 MS. BUTCHER: She also is testifying -- would
4 be bringing in another alleged crime that -- I
5 don't even know that he's ever been arrested for,
6 but she did file a report on.

7 MS. ALSTON: He was arrested on it.

8 MS. BUTCHER: Oh, was he? Okay. But it's
9 never --

10 MS. ALSTON: It was never indicted.

11 THE COURT: Okay. All right. We'll deal
12 with her testimony. I assume she is going to be
13 your first witness?

14 MS. ALSTON: No, sir.

15 THE COURT: What else do we need to deal
16 with?

17 MS. BUTCHER: I think that is it. That's all
18 I have.

19 THE COURT: All right. I'll read this case
20 and let you know in the morning before we get
21 started.

22 MS. BUTCHER: Your Honor, I'm not sure if it
23 is the same case that I was looking at. Is it
24 possible to have that citation e-mailed?

25 THE COURT: Yes, as soon as she finds it.

JULY 23, 2024

1 You are supposed to give me the cases, you know. I
2 will see what we can find.

3 MS. BUTCHER: I do have one, I just....

4 THE COURT: I'll have to go look, but I'll
5 let you all know what I think the ruling is. But
6 it probably is a good idea for you to do research,
7 too, because there may be cases that I missed that
8 may be in your favor that you need to tell me
9 about, okay.

10 MS. ALSTON: Thank you, Your Honor.

11 MS. BUTCHER: Thank you.

12 THE COURT: I'll be here by 9:00 in the
13 morning.

14 (WHEREUPON, THE PROCEEDINGS FOR JULY 22,
15 2024 CONCLUDED.

16 (THE FOLLOWING WAS HAD ON JULY 23, 2024 OUT
17 OF THE PRESENCE OF THE JURY.)

18 (State's Exhibits 1-84 marked.)

19 THE COURT: Okay. Bring me Juror Murphy.

20 (Juror Murphy enters the courtroom.)

21 JUROR: The clerk told me that you called you
22 her, that you may have prior contact with this
23 defendant?

24 JUROR: No. I don't personally know him.

25 THE COURT: Okay. So did you think he shot

THE COURT TO THE JURY

1 (Juror Murphy exits the courtroom.)

2 THE COURT: She's drawing an alternate.

3 THE CLERK: No. 86, Alex Greene.

4 THE COURT: All right. No. 86 will be our
5 new juror. Anything before we bring the jury in?
6 I guess not.

7 MS. ALSTON: We have one matter, Your Honor.
8 May we approach?

9 THE COURT: Yes, ma'am.

10 (Whereupon, a bench conference was had.)

11 THE COURT: Bring me the jury.

12 (The jury enters at 10:06 a.m., and the
13 following is heard in the presence of the jury.)

14 THE COURT: Mr. Greene, you are now on the
15 regular jury panel. I lost one juror already, so
16 we put the alternates' names in a hat, drew it out,
17 and you got the lucky draw. So you are now one of
18 the 12, okay.

19 Madam Clerk, you may swear the jury.

20 (Whereupon, the jury was sworn.)

21 THE CLERK: Thank you. You may be seated.

22 THE COURT: Ladies and gentlemen, I'm going
23 to briefly, kind of, explain to you how this is
24 going to work and what your role is. We are about
25 to begin the trial of the State versus, you know,

THE COURT TO THE JURY

1 to start forming your opinions and expressing those
2 opinions to each other until you have heard all of
3 the case, as well as the law that I'll charge you.
4 And then, and only then, is when it is proper to
5 share those opinions with each other.

6 We have an incredible jury system in this
7 country, and it works. It works because of what
8 I'm telling you: We have 12 citizens from
9 different walks of life sitting here and listening
10 to a case and determining what is happening.

11 When you go home tonight, you can't talk
12 about the case either. Because as I said
13 yesterday, your families will have an opinion. At
14 the end of the case, you can talk to anyone you
15 want to, at the end of the case. But until you
16 reach a verdict in this case, I need you to be sure
17 you don't talk about it until I tell you you can,
18 and then apply the evidence that you determine in
19 this case to the law that I give you and reach your
20 verdict. When you do that, the system works as it
21 is supposed to.

22 Now, if you will, pay close attention to the
23 attorneys. We'll get started.

24 Madam Solicitor.

25 MS. ALSTON: May it please the Court?

OPENING STATEMENT BY MS. ALSTON

1 THE COURT: Yes, ma'am.

2 MS. ALSTON: Your Honor, Madam Clerk, ladies
3 and gentlemen of the jury, good morning.

4 First, I just want to take the time to say
5 thank you. We all know that jury duty is not the
6 most glamorous job in the world. But it is a very
7 essential part of the system to make it flow
8 correctly. So this is a noble service you are
9 doing, so I want to express my gratitude to you all
10 being here.

11 As you have heard on yesterday, I'm Ella
12 Alston. I'm assistant solicitor here in
13 Williamsburg. That it is a fancy name saying I am
14 a prosecutor, and I represent the State in this
15 matter.

16 In South Carolina, whenever there is a
17 criminal matter, as the judge stated, the burden of
18 proof is on the State. And as you all have heard
19 repeatedly now, we are here this week on the case
20 of the State versus Marquise Devonte Franklin.

21 Ladies and gentlemen, let me tell you
22 something: Pride, animosity, holding onto
23 unnecessary grudges is a dangerous and lethal
24 combination. A dangerous combination that is worse
25 when you add firearms into the equation. I would

OPENING STATEMENT BY MS. ALSTON

1 even submit to you that it leads to tragedy.

2 On October 3rd, 2020, family, friends,
3 relatives, other loved ones were already gathered
4 mourning, grieving the loss of another loved one.
5 They were gathered together to share memories, to
6 celebrate the life of someone that was already so
7 dear to their heart. But little did those who were
8 gathered around together know that October 3rd,
9 2020 would be the very last day that they would see
10 two young lives.

11 On that already sad and difficult day, the
12 defendant seated over there (indicates), decides to
13 turn a setting up for a funeral into a murder
14 scene. The defendant pulls into the apartments,
15 just about two minutes up the road. He gets out at
16 the setting up, and within a very short period of
17 time, approximately three to five minutes, he sees
18 Mr. Quadree Wilson. The mere sight of Mr. Wilson
19 flips a switch in the defendant. His pride takes
20 over. Mr. Wilson was somebody that he had a
21 history with. The defendant's ego couldn't handle
22 seeing Mr. Wilson and thinks that he just had to
23 prove how big and bad of a man he is, prove his
24 strength to Mr. Wilson. Instead, he behaves like a
25 coward.

OPENING STATEMENT BY MS. ALSTON

1 Now, a real man would have just approached
2 Mr. Wilson face-to-face and handled whatever issues
3 they had to work out. A real man would have
4 handled business like an adult and at the
5 appropriate time, not when a family is already
6 gathered together during a time of extreme sadness.
7 A real man would have thought things through and
8 not placed his very own girlfriend in a dangerous
9 situation. The defendant wasn't a real man that
10 day.

11 He approached a group of people trying to
12 make the best out of a situation, trying to find
13 some light in the darkness, trying to enjoy the
14 gathering of family and friends to make some sense
15 and peace of what already happened to lose a loved
16 one. He approached that group of people, shot into
17 the crowd, killing two people. There were babies,
18 smaller children, teenagers, mothers, fathers,
19 sons, daughters, all gathered there, but the
20 defendant didn't care. He shot with careless
21 disregard for all of those that were gathered there
22 at that time with zero respect for the occasion
23 that he was there for. But the big, bad man had to
24 assert his dominance, because the insecure little
25 boy in him couldn't handle the presence of Mr.

OPENING STATEMENT BY MS. ALSTON

1 Wilson.

2 Like I said, there were two young lives lost
3 to add on to that tragedy. 16-year-old Tysie
4 Wilson had her life cut down in her prime all
5 because the defendant had to prove just how big and
6 bad he was. An innocent young girl who attended
7 the very same high school across the street from
8 where she took her last breath. She lost her life
9 because the defendant couldn't let petite drama go,
10 or at least act with some restraint and some
11 respect for the time.

12 What happens after this shooting? Does he go
13 to the hospital? Does he stay on the scene? No.
14 He hightails it to Greeleyville, driving so fast
15 away from the scene that he almost hits others
16 potentially causing more tragedy. After that,
17 books it to Cleveland, Ohio, over 650 miles away.
18 Almost ten-hour drive.

19 The coward with the big ego and wounded pride
20 runs scared of the consequences of his actions
21 leaving two families distraught and torn apart,
22 because their loved one never returned back home
23 that day. Quadree's family never got the chance to
24 see him realize his potential, get married, have a
25 family, or get a chance to experience his smile,

OPENING STATEMENT BY MS. ALSTON

1 his laugh, his personality again.

2 Tysie's family and friends never got the
3 chance to see her cheer, laugh, dance. Her mother,
4 grandmother never got the chance to see their baby
5 walk across the stage at graduation, going to
6 college, pursuing a career, achieving her dreams.
7 This community, the town, the world now missed out
8 on the great things that these two young lives full
9 of potential that could have accomplished. Things
10 they could have changed things. They could have
11 revolutionized. These two young lives were lost
12 all because of the defendant let his pride and ego
13 take over.

14 Now, this week you are going to hear
15 testimony from several people who are going to take
16 that very stand right there (indicates). You all,
17 as jurors, get to listen to what they say and judge
18 their credibility. So listen closely to what each
19 person has to say. Just as I stated earlier, and
20 as you are going to hear over and over and over
21 again, the burden of proof is on the State, which
22 means we have to prove that elements of these
23 crimes that he is charged with will show he is
24 guilty beyond a reasonable doubt.

25 Beyond a reasonable doubt, that is a concept

OPENING STATEMENT BY MS. ALSTON

1 that we hear. We always hear it on TV. Real life
2 you hear it over and over. It is a constant. It
3 is hard to grasp. The Honorable Judge Cothran will
4 instruct you on the law at a later time. But,
5 essentially, it is doubt where you are not firmly
6 convinced about a defendant's guilt after weighing
7 and considering all of the evidence presented
8 before you. It doesn't mean falling for any -- any
9 capable, any probable outcome in the world that it
10 could be.

11 This is where the defense comes in. Attorney
12 Butcher, I have the utmost respect for her, but the
13 job of defense counsel is to interject doubt or
14 distract you from what is true. Now, no case is
15 perfect. We wish it could be just as easy as it is
16 on TV where all of the evidence comes together, you
17 have fingerprints, exciting confession, there is an
18 admission, everything like that. But it is not
19 always the case in real life. Other things come
20 into play, but that does not take away from the
21 fact of what happened.

22 So, of course, the defense is going to harp
23 on things that are missing, all the should-haves,
24 could-haves, would-haves, but that doesn't take
25 away from the fact of what happened. Like I said,

OPENING STATEMENT BY MS. BUTCHER

1 they want to use that as a distraction to get you
2 to forget about what is really important:
3 24-year-old Quadree Wilson and 16-year-old Tysie
4 Wilson had their lives taken from them because the
5 defendant over there just had to show how big and
6 bad he was.

7 After three years, nine months and 19 days,
8 it's time for the pride, the ego, and the arrogance
9 to be put aside, and for accountability to take
10 place. Thank you.

11 THE COURT: I'm sorry.

12 MS. BUTCHER: Thank you, Your Honor.

13 Ladies and gentlemen, I'm not going to speak
14 quite as long. I'm Debbie Butcher. I have a
15 Camden Law Firm. I'm an attorney from Camden. I
16 practice there with my husband, Robert Butcher.

17 Today, or this week, I have the honor of
18 representing Mr. Marquise Franklin. He has been
19 charged with some very serious crimes. And it is
20 true, it is very tragic what happened because
21 someone did kill two people that night, as you will
22 learn the facts of this case. But this case can't
23 be tried -- and should not be tried -- on emotions,
24 but on facts. It is the State's job to present
25 those facts. You all are the judge of the facts,

ROBERT BURGESS - DIRECT EXAMINATION

1 just as the judge here is the judge of the law. It
2 is your all's soul responsibility to listen to the
3 facts and see what the State presents and what they
4 fail to present. Both Ms. Alston and I have chosen
5 you together, because we both believe that you are
6 going to be fair and you all will pay attention. I
7 ask that you do that as we go through this. Thank
8 you all.

9 MS. ALSTON: State calls Robert Burgess.

10 (ROBERT BURGESS, having been duly sworn,
11 testified as follows:)

12 **DIRECT EXAMINATION**

13 **BY MS. ALSTON:**

14 **Q** Good morning, could you state your name for
15 the record?

16 **A** Robert Burgess.

17 **Q** Where are you employed?

18 **A** Kingstree Housing Development.

19 **Q** How long have you been employed there?

20 **A** 12 years.

21 **Q** And what is your current title there?

22 **A** Maintenance staff.

23 **Q** And could you tell the Court a little about
24 what is all included in what your duties are in
25 maintenance staff?

ROBERT BURGESS - DIRECT EXAMINATION

1 **A** I take care of, you know, any work orders
2 that come up as far as air conditioning, drywall
3 repair, anything like that. I also watch the
4 surveillance videos.

5 **Q** And do you readily review and maintain the
6 surveillance footage?

7 **A** Yes, ma'am.

8 **Q** Sir, I'm going to approach you with what is
9 premarked as State's Exhibit 1. Have you seen the
10 video surveillance of the apartment building?

11 **A** Yes, ma'am.

12 **Q** And did it appear altered or changed in any
13 way?

14 **A** No, ma'am.

15 **Q** Was the surveillance footage working in
16 proper order?

17 **A** Yes, ma'am.

18 MS. ALSTON: At this time the State would
19 like to admit State's No. 1.

20 THE COURT: What says the defense?

21 MS. BUTCHER: No objection.

22 THE COURT: It is in without objection.

23 MS. ALSTON: Permission to publish, Your
24 Honor?

25 THE COURT: Yes, ma'am.

ROBERT BURGESS - CROSS EXAMINATION

1 (State's Exhibit 1 admitted and published to
2 the jury.)

3 Q (BY MS. ALSTON) Could you tell the Court the
4 name of the apartment complex?

5 A Lanue Floyd Village.

6 Q There is a timestamp on the security footage;
7 is it correct?

8 A Yes, ma'am.

9 Q Okay.

10 MS. ALSTON: No further questions at this
11 time, Your Honor.

12 THE COURT: Do you have any questions?

13 MS. BUTCHER: Yes, Your Honor. I believe the
14 tape needs to be played in its entirety.

15 THE COURT: How long is it? I mean, if you
16 want to ask questions about it, you can play it in
17 its entirety. If you don't, they can show whatever
18 evidence they want to, and you can show it if you
19 want to.

20 (Video published to the jury.)

21 CROSS EXAMINATION

22 BY MS. BUTCHER:

23 Q I'll stop it there. Mr. Burgess, this showed
24 quite a few cars leaving before law enforcement
25 arrived, correct?

ROBERT BURGESS - CROSS EXAMINATION

1 **A** Yes, ma'am.

2 **Q** Now, were there other cameras at your
3 complex?

4 **A** Yeah. There is other cameras, yes, ma'am,
5 but not in that area.

6 **Q** Okay. Do they show the -- let's see. You
7 can see this monitor over here?

8 **A** Yes, ma'am.

9 **Q** Do they show more on this side of where the
10 screen cuts off (indicates), on that side of the
11 complex where the camera is showing that?

12 **A** No, ma'am. No, ma'am. The rest of the
13 cameras are kind of like on the back of the
14 complex.

15 **Q** Okay. And that's not where the setting up or
16 wake was going on?

17 **A** No, ma'am. No, ma'am. It's not in the same
18 area.

19 **Q** Was there -- you say there are cameras on the
20 back of the complex?

21 **A** Yes, ma'am.

22 **Q** Were there roads back there? What is the
23 other side of the back of the complex?

24 **A** It goes all the way around. Some apartments
25 around the back side, and there's a circle around

CHEYENNE MONTEITH - DIRECT EXAMINATION

1 in and out; one way in and one way out.

2 Q How about the front side of the complex?

3 A That's pretty much the front. That is the
4 front right there. The drive is right there where
5 the mailbox is at, you make the little left turn.

6 Q Okay. Thank you.

7 MS. BUTCHER: No further questions.

8 THE COURT: State?

9 MS. ALSTON: Nothing further from the State.

10 THE COURT: You can step down.

11 I'm sorry. Go ahead.

12 MS. ALSTON: We'll call Investigator Cheyenne
13 Monteith.

14 (CHEYENNE MONTEITH, having been duly sworn,
15 testified as follows:)

16 **DIRECT EXAMINATION**

17 **BY MS. ALSTON:**

18 Q Good morning.

19 A Good morning.

20 Q Could you state your name?

21 A Investigator Cheyenne Monteith.

22 Q Where are you employed?

23 A Williamsburg County Sheriff's Office.

24 Q How long have you been employed there?

25 A I think 14, 15 years.

CHEYENNE MONTEITH - DIRECT EXAMINATION

1 **Q** And what is your position there?

2 **A** Crime scene investigator and evidence
3 custodian.

4 **Q** And were you employed with the Williamsburg
5 County Sheriff's Office back on October 3 of 2020?

6 **A** I was.

7 **Q** And what role, or what did you do in this
8 case that we're here for this week?

9 **A** Processed the crime scene and collected
10 evidence, took pictures.

11 **Q** Could you explain to the jury what it means
12 to process a scene?

13 **A** Basically, you get an overall of the crime
14 scene, look through it, search it, identify any
15 type of potential evidence that may be there,
16 photographing, drawing sketches, collecting all of
17 the evidence that might be there.

18 **Q** And in this case that we are here for, did
19 you take any photos?

20 **A** I did.

21 **Q** Did you prepare any kind of photographs in
22 this case?

23 **A** I did.

24 **Q** I'm going to approach you -- it is a packet
25 of pictures that have been premarked as State's

CHEYENNE MONTEITH - DIRECT EXAMINATION

1 Exhibits 2 through 49.

2 **A** (Witness examines document.)

3 (A brief pause in the proceedings.)

4 **Q (BY MS. ALSTON)** Are those the pictures you
5 took on October 3rd?

6 **A** They are.

7 **Q** Do they appear to be a fair and accurate
8 representation of what the crime scene was like
9 that day?

10 **A** Yes, ma'am.

11 **Q** Do they appear to be altered or changed in
12 any way?

13 **A** No.

14 MS. ALSTON: We would like to introduce
15 State's Exhibit 2 through 49 into evidence.

16 THE COURT: What says the defense?

17 MS. BUTCHER: I haven't seen them yet, Your
18 Honor.

19 No objection, Your Honor.

20 THE COURT: In without objection.

21 (State's Exhibits 2-49 admitted.)

22 **Q (BY MS. ALSTON)** Investigator Monteith, you
23 prepared two reference pictures; is that correct?

24 **A** Yes.

25 **Q** And could you explain what the markers are

CHEYENNE MONTEITH - DIRECT EXAMINATION

1 shown on the pictures?

2 **A** Where the evidence -- approximate location of
3 the evidence, of where the evidence was located.

4 **Q** What kind of things do you look for at the
5 scene of a crime?

6 **A** Anything that could possibly be a part of the
7 crime: Shell casings, clothing, bodily fluids.
8 Anything that appears to be out of the ordinary.

9 MS. ALSTON: Permission to publish to the
10 jury.

11 THE COURT: What are you going to publish?

12 MS. ALSTON: Exhibits 2 and 3 so far.

13 THE COURT: Okay. Granted.

14 (Published to the jury.)

15 **Q (BY MS. ALSTON)** So you place the markers at
16 items of importance?

17 **A** Yes.

18 **Q** Exhibits 4, 5, 6 and 7, could you explain to
19 the jury what the general area is right there in
20 the photo?

21 **A** That is the parking area or common area of
22 the housing development with evidence that has been
23 marked with my evidence markers, the traffic cones,
24 large traffic cones.

25 **Q** Any particular reason why that area was

CHEYENNE MONTEITH - DIRECT EXAMINATION

1 marked off?

2 **A** That was the location of the homicide.

3 MS. ALSTON: Your Honor, permission to
4 publish these exhibits to the jury?

5 THE COURT: Okay. For the record, state what
6 numbers.

7 MS. ALSTON: Exhibits 4 through 7.

8 THE COURT: Okay.

9 (Published to the jury.)

10 **Q** (BY MS. ALSTON) I'm now going to show you
11 Exhibits 8 through 20. Is there any particular
12 reason why these photos were taken?

13 **A** It's showing the evidence locations inside
14 the crime scene.

15 **Q** And does the scene in those photos appear to
16 match the scene that was seen on surveillance
17 footage?

18 **A** I don't see the surveillance footage -- yes,
19 ma'am, it is the same place.

20 **Q** I'll approach you with Exhibits 26 through
21 49. Can you give a brief run-through as to what is
22 seen in each of those photos?

23 **A** (Witness examines document.) These are
24 close-up shots of the different points of interest
25 of evidence.

CHEYENNE MONTEITH - DIRECT EXAMINATION

1 **Q** Can you repeat it?

2 **A** Close-up shots of different points of
3 interest of evidence.

4 **Q** Any particular items in the photos?

5 **A** Some of them have shell casings. This one
6 has jewelry, a cigar, looks like a washcloth or
7 towel or something, cell phone.

8 These are photographs of shoe impressions, a
9 black coat, some type of bodily fluid, damage to
10 one of the vehicles from the gunshots, more shoe
11 impressions.

12 **Q** Those items photographed and marked, were
13 they sent off for testing?

14 **A** I don't know. All I do is collect them, and
15 then the lead investigator will send everything off
16 what he needs to send.

17 **Q** Were they collected from the scene that
18 night?

19 **A** Yes, they were.

20 MS. ALSTON: Your Honor, permission to
21 publish Exhibits 26 through 47?

22 THE COURT: Granted.

23 (Published to the jury.)

24 **Q** **(BY MS. ALSTON)** Did you play any other role
25 in this case?

CHEYENNE MONTEITH - CROSS EXAMINATION

1 **A** Just the evidence custodian.

2 **Q** What does the evidence custodian do?

3 **A** We maintain the evidence room and security of
4 the -- all evidence of the sheriff's office.

5 **Q** How long have you been in that position?

6 **A** About two-and-a-half years, almost three
7 years.

8 **Q** And the evidence that was collected, are they
9 still in your possession as evidence custodian?

10 **A** Yes.

11 MS. ALSTON: No further questions, Your
12 Honor.

13 THE COURT: Yes, ma'am.

14 **CROSS EXAMINATION**

15 **BY MS. BUTCHER:**

16 **Q** Were these all of the pictures you took of
17 the evidence at the crime scene?

18 **A** I assume so.

19 **Q** You don't remember?

20 **A** I don't count. I don't know.

21 **Q** Do you recall taking a picture of a gun?

22 **A** Not on the scene, no, ma'am.

23 **Q** You didn't take a picture of a gun that was
24 on the scene?

25 **A** No, ma'am.

TYKIA CARSON - DIRECT EXAMINATION

1 Q There is a gun in evidence though, correct?

2 A Yes.

3 Q Do you know if anyone took a picture of the
4 gun at the scene?

5 A I have no idea.

6 MS. BUTCHER: Thank you. No further
7 questions.

8 THE COURT: Anything from the State?

9 MS. ALSTON: Nothing further from the State.

10 THE COURT: You can step down.

11 MS. ALSTON: State calls Tykia Carson.

12 (TYKIA CARSON, having been duly sworn,
13 testified as follows:)

14 DIRECT EXAMINATION

15 BY MS. ALSTON:

16 Q Could you state your full name for the
17 record?

18 A Tykia Carson.

19 Q Ms. Carson, are you currently employed?

20 A Yes, ma'am.

21 Q Where are you employed at?

22 A Open Hearts.

23 Q I'm sorry?

24 A Open Hearts.

25 Q Ms. Carson, do you know the defendant, Mr.

TYKIA CARSON - DIRECT EXAMINATION

1 Marquise Franklin?

2 **A** Yes, ma'am.

3 **Q** Is he in the courtroom this morning?

4 **A** Yes, ma'am.

5 **Q** Could you point him out to the jury?

6 **A** Right there (indicates).

7 **Q** And how, exactly, do you know the defendant,
8 Mr. Franklin?

9 **A** I met him through a mutual friend.

10 **Q** And what is or was the nature of your
11 relationship?

12 **A** We was just talking. We knew each other for
13 a month, so I guess friends. Friends.

14 **Q** And did you know him around the time of
15 October 3 of 2020?

16 **A** Yes, ma'am.

17 **Q** Does that date ring any particular bell for
18 you?

19 **A** Yes, ma'am.

20 **Q** Could you tell the Court what you know about
21 that day?

22 **A** Okay. So it started at around 5:00 or 6:00,
23 we were going to Kingstree. I went to go meet my
24 friend to get a ticket, because we were going to a
25 concert. We were going to leave at 7:00 or 8:00,

TYKIA CARSON - DIRECT EXAMINATION

1 but she wasn't dressed, so he said we can go to his
2 aunt's house, the setting up, so that's where we
3 went. And, yeah, he got in the car. He hugged
4 whoever that came to the car, and I don't know
5 nothing else. I was sitting in the car on my
6 phone.

7 **Q** I apologize, could you repeat that?

8 **A** Yes, ma'am. So we went to the setting up.
9 He got out the car and he went wherever he went.
10 The car was faced the other way, so I didn't see
11 nothing. I was on my phone, but I heard gunshots.
12 I didn't know where it came from. I didn't see no
13 gun. And when we left, he drove himself to
14 Greeleyville, and I went to the concert. But I
15 heard about the incident, like, after the fact.

16 So, the next day, I went to the police
17 station, and they showed me video, and I told them
18 that's my car. That's all I know.

19 **Q** They showed you surveillance footage from the
20 apartment?

21 **A** Yes, ma'am.

22 **Q** Are you able to identify which car is yours?

23 **A** I can't really see.

24 THE COURT: I don't have a monitor right
25 here.

TYKIA CARSON - DIRECT EXAMINATION

(A brief pause in the proceedings.)

A Okay. I think it's the one that is -- with the lights on -- the taillights on, because the car was still cranked up.

Q (BY MS. ALSTON) That would be the upper left-hand corner with the lights on?

A Yes, ma'am. I can't tell, but I think. I was on the passenger's side.

Q And who was driving?

A He was driving.

Q And "he" is Mr. Franklin?

A Uh-huh.

Q Did he say anything to you on the way there?

A No, ma'am. He wasn't on the phone or nothing. Like, I didn't know nothing but going to the setting up. So who thought going to the setting up, it would be something.

Q About how long were you all there?

A Not long. I would say about 20 minutes. It wasn't long.

Q And how would you describe the scene when you arrived there?

A There was a lot of people. When we first came in, everyone was just standing right there.

Q Are you familiar with any of those people

TYKIA CARSON - DIRECT EXAMINATION

1 from Kingstree?

2 **A** No, ma'am.

3 **Q** I'll play a little bit more of the
4 surveillance footage.

5 Were you outside of the vehicle at any time?

6 **A** No, ma'am.

7 (Published to the jury.)

8 **Q** (**BY MS. ALSTON**) Is that your vehicle backing
9 up?

10 **A** Yes, ma'am.

11 **Q** And who is driving?

12 **A** Marquise.

13 **Q** So the car right there adjacent to that white
14 Honda, is that your vehicle?

15 **A** Yes, ma'am.

16 **Q** And Mr. Franklin was still driving it at that
17 time?

18 **A** Yes, ma'am.

19 **Q** Does he say anything when he gets back in the
20 car?

21 **A** No, ma'am. He said take me to Greeleyville,
22 and he would call me later on when I get back from
23 the concert.

24 **Q** Did he go to the concert with you?

25 **A** No, ma'am.

TYKIA CARSON - DIRECT EXAMINATION

1 Q So what did you do after leaving the scene?

2 A I dropped him off, and then I went to the
3 concert. Well, I met my friend at her house, and
4 then we went to the concert.

5 Q When you left the scene, about how fast was
6 he traveling?

7 A Kind of fast, but I don't know how -- you
8 know, how fast. I still didn't think nothing of
9 it, though.

10 Q About how far did you have to travel from the
11 apartment?

12 A I'm not familiar with that area, but we went
13 to Greeleyville I think, and I dropped him off, and
14 then I left.

15 Q Did Mr. Franklin have any injuries?

16 A Not that I know of. I see like when he first
17 get in, I see blood on his neck, but I asked him,
18 like, what happened, and he said he got grazed, but
19 that was it. That's all we talked about.

20 Q And there were no other stops between
21 Kingstree and Greeleyville?

22 A No other stops.

23 Q And he did not say anything else?

24 A No, ma'am.

25 Q So while you were all at the apartment, where

TYKIA CARSON - CROSS EXAMINATION

1 were you located then?

2 **A** What?

3 **Q** Where were you located?

4 **A** When?

5 **Q** At the apartment complex.

6 **A** We was parked right there. I was in the car
7 on the passenger's side.

8 **Q** Do you remember how many gunshots you heard?

9 **A** It was a few. I don't know how many. I know
10 I just ducked down. I was shocked. It was my
11 first time hearing a gunshot, like, in person, so I
12 wasn't, you know....

13 **Q** So when you say "a few," you mean like two?

14 **A** More than two.

15 **Q** And after Mr. Franklin got in the car, did
16 you hear any more shots?

17 **A** No, ma'am.

18 MS. ALSTON: No further questions right now,
19 Your Honor.

20 THE COURT: Ms. Butcher?

21 MS. BUTCHER: Thank you, Your Honor.

22 **CROSS EXAMINATION**

23 **BY MS. BUTCHER:**

24 **Q** Hi, Ms. Carson. How are you?

25 **A** Good. How are you?

TYKIA CARSON - CROSS EXAMINATION

1 **Q** Now, the shots stopped before he got in the
2 car, correct?

3 **A** It stopped, yeah, before he got in the car.
4 Yes, ma'am.

5 **Q** Yeah. So you said that when he got out of
6 the car, after you all first arrived there, he was
7 hugging some people?

8 **A** Uh-huh.

9 **Q** And what was his demeanor at that point?

10 **A** I mean, he never gave me like a vibe, like he
11 was mad or going to do anything. Like, he was
12 normal.

13 **Q** And your original plan was to go and pick up
14 concert tickets, correct?

15 **A** Yes, ma'am.

16 **Q** What was the reason you couldn't get them?

17 **A** Oh, we got them.

18 **Q** At that time?

19 **A** Because my friend wasn't ready. We already
20 got the tickets, but I had to wait on her to get
21 ready before I went to the concert, so we went to
22 waste time by going to the setting up.

23 **Q** So going to the setup was not pre-planned?

24 **A** Yeah. It wasn't pre-planned.

25 **Q** So he got out of the car, hugged some people.

TYKIA CARSON - REDIRECT EXAMINATION

1 he wasn't mad or angry. And you said that when he
2 got back in the car, he had some blood?

3 **A** It was a little bit of blood on his neck.

4 **Q** And he told you he was --

5 **A** Got grazed.

6 **Q** Got grazed. Okay. Because they were
7 shooting?

8 **A** Yes, ma'am.

9 **Q** Okay. And you never saw him with a gun?

10 **A** I never saw him with a gun.

11 **Q** And he wasn't on the phone, you said,
12 beforehand?

13 **A** Nope, he wasn't on the phone.

14 MS. BUTCHER: No further questions.

15 THE COURT: Anything further from the State?

16 (A brief pause in the proceedings.)

17 **REDIRECT EXAMINATION**

18 **BY MS. ALSTON:**

19 **Q** Ms. Carson, what was the original plan for
20 you two that night?

21 **A** To go to the concert, but he was going to
22 keep the car, and drop me, then pick me back up.

23 **Q** So going to the setting up wasn't planned?

24 **A** No, it wasn't planned.

25 **Q** Changed at the last minute?

TYKIA CARSON - REDIRECT EXAMINATION

1 **A** When I said Quad (ph) wasn't ready, he said,
2 Well, we can go to my aunt's setting up to waste
3 time.

4 **Q** So he deviated from the plan?

5 **A** Well, yeah. We had to waste time, so we went
6 there, yeah. We didn't go nowhere else, but there.

7 MS. ALSTON: No further questions, Your
8 Honor.

9 THE COURT: Thank you. You can step down.
10 Call your next witness, or you do need a
11 break?

12 MR. BENNY: Ten minutes?

13 THE COURT: Ladies and gentlemen, we can take
14 about a 10-minute break. Don't discuss the case
15 yet.

16 (The jury exits at 11:14 a.m., and the
17 following is heard out of the presence of the jury.)

18 (A recess was taken.)

19 THE COURT: Are we ready?

20 MS. BUTCHER: Yes, Your Honor.

21 THE COURT: If the jury is ready, bring them
22 in. If not, give them time.

23 (The jury enters at 11:29 a.m., and the
24 following is heard in the presence of the jury.)

25 THE COURT: Okay. Call your next witness.

ZYA ROSE - DIRECT EXAMINATION

1 MS. ALSTON: State calls Zya Rose.

2 (ZYA ROSE, having been duly sworn, testified
3 as follows:)

4 **DIRECT EXAMINATION**

5 **BY MS. ALSTON:**

6 **Q** Could you state your name for the record?

7 **A** Zya Rose.

8 **Q** Ms. Rose, are you familiar with the
9 defendant, Marquise Franklin?

10 **A** I know him from the community, and I believe
11 we went to school together once.

12 **Q** So he is seated in the courtroom this
13 morning?

14 **A** Yes.

15 **Q** Could you point him out to the jury?

16 **A** Right there (indicates).

17 **Q** So it was a while ago, but do you remember
18 where you were on October 3, 2020?

19 **A** Yes. I was at Lanue Floyd Apartments at Aunt
20 Meg's (ph) setting up.

21 **Q** She's a relative of yours?

22 **A** She's a friend, aunty.

23 **Q** And could you tell the Court about what was
24 going on on that particular date?

25 **A** We were all there to show support to the

ZYA ROSE - DIRECT EXAMINATION

1 family and to her son. We were pretty much just
2 there together, pretty much -- you know how setting
3 ups go, interacting with the family to console in
4 time of need. So that is what we were there doing
5 on that day.

6 Q What was the scene like at the setting up?

7 A It was really packed. There was a lot of
8 people there. There was a lot of kids, adults,
9 everyone just interacting with each other. So it
10 wasn't like everyone was separated, but the family
11 was closer to the house, and there was a bunch in
12 the parking lot. So we were standing in the
13 parking lot just cracking jokes, singing songs and
14 stuff.

15 Q Was Mr. Franklin out there?

16 A I did see him earlier that day.

17 Q Do you remember where exactly he was located
18 at the apartment complex?

19 A Not really, because we were moving all
20 throughout the day. Everyone -- the setting up was
21 like in a circle, so we were all, like, within that
22 circle. So I just saw him that day out there.

23 Q There was an incident that happened?

24 A Yes, ma'am.

25 Q Could you tell the Court about that incident?

ZYA ROSE - DIRECT EXAMINATION

1 **A** I was standing up beside a truck, and we just
2 like we heard Karseem hitting on his chest,
3 rapping, like making beat box with their mouths and
4 stuff like that. They were rapping, and then a
5 moment of silence, and shots went off, and once
6 shots went off, everyone started running and
7 panicking. I ran, and I saw a body. I didn't see
8 who it was. I just ran back to the truck that I
9 was at. I was panicking. Someone is on the
10 ground.

11 So I was trying to dial 911 as I was running
12 to my car. I was running back to my car, and a car
13 almost hit him leaving out. I ran up, and they
14 were trying to get Tysie in the car. As we were
15 putting her in the car, I jumped in her brother's
16 truck behind them. They drove her to the hospital.
17 I jumped in the truck behind them, and I drove her
18 brother's truck and called Ms. Annie to meet us at
19 the hospital, Tysie been shot.

20 **Q** So let's back up a little bit. You said it
21 was a moment of silence?

22 **A** It was a moment of silence.

23 **Q** And do you remember how many shots rang out?

24 **A** I can't remember exactly the amount of shots
25 that went out.

ZYA ROSE - DIRECT EXAMINATION

1 **Q** Would you describe it as a few? A lot?

2 **A** I would say a few. It wasn't a lot.

3 **Q** And I guess to give more detail, what is your
4 description of "a few"?

5 **A** I would say a few would be between, like, two
6 to five shots. It wasn't that many shots.

7 **Q** And what was the scene like after the shots
8 happened?

9 **A** Everybody running, going, like, just chaotic,
10 going crazy. Because we were all panicking.
11 Everybody -- everyone there knew each other, so
12 regardless who is on that ground, you're going to
13 be scared because it could be anyone you know.
14 Once we saw who was there, who was on the ground,
15 it just took everybody. Everybody was panicking
16 and running and trying to, like, get help. They
17 were doing CPR on a guy on the ground. It was a
18 lot after shots went off.

19 **Q** You stated that you almost got hit by a car?

20 **A** I did.

21 **Q** So I'm going to show you some surveillance
22 footage already in evidence as State's Exhibit 1.

23 Now, in the upper, left corner is a group of
24 people. What was going on in that area?

25 **A** That upper, left corner, that's where

ZYA ROSE - DIRECT EXAMINATION

1 everybody was standing. You can see where I'm
2 pointing, in front of the white car, that is pretty
3 much where everyone was standing at. They had the
4 beat circle and making music and everything.

5 Q Are you familiar with the victim's, Tysie and
6 Quadree?

7 A I am. I know Tysie. That is one of my
8 closest friend's sister, and Quadree is someone I
9 knew from the community as well.

10 Q Were they in the general area?

11 A They were.

12 Q And, again, it is in the upper, left-hand
13 corner?

14 A Yes.

15 Q Do you remember where you were at this time?

16 A At this time, I was -- that would be to the
17 right. I was standing next to a gray truck. If
18 you look in the back, like the car on the very end
19 of the parking lot, that's my car.

20 Q At about midway of screen?

21 A Yeah. Straight back, that would be my car.

22 Q You stated that there was a large amount of
23 people there?

24 A Yes.

25 Q Was there a range of ages of people around?

ZYA ROSE - DIRECT EXAMINATION

1 **A** It ranged from, like, you could see babies to
2 older senior citizens. We were all there to
3 support the family.

4 **Q** So there was a person in that upper,
5 left-hand corner that fell; do you know who that
6 was?

7 **A** Quadree. That was the body still on the
8 ground. They were trying to get CPR to him.

9 **Q** Do you remember where you were in this crowd
10 of people?

11 **A** With everyone running, I probably was
12 running.

13 Can you go back a little bit? Because it
14 looked like me running to my car and back. I was
15 running to my car while trying to call 911. I
16 remember running back from my car, that is when the
17 car almost hit me. You can see everyone running
18 from the house as well.

19 (Published to the jury.)

20 **Q** **(BY MS. ALSTON)** There is a car that just
21 backed up in the top corner. Is that the vehicle
22 that almost ran you over?

23 **A** I believe so.

24 **Q** Does it look familiar?

25 **A** Yes.

ZYA ROSE - DIRECT EXAMINATION

1 **Q** Did you happen to see who was driving the car
2 at that time?

3 **A** I was shaken, so I didn't know who was
4 driving, but I know that is the car.

5 **Q** After that car leaves the scene, were there
6 any more gunshots?

7 **A** There weren't any more gunshots. We left and
8 went to the hospital.

9 **Q** Who did you assist to the hospital?

10 **A** Tysie rode in the car in front of me, and I
11 rode to the hospital with her brother, one of her
12 brothers.

13 **Q** Were you already at the setting up before
14 Mr. Franklin arrived?

15 **A** Yes, I was.

16 **Q** How would you describe the general vibe
17 before he got there?

18 **A** It was, like -- I don't know how to describe
19 a setting up. It is sad because the family is
20 grieving, but you have people around trying to make
21 you feel better. So it was a good energy, and it
22 was going good. It was like the second setting up,
23 so everything was going good, good vibes all day
24 long. No one was expecting anything like that to
25 happen.

ZYA ROSE - DIRECT EXAMINATION

1 **Q** Was there a change or shift after he got
2 there?

3 **A** I'm not sure on that. The shift didn't
4 happen until, really, the shots went off and in
5 that circle. Everyone was in good spirits seconds
6 before.

7 **Q** After the vehicle left, you left as well,
8 correct?

9 **A** I was there for a minute because we were
10 still panicking, and by the time we left and went
11 to the hospital, the police was just getting to the
12 scene.

13 **Q** But no other gunshots after the car left?

14 **A** No other gunshots.

15 **Q** Where was Tysie and Quadree located again?

16 **A** In this upper, left corner where the crowd
17 was.

18 **Q** Do you know if they were close together?

19 **A** I'm not sure if they were close together in
20 the circle, but as you can see, the circle is kind
21 of tightknit and just filled with people.

22 **Q** During this time, do you know where Mr.
23 Franklin was located?

24 **A** No, I don't know. It was dark, so I wasn't
25 really, you know....

ZYA ROSE - CROSS EXAMINATION

1 **Q** When shots rang out, bodies fell, did they
2 fall in the same vicinity?

3 **A** I believe so. Like I say, everyone was in a
4 panic, so when we saw the first body on the ground,
5 I didn't run -- I didn't want to see who it was, so
6 I like ran back, but with the screaming and
7 everything, they told us who it was on the ground.

8 **Q** Prior to the shooting, was there any kind of
9 altercation going on?

10 **A** There was no altercation before the shooting.

11 **Q** Did you hear anybody yelling, fussing?

12 **A** No. Wasn't no yelling or fussing, just a
13 moment of silence, and then shots went off.

14 MS. ALSTON: No further questions at this
15 time, Your Honor.

16 **CROSS EXAMINATION**

17 **BY MS. BUTCHER:**

18 **Q** I'm Debbie Butcher. I'm very sorry for the
19 loss of your friend's sister.

20 You noticed -- did you notice that several
21 people were leaving in their cars after the
22 shooting?

23 **A** Not really. As you can see, everyone was
24 running and panicking, so no one jumped in their
25 car. A lot of people -- everybody was trying to

ZYA ROSE - CROSS EXAMINATION

1 make sure, like, who was shot and was they okay.
2 Everybody was running. No one was trying to leave.

3 Q But the video shows that about four, five
4 cars left before law enforcement arrived. Would
5 you agree with the video?

6 A I did see that.

7 Q Okay. Let me ask you this: Would you agree
8 that if the video shows this, that would be
9 accurate?

10 A If the video shows it.

11 Q It would be accurate?

12 A Uh-huh.

13 Q And did you notice the white car here on the
14 screen? Did you notice that when that car left,
15 the driver was in such a hurry he started pulling
16 off before the person was even out of the way in
17 the back seat and had the door closed?

18 A No. I was running in a panic trying to call
19 911.

20 Q Do you know who drove that white car?

21 A I don't.

22 Q You said that you were almost hit by one of
23 the cars that was leaving?

24 A Yes. I remember jumping back.

25 Q I'm sorry?

ZYA ROSE - CROSS EXAMINATION

1 **A** I remember jumping back so the car wouldn't
2 hit me.

3 **Q** Was that because you were in a panic and
4 stepped out in the street area?

5 **A** It looks like -- from what you can see, this
6 looks like you are supposed to drive slow around
7 this. The car was going at a speed it shouldn't
8 have been. So whether I was looking or not,
9 because I was panicking and looking at my phone,
10 when I stepped back and saw the car about to hit my
11 right leg, so I jumped back.

12 **Q** But it didn't hit you?

13 **A** No, it did not hit me.

14 **Q** After the people started kind of going back,
15 there were no more shots after the bodies fell?

16 **A** No more shots.

17 MS. BUTCHER: That is all the questions I
18 have. Thank you.

19 THE COURT: Anything further from the State?

20 MS. ALSTON: Nothing else from the State.

21 THE COURT: Do you have a witness that you
22 can get up and down?

23 MS. ALSTON: No, sir.

24 THE COURT: Do you think we need to keep
25 going or time for lunch now? It is only 10 till

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1 12:00.

2 MS. ALSTON: I think now is good for lunch.

3 THE COURT: Let me talk to you all about how
4 long we need for a lunch hour, because I understand
5 we have legal matters we need to take up. Can you
6 give me your best guess?

7 MR. BENNY: I would ask the Court to resume
8 at 2 o'clock.

9 THE COURT: Okay.

10 MS. BUTCHER: That will be okay.

11 THE COURT: Ladies and gentlemen, I need you
12 back at 2 o'clock in the jury room, and I'll get
13 you back out as quick as I can. Don't discuss the
14 case, and I'll see you at 2:00. If you have an
15 emergency over lunch, call us because I can't get
16 started until you all get -- show up.

17 (The jury exits at 11:51 a.m., and the
18 following is heard out of the presence of the jury.)

19 THE COURT: You have matters of law to take
20 up?

21 MS. ALSTON: Your Honor, Mr. Franklin made a
22 few jail calls from Cuyahoga County Detention
23 Center. They were received by Investigator Brown
24 and turned over to the Solicitor's Office, and they
25 were subsequently provided in discovery to Attorney

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1 Butcher. We have an affidavit for the jail calls
2 signed by Sergeant John Omera (ph), the
3 investigative sergeant.

4 We sent the affidavit for him to confirm that
5 the jail calls are kept in normal course of
6 business; that inmates are advised that the calls
7 are recorded by Securist Technology; and that they
8 certify that the inmate, Mr. Marquise Franklin, was
9 advised that the calls was recorded.

10 We had that affidavit prepared and signed by
11 the sergeant. The date in regards to where he sent
12 the jail calls to Investigator Brown was
13 November 30 of 2021. We did not know the exact
14 date at the time the affidavit was prepared --
15 sorry, November 30, 2020.

16 THE COURT: And the defendant's position?

17 MS. BUTCHER: Your Honor, that affidavit
18 wasn't even signed, nor was it turned over until a
19 few minutes -- you know, earlier this morning.
20 South Carolina Code 19-5-510 of the Uniform
21 Business Records Evidence Act.

22 THE COURT: Tell me that again?

23 MS. BUTCHER: 19-5-510, the Uniform Business
24 Records Evidence Act. It states that the record,
25 act, commission, or even event, insofar as

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1 relevancy, be competent as evidence, if the
2 custodian or other qualified witness testifies to
3 the identity and mode of its preparation, and if it
4 was made in the regular course of business or at or
5 near the time of the act, commission, or event, and
6 if in the opinion of the Court the source of
7 information of method, time, and preparation were
8 such to justify its admission.

9 It goes on to say, In addition to those
10 matters provided by Rule 902, which is cell phone
11 authenticating, South Carolina Rules of Evidence of
12 authenticity as a condition precedent -- although,
13 not required -- with the respect of the original or
14 a copy of domestic record which meets 803-6, as
15 shown by the certificate of the custodian or other
16 qualified persons, complies with the state statute
17 or court rule.

18 Before the trial or hearing, the proponent
19 shall give an adverse party reasonable written
20 notice of the intent to offer record, and shall
21 make the record and certification available for
22 inspection, so that the party has a fair
23 opportunity to challenge the record.

24 Your Honor, I did not receive this until
25 earlier. This says "shall," not "may." It is not

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1 if they want to or not. Additionally, I have no
2 idea if the -- that is the certification of a
3 custodian or other qualified person. The affidavit
4 does not get to take the place of the testimony,
5 and these are supposedly jail calls. I don't know
6 if they are there in their entirety. I have no way
7 of finding this out. All they have to add to this,
8 Your Honor, is that somebody here in South Carolina
9 asked them to send them, and that's what they got.

10 THE COURT: Okay.

11 MS. BUTCHER: I believe that they don't come
12 in. I think the confrontation clause demands that
13 they have a certified person. They certainly have
14 had -- I think they said -- 2021 since they had
15 these to arrange a flight, a drive or something to
16 get a proper person here to give me a copy of the
17 record -- from the records certification, from the
18 custodian or something, so I would have an
19 opportunity to chat with them.

20 THE COURT: Okay. So what about it,
21 Solicitor?

22 MS. ALSTON: Your Honor, we would like to
23 argue that these jail calls are self-authenticated.
24 Again, as stated in the affidavit provided by the
25 sergeant from Cuyahoga County, all inmates are

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1 advised of the calls that they are recorded. It
2 gives a brief opening that these calls are
3 monitored and are subject to being reviewed by
4 Cuyahoga Sheriff's Department, and those jail calls
5 in their entirety have been provided to Attorney
6 Butcher on multiple occasions.

7 Again, she's also been given the exact times
8 that the State plans to utilize the jail calls in
9 as much as not to prejudice her client.

10 MS. BUTCHER: I would hand up State versus
11 English. I think part of the test is whether or
12 not these were testimonial or not. They are
13 testimonial. They are for the sole purpose of
14 providing testimony to the Court, and I believe my
15 client has the opportunity to cross examine. I
16 know that is the holding in the Crawford case.

17 (A brief pause in the proceedings.)

18 THE COURT: In itself English case --
19 Solicitor, one question. Under what Rules of
20 Evidence do you think this affidavit can come in?
21 What about the confrontational clause and right to
22 cross examine this person on the record?

23 MS. ALSTON: Your Honor, it is his own voice
24 on the call, and they have the right to cross
25 examine Investigator Brown.

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1 THE COURT: I understand. But I guess you
2 are trying to get the calls in under the business
3 record, but you are trying to get them in under
4 901-6? What is the rule that they get to come in
5 under?

6 The fact -- normally, it is a 911 call or
7 something, and you have the 911 operator to testify
8 that the 911 is for that particular county and that
9 these calls came in. It is pretty self -- this is
10 a person that called and identified themselves on
11 the call, and usually it is self-authenticating.

12 In this scenario, you have an affidavit. You
13 don't have a person that is coming in saying that
14 these calls were made. So it is usually the
15 witness that comes and tries to get in the business
16 record. You don't have a witness.

17 Now, maybe the calls in and of themselves
18 also are self-authenticating, I don't know. I
19 haven't listened to them. Does the person on the
20 call identify themselves as the defendant? Is the
21 call itself self-authenticating? I mean -- if you
22 are trying to introduce them based on this
23 affidavit, under what Rules of Evidence and
24 authentication does this affidavit satisfy the
25 business record rule?

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1 Normally, you have someone coming in from the
2 hospital, like in English, saying I'm the official
3 record keeper of this organization, these are the
4 official records, just like they brought out in the
5 English case on the medical records. They had
6 someone come in and testify to that. You don't
7 have anyone testifying. You don't have this person
8 here. So under what rule do you get to do it by
9 this versus the person, is what I'm asking? Under
10 what theory does it come in?

11 You know, this is the document you are giving
12 me. You haven't given me tapes of a call that I
13 can listen to. So -- maybe there is a rule in
14 evidence that I don't know about. Business records
15 are if you have someone to establish that these are
16 the business records, but you don't have anyone
17 here. You have an affidavit, and not necessarily
18 sworn to, and then she has no way to cross examine
19 him.

20 Maybe the phone calls on itself is
21 self-authenticating, but that is not before me. It
22 is this affidavit, and you don't have him here for
23 her to cross examine whether these are, in fact,
24 jail calls, whether there is a notice issued above
25 every phone in the jail that it is being recorded,

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1 which we normally do. You know, if you have a jail
2 call in Williamsburg County, you bring someone from
3 jail over here and testify. You don't have anybody
4 here. And, normally, telephone conversations come
5 -- I assume under Rule 901, which is authentication
6 and identification, and No. 6 under that rule deals
7 with telephone calls, and it usually deals with a
8 911 call.

9 I can listen to the calls, and maybe they are
10 self-authenticating. The fact that the defendant
11 said it, that is hearsay unless it is against him.
12 So do you want me to listen to the calls? I mean,
13 if you can show me what rule that this lets these
14 calls in, I would like to at least put that on the
15 record and look at it. If you can find a rule of
16 evidence that this affidavit gets those calls in.

17 MR. BENNY: Judge, respectfully, I want to
18 put on the record that we had the same issue in
19 Sumter on a murder case that you tried about a
20 month ago, and there was authentication from the
21 cell phone companies that will allow us to put the
22 cell phone records in so that the officer could
23 testify about the tracking of the cell phones that
24 night.

25 My effort in this case was to avoid having a

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1 witness come down here just to tell you he didn't
2 listen to the calls. He didn't authorize the
3 calls. They were all set up under a system that
4 the jail operates, and that system, under that
5 affidavit, was in effect when that defendant made
6 those phone calls.

7 THE COURT: Yeah. But he came -- my
8 recollection of that case is you had somebody from
9 the phone company say that this is the phone
10 numbers that match this, and so all it is doing is
11 authenticating -- just like under 901, if you call
12 this phone number, this phone number is John
13 Smith's phone number. So what it comes under is
14 self-authenticating. The calls themselves may be
15 fine, and they may come in. I'm just --

16 MR. BENNY: We just wanted the Court to have
17 the ability to say that the records have been
18 verified by the authenticating agent who is in
19 charge of the system in Ohio, and that those phone
20 calls that was sent to the investigator can be
21 listened to and -- the only witness that will be
22 cross examined is the investigating officer, who is
23 present. Other conversation that comes about is
24 not from a witness in Ohio. It is from the
25 defendant talking to his sister.

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1 THE COURT: I understand that. And so the
2 question -- this affidavit, how are you going to
3 transmit to the jury that that is the defendant
4 talking? I mean, normally in a jail call you have
5 someone from jail coming in here saying this is a
6 jail call, this is the number of the jail, everyone
7 is put on notice that this is recorded. We record
8 every jail call. I recorded the jail calls on
9 October 15 of such-and-such year. These are the
10 recorded jail calls. So you have that
11 authenticated that these are from the jail, and
12 they are recorded. And then -- so that document is
13 in.

14 Now, is that hearsay? The fact that you can
15 prove that it's authenticated, this is, in fact, a
16 phone call from this person or this person on this
17 date, then the question is whether it is hearsay.
18 If it was a phone call from two inmates, it's
19 hearsay unless -- they have to be here to testify.
20 The way it gets in is if he made a statement, he's
21 a party opponent. It is admissible against him, if
22 it is against his interest. So that is one of the
23 exceptions to the hearsay rule.

24 Normally, you have a scenario of someone
25 saying whatever disk you want to put in here, you

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1 need them to authenticate it. That's the disk from
2 this phone recorded in this place, and it purports
3 to be him.

4 So I'm just trying to get to how we get -- if
5 you can show me -- do you have an affidavit of jail
6 calls, but I don't have a witness.

7 MR. BENNY: I have a witness who received the
8 jail calls and reviewed them and turned them over
9 to Ms. Alston, who turned them over to the defense
10 months or years ago. So everybody -- I mean, she
11 can testify by having listened to them and received
12 them from Ohio who made the call and when it was
13 made, and who he was talking to and what he said.

14 THE COURT: Okay. So I'm just trying --
15 normally, in that scenario, if she went to the jail
16 and listened to them, she got the call -- she got
17 them in the mail from Ohio, right?

18 MR. BENNY: Electronic e-mail.

19 THE COURT: So I need you to explain under
20 what rule is that admissible?

21 MR. BENNY: Under the same rule you just
22 mentioned that it is a -- a statement made by the
23 defendant -- the exception to the hearsay rule,
24 it's made by the defendant.

25 THE COURT: I understand that. Who is going

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1 to prove that it was made by him, is what I'm
2 asking? I mean, if it's a scenario that someone
3 knows his voice and knows him well, can identify
4 that's him on the phone or the person that he
5 talked to. If he's talking to his sister, his
6 sister is coming in here and saying, yup, I talked
7 to him on this particular date, that's him. We've
8 authenticated that that is a phone call from him.

9 I'm simply trying to figure out how you
10 authenticate that that is him on the phone? Now,
11 it may be on the call itself he identifies himself
12 on the call itself. Many times on a 911 call the
13 -- you call 911 and I say, This is Ferrell Cothran
14 and I'm at [REDACTED] [REDACTED], this is my phone
15 number, and I need police here now. That is pretty
16 well self-authenticating, because I'm identifying
17 myself and saying whatever.

18 I just need to know -- it is usually you got
19 someone from the jail who has listened to jail
20 calls, recorded it, put it on the disk, then given
21 it to the investigator to say these are all the
22 jail calls from this defendant, and it comes in. I
23 don't have anybody from Ohio to say that.

24 MR. BENNY: May I have a moment?

25 THE COURT: Sure. And if you can just show

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1 me a rule or case law that I can let that in, I'll
2 be glad to.

3 (A brief pause in the proceedings.)

4 MR. BENNY: Judge, I think there is two ways
5 you can do it. If you listen to the tapes, you
6 will hear him say this is Marquise on the tape.

7 The other way is that there was a recording
8 sent to the officer of all of the calls made on his
9 account. I don't know. It is 40 pages long. So
10 it has all the dates and times of all of the calls
11 he made that line up with the calls that she
12 listened to and wrote down as to when there were
13 incriminating statements made.

14 MS. BUTCHER: Your Honor, those records, I
15 don't believe, satisfy 19-5-510. Your Honor, I
16 don't even know if the same person works there that
17 filled out that records custodian. This was back
18 in 2021 that they received them. I don't have a
19 copy of that affidavit for the records custodian,
20 but I don't even know if they worked there then, or
21 if it is the same person. I heard a date was left
22 blank because they didn't know something? I don't
23 even think that affidavit qualifies as a true
24 affidavit, from what I understand.

25 THE COURT: And many times, especially in the

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1 civil cases, it is stipulated that this comes in in
2 some evidence rule where they don't have to spend
3 -- bring the person here from Ohio. In civil
4 court, you don't have the confrontational clause of
5 the Constitution and all of those other issues.
6 I'm just to certify those phone calls as business
7 records. You need somebody that is going to say,
8 I'm the official business record keeper of whatever
9 county sheriff's department, and these are the
10 records, we recorded these, and those tapes are
11 from our system on such-and-such time and date, and
12 we keep them in the normal line of business. That
13 is normally how it is done.

14 How is this affidavit going to keep from that
15 witness coming here, is all I'm asking, under what
16 rule?

17 MR. BENNY: First of all, I don't believe
18 that the witness is necessary because it is not a
19 confrontational issue. It is brought up by the
20 defense because it's convenient for her to hide
21 behind the fact that her client is making the
22 statement that is recorded on the tape.

23 So I think, again, if you listen to the
24 tapes, you shouldn't even have to worry about that.
25 But in order to make the Court aware of where we

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1 got them from, and under what circumstances the
2 court recordings were taken, we got the affidavit
3 to assure the Court. Because the rule -- I think
4 it was just quoted by the defense lawyer that the
5 Court has to make a determination that these are
6 authenticated, and that's what we did by submitting
7 the affidavit. But we don't think it is necessary.
8 We just did it because we didn't want to have to
9 bring a person here from Ohio to tell you that
10 there is a system. They didn't listen to the
11 calls. They record it. All of the recorded calls
12 go into a computer, and those computer disks or
13 tapes were sent here.

14 So the person in Ohio doesn't know anything
15 more about it than anyone else, but the business
16 model, so to speak, is in the affidavit which
17 should certify to the Court that these records are
18 complete and accurate, and that they could be
19 listened to and testified by the officer, who is
20 subject to cross examination. She's not going
21 cross examine her own client, I don't think. If
22 she wants to, she can. She has the opportunity to
23 put him on the stand and say, Did you make those
24 calls? Is that your voice? Did you talk to
25 somebody and say something about a gun on

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1 such-and-such date? She doesn't want to do that,
2 and that's why we're talking about the
3 confrontation. There is no confrontation issue in
4 this particular incident.

5 If we were trying to get a doctor to testify
6 or his report to come in about his opinion, yes, we
7 would have to bring that document. We're not
8 getting the business record in without the
9 confrontation clause. This is not a confrontation
10 issue. This is part of the investigation.

11 THE COURT: All I'm asking is under the Rules
12 of Evidence, what rule are you trying to get this
13 in under? Give me a rule number and -- because it
14 appears to be the Rule 901. Is that the rule it
15 comes under? And under what paragraph, is all I'm
16 asking?

17 MR. BENNY: I thought we discussed that this
18 came in under the exception to the hearsay rule.
19 It is a statement by the defendant against his
20 interest.

21 THE COURT: But, clearly, once you
22 authenticate it that it is his statement, then it
23 comes under the hearsay rule. You have to
24 authenticate that it is his statement. All I'm
25 asking is under what rule, in the rule book, are

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1 you trying to authenticate it under?

2 I mean, to make this record clear, when five
3 people in Columbia are going to look at it, I need
4 a rule that I'll let it under. I'll be glad to
5 have you look at these rules.

6 MR. BENNY: I would need ten minutes to do
7 that.

8 THE COURT: Okay. I'll give you ten minutes,
9 because I need it on the record under what rule I
10 can authenticate it. Once you authenticate it,
11 then the question is whether it is admissible or
12 hearsay. If it is his statement and against his
13 interest -- if it is not against his interest, it
14 is not admissible. Because many times I have a
15 situation where the police take a statement from
16 the defendant, and you don't want to put it in
17 because it is self-serving. Defense tries to put
18 it in, and I won't let it in because it's hearsay
19 and it's not against this interest. It is in his
20 favor. So it doesn't come in. He has to take the
21 stand if he wants to get that statement in.

22 So, first of all, we have to authenticate it,
23 what you purporting to be his statement is really
24 his statement. Then, just like a police officer in
25 a confession, he is on the stand saying I read him

1 his rights, he gave us this statement, here is the
2 statement. You authenticate it. Then the question
3 is whether it comes in under hearsay.

4 I'm just asking how you authenticate these
5 phone calls being from him and what rule, and then
6 once you pick the rule, you can tell me how this
7 affidavit applies to that rule, okay. So I'll give
8 you ten minutes, and we'll be back at 12:30.

9 MS. BUTCHER: Your Honor, may I see the
10 affidavit? Is that the only copy?

11 THE COURT: Yeah. Sure.

12 MS. BUTCHER: Unless they have a copy for
13 me -- I still don't have one.

14 THE COURT: Because, see, at the time it was
15 given, it wasn't an affidavit.

16 Here you go. Do you want a copy of it?

17 MS. BUTCHER: They haven't given me one, Your
18 Honor.

19 THE COURT: She'll make you a copy.

20 (A recess was taken.)

21 THE COURT: You may be seated.

22 MS. BUTCHER: At the proper time, I would
23 like to argue 803.

24 THE COURT: Okay.

25 MS. BUTCHER: Your Honor, with regard to the

1 person that received these phone calls from Ohio,
2 whether or not they could authenticate my client's
3 voice, they are not able to authenticate the phone
4 calls themselves. There is not an affidavit.
5 There is no one from Ohio to authenticate them.
6 They could have been manipulated it or whatever.
7 But while they can say, yes, that is Mr. Franklin's
8 voice -- or maybe they can't because we haven't
9 gotten there -- but even if the Court is satisfied
10 that they could, it is still not authenticating the
11 phone call itself.

12 Your Honor, there, again, that is 19-5-510
13 where it says an original copy of domestic record
14 that meets -- sorry. In addition to those matters
15 provided by Rule 902, which is the authentication
16 extrinsic evidence as authenticity as a condition
17 of precedent is not required with respect to the
18 following: The original or copy of the domestic
19 record that meets the requirements of 803-6. This
20 does not meet the requirements of 803-6, so we
21 don't even get to authentication.

22 THE COURT: Yeah, but --

23 MS. BUTCHER: I do agree that the young lady
24 that was on the other end of the phone call could
25 be a source of authenticating the call, but the

1 others were, you know, with the sister. I don't
2 think we get there.

3 THE COURT: So on 902 that you were talking
4 about, that deals with self-authentication of
5 domestic public documents under seal, domestic
6 public documents not under seal, foreign public
7 documents, certified copies of public records,
8 newspapers, trade descriptions, acknowledged
9 documents, commercial paper. None of those -- none
10 of this applies to that. It seems, to me, that
11 this is under 901-6.

12 MS. BUTCHER: And, Your Honor --

13 THE COURT: It doesn't apply at all to this,
14 does it?

15 MS. BUTCHER: What I'm getting at is how do
16 we tell that these phone calls have not been
17 manipulated? Having someone that was not a part of
18 the phone call, that simply recognizes his voice,
19 and that's all, doesn't get us to these were kept
20 in the normal course of business, not manipulated
21 or anything of that, that comes in with 803-6. So
22 that is the first thing.

23 This is just simply someone who received
24 these phone calls from Ohio and may or may not be
25 able to say that he recognizes my client's voice,

1 but he doesn't know if the phone calls are even
2 legitimate, and that's the danger of bringing them
3 in, Your Honor.

4 THE COURT: Okay. And you can always argue
5 that every recording is manipulated somehow. I
6 mean, with today's technology it's really easy. We
7 just have to have some evidence of manipulation,
8 That's not what I said, or, It's taken out of
9 context.

10 I guess, at this point, what you -- you
11 wanted to have testimony -- I guess we need to hear
12 that, and then let's determine based on that
13 whether it comes in, whether it is authenticated
14 enough under 901 to get there.

15 MS. BUTCHER: But, Your Honor, we still don't
16 know if those phone calls were prepared near the
17 time of the event. We don't know when those phone
18 calls were made. We don't know any of that that
19 satisfies a 803-6. We have none of that
20 information.

21 THE COURT: Now, you are talking about 803-6?

22 MS. BUTCHER: Your Honor, these phone calls,
23 they were made in Ohio. We have nothing to say
24 when they were made. Were they kept in the normal
25 course of business? We have nothing that satisfies

1 803-6 as required.

2 Simply because someone may or may not
3 recognize his voice, unless they are a party to the
4 conversation, I don't believe that they can say how
5 these phone calls were kept or made or when or
6 anything.

7 THE COURT: Well, 803-6 is exceptions to the
8 hearsay rule and records regularly conducted.

9 MS. BUTCHER: Your Honor, I'm going to hand
10 up -- and this doesn't go all towards this. I
11 think some of this goes towards something else.
12 You'll see on the first two pages what I was
13 briefing -- first three pages, I think, if I may?
14 Then it goes into -- that was for another purpose.

15 If they had given me an actual affidavit with
16 reasonable, you know, where I could have had the
17 chance to authenticate stuff, that would be
18 different.

19 THE COURT: And these all deal with different
20 aspects of 803, and it is my understanding that it
21 is not being offered -- the hearsay rule is not
22 being offered under 803-6, the business records.
23 It is being offered -- if it's been authenticated,
24 it is being offered as statements against interest
25 from the defendant. It is not like it is statement

PROFFER TESTIMONY - JALISA BROWN - DIRECT EXAMINATION

1 from anyone else that you have to get under some
2 other rule. If they can authenticate it, then the
3 next question is whether it comes in under hearsay,
4 and they are not trying to put it under 803-6.
5 They are trying to put it in under statements to
6 the defendant.

7 MS. BUTCHER: I understand that, but I think
8 it comes into play because this came -- it is
9 business records, because it came from a jail in
10 Ohio, kept in the normal course of business with
11 these phone calls. And with the GPS monitor, I
12 mean, just because his voice is on it, it is a
13 recording. I think it is important to know when
14 the recordings were made by the person that made a
15 record of the recording itself.

16 THE COURT: Okay. And I understand your
17 argument. Let the investigator testify, and we'll
18 determine outside of the presence of the jury, and
19 you can make your arguments. I need to find out
20 what I'm ruling on, so I need to hear the evidence
21 first.

22 If you call your witness to the stand, ask
23 them questions, and then I'll rule.

24 MS. ALSTON: The State calls Jalisa Brown.
25

PROFFER TESTIMONY - JALISA BROWN - DIRECT EXAMINATION

1 **PROFFER TESTIMONY - DIRECT EXAMINATION**

2 **BY MS. ALSTON:**

3 **Q** Ms. Brown, what was your role in this matter?

4 **A** Investigator.

5 **Q** So you were the one that obtained any
6 information needed for this case?

7 **A** I did.

8 **Q** And throughout your investigation, do you
9 obtain any types of phone calls or recordings of
10 Mr. Franklin?

11 **A** I did.

12 **Q** Did you have time to review those recordings?

13 **A** I did.

14 **Q** I'm going to show you five calls on disk.
15 They have been premarked as State's Exhibit 70, 71,
16 72, 73, and 714. Have you had a chance to listen
17 to the phone calls?

18 **A** The inmate phone calls?

19 **Q** Yes.

20 **A** Yes.

21 **Q** And, to your knowledge, did they appear to be
22 accurate representation of phone calls you listened
23 to?

24 **A** Correct.

25 MS. ALSTON: Your Honor, at this time we seek

PROFFER TESTIMONY - JALISA BROWN - DIRECT EXAMINATION
1 to admit State's 70, 71, 72, 73, and 74.

2 MS. BUTCHER: Objection.

3 THE COURT: Okay. You have to lay a
4 foundation before that comes in. So you need to
5 lay a foundation, if you can, through this witness.
6 I mean, you can mark it for identification and ask
7 them about it, but it's not in evidence until you
8 lay that foundation.

9 Q (BY MS. ALSTON) Does Mr. Franklin make any
10 incriminating statements on those phone calls?

11 A He did.

12 MS. BUTCHER: Objection, Your Honor,
13 speculation. It is a proffer, I know, but for the
14 record.

15 THE COURT: I know.

16 Q (BY MS. ALSTON) Can you take us through your
17 investigation and what led to obtaining a warrant
18 and arrest of Mr. Franklin?

19 A Yes. You want me to start where I became
20 involved in the case?

21 Q Yes.

22 A On October 3, 2020, Kingstree Police
23 Department requested assistance with the sheriff's
24 office in reference to Wilson Blue Boulevard (ph).
25 I initially responded to the scene, but was sent to

PROFFER TESTIMONY - JALISA BROWN - DIRECT EXAMINATION

1 the hospital to make contact with the victims. On
2 the next day, which is the 4th, the sheriff's
3 office assigned the case to me.

4 Q And what evidence gave you probable cause
5 that Mr. Franklin was a suspect?

6 MS. BUTCHER: I'm sorry, I can't hear the
7 questions.

8 Q (BY MS. ALSTON) I apologize. And what
9 evidence gave you probable cause that Mr. Franklin
10 was the suspect in this matter?

11 A As we conducted interviews and obtained GPS
12 monitoring and follow up, he became the suspect. I
13 obtained a warrant, at which time it was given to
14 the U.S. Marshal's Service, who apprehended him in
15 Ohio.

16 Q What information was given to you that he was
17 located in Ohio?

18 A I wasn't given the information -- well, I
19 wasn't there when the Marshal's Service captured
20 him. So whatever tips they had, they would not
21 have relayed to me. It was just that they captured
22 him in Ohio.

23 Q When he was apprehended in Ohio, was he
24 subsequently detained?

25 A He was. He was detained in Cuyahoga

PROFFER TESTIMONY - JALISA BROWN - DIRECT EXAMINATION
1 Detention Center.

2 Q And while detained, did he make any phone
3 calls?

4 A He did.

5 MS. BUTCHER: Objection; foundation.

6 THE COURT: Sustain that objection.

7 MS. ALSTON: Beg the Court's indulgence, Your
8 Honor.

9 (A brief pause in the proceedings.)

10 Q (BY MS. ALSTON) Did you request any records
11 from Cuyahoga County when Mr. Franklin was
12 detained?

13 A I did.

14 Q Did you receive any records from them?

15 A I did.

16 Q And when you received those records, did you
17 listen to them?

18 A I did.

19 MS. BUTCHER: I apologize, I can't
20 understand.

21 Q (BY MS. ALSTON) And what happened
22 subsequently to Mr. Franklin being detained at
23 Cuyahoga Detention Center?

24 A He was extradited back to South Carolina.

25 Q And did you have the opportunity to speak

PROFFER TESTIMONY - JALISA BROWN - DIRECT EXAMINATION

1 with Mr. Franklin when he got back to South
2 Carolina?

3 **A** I did. I offered him an interview, but he
4 declined.

5 **Q** You had a conversation with him?

6 **A** Not outside offering him an interview, no.

7 **Q** Did you become familiar with his voice?

8 **A** I did.

9 **Q** And would you be able to recognize his voice
10 on a phone call?

11 **A** I would.

12 MS. ALSTON: At this time, Your Honor, the
13 State seeks to admits 70 through 74 into evidence.

14 MS. BUTCHER: I would object on foundation.

15 THE COURT: I sustain.

16 MR. BENNY: Court's indulgence.

17 (A brief pause in the proceedings.)

18 **Q (BY MS. ALSTON)** When Mr. Franklin returned to
19 South Carolina, were you able to listen to his
20 phone calls then?

21 **A** I was.

22 **Q** And how many phone calls?

23 **A** Several. I don't remember the count, but it
24 was several.

25 **Q** And were you able to verify the calls that

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1 were made to different individuals?

2 **A** I was.

3 MS. BUTCHER: Objection, Your Honor,
4 foundation.

5 THE COURT: Okay. Sustain the objection.

6 **Q (BY MS. ALSTON)** How did you find out who the
7 calls were made to?

8 **A** There is a number -- phone number that he's
9 calling, I sent to SLED's Fugitive Center, and they
10 send me back the information on who the number
11 belongs to.

12 MS. BUTCHER: Objection; lack of foundation.

13 THE COURT: Well, she sent some number to
14 SLED.

15 MS. BUTCHER: I don't know where the number
16 came from.

17 THE COURT: She hasn't had a chance to ask
18 that. You can stop her.

19 **Q** Where did the numbers come from that you got
20 sent to SLED's Fugitive Center?

21 **A** From his account, whoever he is calling from
22 his account.

23 MS. BUTCHER: I renew the objection, Your
24 Honor.

25 THE COURT: Okay. What account?

PROFFER TESTIMONY - JALISA BROWN - DIRECT EXAMINATION

1 MS. ALSTON: His inmate.

2 **A** His account, correct.

3 MS. BUTCHER: Same objection, Your Honor.

4 THE COURT: Okay.

5 **Q (BY MS. ALSTON)** He was an inmate at the
6 Williamsburg County Detention Center?

7 **A** Yes.

8 **Q** Do the inmates at the Williamsburg Detention
9 Center have an account?

10 **A** They do.

11 **Q** And did Mr. Franklin have an account?

12 **A** He did.

13 MS. BUTCHER: Your Honor, same objection.

14 THE COURT: I understand. They haven't
15 offered it into evidence. She's trying to get it
16 there and you're objecting before she gets there.
17 Object to it when she gets to the end when she
18 offers it into evidence. If she hasn't laid the
19 foundation, I'll sustain the objection.

20 Go ahead.

21 MR. BENNY: Beg the Court's indulgence.

22 (A brief pause in the proceedings.)

23 **Q (BY MS. ALSTON)** On Mr. Franklin's inmate jail
24 account, were you able to see the telephone numbers
25 he was calling to?

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1 **A** Yes.

2 MS. BUTCHER: Your Honor, I object. I think
3 a foundation needs to be laid before she testifies
4 that he had an account, these were the numbers. I
5 think the foundation has to be laid first before
6 she can actually answer those questions.

7 THE COURT: I understand your objection, and
8 that is why we're trying to get there. The jury is
9 not here, and it is in-camera. I assume she's
10 going to lay all of that foundation.

11 MS. BUTCHER: Just for the record, I don't
12 want to have this in court and not be able to make
13 those objections.

14 THE COURT: Oh, I understand.

15 MS. BUTCHER: My objection is preserved and
16 continuing?

17 THE COURT: It is preserved.

18 Go ahead.

19 **Q** **(BY MS. ALSTON)** So you were able to see the
20 telephone numbers?

21 **A** Yes.

22 **Q** And were you able to verify or confirm the
23 telephone numbers that he was speaking to where the
24 phone number actually belonged to?

25 **A** Yes.

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1 **Q** And, again, you were also able to verify that
2 that was his voice on the phone call?

3 **A** Yes.

4 **Q** After you verified the parties on the call,
5 did anyone stated in the call lead you to believe
6 that he was talking about the events of this case?

7 **A** Yes.

8 **Q** And was there anything in particular that he
9 said?

10 **A** There was a couple of things, yes.

11 MS. ALSTON: Beg the Court's indulgence.

12 (A brief pause in the proceedings.)

13 MR. BENNY: Your Honor, would it be -- we
14 have another witness that testified earlier today,
15 the young lady that was in the car who made calls
16 with the defendant. She's going to be called in
17 now to verify her voice and his voice on the phone
18 on the recordings. We don't have to play but one
19 or two just to verify that, but I didn't know
20 before we released this witness, do you want her to
21 verify by your listening to the call that that's
22 his voice?

23 THE COURT: I understand, but the question --
24 she has not said how she verified anything. She
25 just said that she verified it. She hadn't

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1 explained how she verified it. Until she verifies
2 it, you can't just call it verifying. She has to
3 explain how she verified any of this. And she
4 asked, Did you verify these calls? Yeah. How did
5 she verify them? How did she know who's calling?
6 Where did she get it from? She hasn't verified any
7 of the information. She has to verify it to get it
8 through this witness.

9 If any other witness that you may call to
10 verify his voice on a phone call, that person has
11 got to listen to the evidence you want to introduce
12 and say, I heard this evidence, and I can say
13 that's him or it's not him, or I can't verify, I
14 don't know who that is. But the fact that you
15 verified it, you have to explain how you verified
16 it. Verifying doesn't get you there unless you
17 explain how you verified it.

18 **Q (BY MS. ALSTON)** Investigator Brown, how did
19 you verify who the phone calls are made to?

20 **A** Who they were made to?

21 MR. BENNY: No, by.

22 **Q (BY MS. ALSTON)** By.

23 **A** At our detention center, every inmate that
24 has an account is assigned a unique pin number. So
25 my pin number wouldn't be the same as yours. So

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1 when they go to utilize the phone, they have to
2 enter their pin number and also state their name.

3 (A brief pause in the proceedings.)

4 **Q (BY MS. ALSTON)** Did you receive the pin
5 number for this inmate?

6 **A** I wouldn't have his pin number, not his
7 particular pin number. I would log into my account
8 or, at the time, the detention center's log-in
9 account and download calls associated with his
10 account.

11 **Q** So you were able to obtain all of the calls
12 associated with his account?

13 **A** Correct.

14 **Q** Did you have the occasion to listen to the
15 phone calls associated with his account?

16 **A** I have.

17 **Q** Were you able to listen and verify whether
18 that was the same voice you heard?

19 **A** Correct. It was consistent with all of the
20 other calls I listened to.

21 **Q** Was that also consistent with the voice you
22 had with the interview with him?

23 **A** Correct.

24 **Q** During any time, did you hear a voice that
25 was different from his on the phone calls?

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1 **A** I haven't.

2 **Q** Were there any other voices different from
3 his on the phone calls?

4 **A** Other than the people he was talking to,
5 yeah. As far as it being another male party
6 besides him, no.

7 **Q** And, to your knowledge, does the inmate have
8 to identify themselves or give their name to begin
9 the phone call?

10 **A** Right. Correct.

11 **Q** And did Mr. Franklin do that?

12 **A** He does.

13 MS. ALSTON: At this time, Your Honor, I'm
14 going to play what has been premarked as State's
15 Exhibit No. 74.

16 THE COURT: Okay.

17 MS. BUTCHER: Objection as to foundation.

18 THE COURT: It ain't in evidence. She just
19 wants to play it. I assume she's going to have
20 questions about it.

21 MS. BUTCHER: Okay. I just want to make
22 sure.

23 THE COURT: It is an exhibit that she's going
24 to ask her about, I assume, just like a photograph.

25 (Published to the Court.)

PROFFER TESTIMONY - JALISA BROWN - DIRECT EXAMINATION

1 **Q** **(BY MS. ALSTON)** Does Mr. Franklin identify
2 himself in this phone call?

3 **A** He does.

4 **Q** Is that his voice?

5 **A** It is.

6 (Published to the Court.)

7 THE COURT: What did that just say? I can't
8 understand.

9 MS. ALSTON: An inmate at Cuyahoga County
10 Detention Center.

11 THE COURT: Okay.

12 (Published to the Court.)

13 THE COURT: This call that you are entered
14 in....

15 (Published to the Court.)

16 THE COURT: Okay. How -- the fact that is
17 one from Ohio, I assume you want her to identify
18 his voice? How does she know that's his voice?

19 MS. ALSTON: She already had dealings with
20 him in person.

21 THE COURT: How many times? How many calls
22 did she listen to? I assume -- she said she logged
23 on his account in Williamsburg County Jail. How
24 does she know it was him? How many times did she
25 listen to him in the Williamsburg County Jail? And

PROFFER TESTIMONY - JALISA BROWN - DIRECT EXAMINATION

1 how many times had she had a conversation with him
2 outside of that setting and how long has she known
3 him? You have to establish some kind of foundation
4 that she knows his voice. She's not in Ohio, so
5 she doesn't know him there, so she has to establish
6 some foundation here that she knows his voice.

7 MS. ALSTON: She testified that once he was
8 brought back to South Carolina, she tried to
9 conduct the interview with him, and he did not want
10 to proceed with the interview.

11 THE COURT: And he said three words? I don't
12 want to do an interview, and that's it, and that is
13 how she knows his voice? I thought you said she
14 listened to jail calls here?

15 THE WITNESS: I have.

16 THE COURT: How many?

17 MS. ALSTON: She said several.

18 THE COURT: That is the jail call you need to
19 play that she can identify his voice, not this one.
20 First, you have to establish that she knows his
21 voice and can identify it over anyone else's. And
22 if you can't, that's fine, too. But playing the
23 one in Ohio doesn't get you there until you
24 establish that you know his voice here.

25 MS. ALSTON: Your Honor, this will be the

PROFFER TESTIMONY - JALISA BROWN - DIRECT EXAMINATION
1 interview conducted with Mr. Marquise Franklin once
2 he returned back in South Carolina.

3 (Published to the Court.)

4 THE COURT: You can fast forward it. I have
5 a jury sitting back there. I don't want them
6 sitting in a room by themselves.

7 (Published to the Court.)

8 THE COURT: Okay.

9 Q (BY MS. ALSTON) That was you in an interview
10 with Mr. Franklin, correct?

11 A Yes.

12 Q You had a chance to hear his voice?

13 A I did.

14 Q Were you able to verify that that voice was
15 similar to the voice of the jail calls that you
16 listened to?

17 A It was.

18 THE COURT: How?

19 Q (BY MS. ALSTON) How were you able to verify
20 that?

21 A I was able to listen to his inmate phone
22 calls from the sheriff's office, which matched the
23 voice of the person in the interview room.

24 Q Do you know about how many inmate calls you
25 listened to?

PROFFER TESTIMONY - JALISA BROWN - DIRECT EXAMINATION

1 **A** It was more than ten. It was several.

2 **Q** Did you become familiar with his voice?

3 **A** I did.

4 **Q** Would you be able to recognize his voice on
5 other calls?

6 **A** I believe.

7 **Q** So, in total, how many opportunities did you
8 have to hear Mr. Franklin's voice?

9 **A** I listened to the inmate calls and the
10 interview, over 50 times. I mean, it was hours of
11 phone calls, listening to them.

12 **Q** Would that be in totality of the Williamsburg
13 County calls, as well as the Ohio calls as well?

14 **A** Correct.

15 **Q** Is it usual procedure he would identify
16 himself at each phone call?

17 **A** Correct.

18 **Q** Was that consistent throughout the phone
19 calls he made?

20 **A** Yes.

21 MS. ALSTON: No further questions, Your
22 Honor.

23 THE COURT: You want to cross examine?
24
25

PROFFER TESTIMONY - JALISA BROWN - CROSS EXAMINATION

CROSS EXAMINATION

BY MS. BUTCHER:

Q So he would identify himself as Marquise?

A Correct.

Q So I have two clients named Marquise. I have to ask them their last name. Do you know how many other people are named Marquise?

A I'm sure there's plenty of people named Marquise.

Q The only -- did you actually watch him make these phone calls?

A I didn't.

Q So the only opportunity you had to hear his voice in person was during the interview he declined?

A Yes.

Q And can you explain how the system works to retrieve the phone calls?

A I can't explain any other detention center. I can explain ours.

Q Okay. Can you explain how these phone calls are recorded?

A I can't. That would be, I'm assuming, whatever system that facility is using.

Q Okay. And when you say you can explain your

PROFFER TESTIMONY - JALISA BROWN - CROSS EXAMINATION

1 system, you are talking about you can explain the
2 technical systems or explain how you punch in a
3 number and retrieve something?

4 **A** I can explain how I would retrieve Marquise's
5 phone calls throughs Williamsburg.

6 **Q** Punching in a number?

7 **A** No. Logging onto my account, typing in his
8 first and last name, and all of his phone calls
9 come up.

10 **Q** But you don't know anything about the system
11 of storing that and transferring them to you --

12 **A** (Witness shakes head.)

13 MS. BUTCHER: No further questions.

14 THE COURT: Anything else?

15 MR. BENNY: We have another witness.

16 MS. ALSTON: Nothing further for this
17 witness, Your Honor.

18 THE COURT: Okay. You can step down.

19 MS. ALSTON: We call Tykia Carson.

20 THE COURT: I remind you, you are still under
21 oath instead of re-swearing you again.

22 MS. CARSON: Okay.

23 THE COURT: All right.
24
25

PROFFER TESTIMONY - TYKIA CARSON - DIRECT EXAMINATION

1 **PROFFER TESTIMONY -DIRECT EXAMINATION**

2 **BY MS. ALSTON:**

3 **Q** Ms. Carson, are you familiar with the
4 defendant, Mr. Franklin?

5 **A** Yes, ma'am.

6 **Q** And how long have you known him?

7 **A** For like a month. It wasn't that long.

8 **Q** What was the date when you first met him?

9 **A** I really don't remember. It was four years
10 ago. I don't know. I really don't.

11 **Q** You met him four years ago?

12 **A** Yeah. Like three, four years ago. A long
13 time. Don't remember.

14 **Q** Did you become familiar with him?

15 **A** Say it again?

16 **Q** Did you become familiar with him?

17 **A** Yes, ma'am.

18 **Q** Would you be able to recognize his voice?

19 **A** Yes, ma'am.

20 **Q** Did you have an opportunity to speak to him
21 over the telephone?

22 **A** Yes, ma'am.

23 **Q** Since the incident occurred, did you have
24 time to talk to him over the phone while he was
25 detained?

PROFFER TESTIMONY - TYKIA CARSON - DIRECT EXAMINATION

1 **A** Yes, ma'am.

2 **Q** Do you know about how many times you spoke
3 with him?

4 **A** I would say about -- I don't know. A good
5 bit of time. I don't know.

6 **Q** Can you describe what a "good bit of time"
7 would be, a close estimate?

8 **A** I would say six, seven times. I don't know.

9 **Q** How would your calls work? You call him? He
10 calls you?

11 **A** While he was in jail?

12 **Q** Yes.

13 **A** He called me.

14 **Q** And did he identify himself when he made
15 those calls to you?

16 **A** Yes, ma'am.

17 **Q** Again, if you heard his voice, you would
18 recognize him?

19 **A** Yes, ma'am.

20 **Q** I'll play what is premarked as State's
21 Exhibit 70.

22 (Published to the Court.)

23 **Q** **(BY MS. ALSTON)** Is that Mr. Franklin's voice?

24 **A** Yes, ma'am.

25 **Q** Did he identify himself on the phone call?

PROFFER TESTIMONY - TYKIA CARSON - DIRECT EXAMINATION

1 **A** Yes, ma'am.

2 **Q** Is that your voice, Ms. Carson?

3 **A** Yeah. That's probably me, but it don't sound
4 like it on there. Yes, ma'am, I guess.

5 (Published to the Court.)

6 **A** Hold up. That don't....

7 **Q** **(BY MS. ALSTON)** Ms. Carson, did you put any
8 money on his accounts to make phone calls?

9 **A** Yes, I think I did one or two times.

10 **Q** Do you recognize his voice on this call?

11 **A** Yes, ma'am.

12 **Q** And you had a chance to talk to him several
13 times?

14 **A** Yes, ma'am.

15 **Q** Do you know if he called you from Ohio and
16 Williamsburg County?

17 **A** Yes, ma'am.

18 **Q** So from both places?

19 **A** Yes, ma'am.

20 **Q** And, again, same voice?

21 **A** Yes, ma'am.

22 **Q** No other voices on the phone call?

23 **A** No other voices on the phone call. It's hard
24 to hear this, because I know how I sound, but that
25 could be me, but....

PROFFER TESTIMONY - TYKIA CARSON - CROSS EXAMINATION

1 **Q** Is his voice on the phone call?

2 **A** Yes. Yes.

3 MS. ALSTON: No further questions.

4 MS. BUTCHER: I object to speculation whether
5 or not that is her voice.

6 MR. BENNY: We can replay it with a better
7 speaker.

8 THE COURT: I don't know whether it is
9 important that it is her voice or not. She's
10 identifying his voice. That is the question, not
11 whether it is hers or not. It is whether she
12 recognizes his voice. You can cross examine on
13 that.

14 **PROFFER TESTIMONY - CROSS EXAMINATION**

15 **BY MS. BUTCHER:**

16 **Q** Do you know where that phone call was made,
17 Williamsburg or Ohio?

18 **A** No, ma'am.

19 **Q** So you don't know where it was generated
20 from?

21 **A** No, ma'am.

22 MS. BUTCHER: Nothing further, Your Honor.

23 MS. ALSTON: No redirect, Your Honor.

24 THE COURT: So what you just played was
25 State's Exhibit what?

THE COURT AND ATTORNEYS

1 MS. ALSTON: 70.

2 THE COURT: And so is it a phone call that
3 you intend to introduce into evidence?

4 MS. ALSTON: That is correct, Your Honor. It
5 has a statement against his interest in it.

6 THE COURT: Is there any other tape that you
7 intend to introduce?

8 MS. ALSTON: Yes, sir, Your Honor.

9 THE COURT: So do you need those
10 authenticated?

11 MS. ALSTON: Yes, sir, and we can do it
12 through Investigator Brown.

13 THE COURT: So you think you got them
14 authenticated to this point?

15 MS. ALSTON: We have two witnesses who
16 verified that that is his voice on the jail calls.
17 They are able to recognize his voice, listened to
18 the phone calls and able to say that that is his
19 him in the phone calls.

20 THE COURT: But you only played them one.
21 They can say on that tape that's him. So you
22 got -- that may come in. You better do it on every
23 one or they are not coming in. And you don't
24 necessarily have to have both of them. Someone has
25 to authenticate each piece of evidence you want to

PROFFER TESTIMONY - TYKIA CARSON - REDIRECT EXAMINATION

1 put in. I have to deal with each piece of evidence
2 as it stands on its face.

3 MS. BUTCHER: And, Your Honor, I would still
4 go back to my objection to the Ohio calls.

5 THE COURT: I understand your objection.
6 It's on there.

7 MS. BUTCHER: Okay. Okay.

8 THE COURT: I don't even get to those unless
9 they are authenticated or not and whether they come
10 under 901-6 or not or 5.

11 MS. BUTCHER: I think the business records
12 associated with these calls that they have, those
13 are 902.

14 THE COURT: I understand your argument.

15 MS. BUTCHER: Thank you.

16 THE COURT: Okay. Go ahead.

17 **PROFFER TESTIMONY - REDIRECT EXAMINATION**

18 **BY MS. ALSTON:**

19 **Q** Ms. Carson, I'll play for you State's Exhibit
20 74. That is No. 1 on the list.

21 (Published to the Court.)

22 **Q** Did Mr. Franklin identify himself on that
23 phone call?

24 **A** Yes, ma'am.

25 MR. BENNY: The witness seems have trouble

PROFFER TESTIMONY - TYKIA CARSON - REDIRECT EXAMINATION
1 hearing.

2 THE COURT: I am, too. Can we -- do whatever
3 you can do to make it louder. Because if you think
4 the jury can hear it, it's not going to happen.
5 It's a struggle. Do you have any kind of speakers
6 you can hook up? I feel....

7 (A brief pause in the proceedings.)

8 (Published to the Court.)

9 Q Is that Mr. Franklin's voice?

10 A Yes, ma'am.

11 THE COURT: That was exhibit what?

12 MS. ALSTON: 74.

13 Q I'll play State's Exhibit No. 73. That would
14 be Call No. 2 on Attorney Butcher's list ending in
15 73B.

16 (Published to the Court.)

17 THE COURT: Skip all of that, too.

18 (Published to the Court.)

19 Q (BY MS. ALSTON) Is that Mr. Marquise
20 Franklin's voice on there as well?

21 A Yes, ma'am.

22 Q State's 72, No. 3 on Attorney Butcher's list,
23 ending in E53.

24 (Published to the Court.)

25 Q (BY MS. ALSTON) Is that Mr. Franklin's voice

PROFFER TESTIMONY - TYKIA CARSON - RECROSS EXAMINATION
1 on that?

2 A Yes, ma'am.

3 Q And this will be State's Exhibit 71, No. 4 on
4 Attorney Butcher's list, call ending in 7ED. Is
5 that Mr. Franklin's voice on that call?

6 A Yes, ma'am.

7 THE COURT: Is that it?

8 MS. ALSTON: That is it, Your Honor.

9 THE COURT: So that is 71, 72, 73, and 74.
10 What was the first number?

11 MR. BENNY: 70.

12 MS. ALSTON: 70, yes, sir.

13 THE COURT: Anything else for this witness?

14 Any other questions for this witness?

15 MS. ALSTON: No, sir, Your Honor.

16 THE COURT: Any cross?

17 MS. BUTCHER: Briefly.

18 PROFFER TESTIMONY - RECROSS EXAMINATION

19 BY MS. BUTCHER:

20 Q These phone calls, it says "Marquise." Do
21 you know if that is a prerecorded "Marquise"?

22 A He said his name is all I know.

23 Q Do you know -- do you know what he's actually
24 talking about on any of those calls?

25 A None of them, because....

THE COURT AND ATTORNEYS

1 Q Okay.

2 MS. BUTCHER: Thank you.

3 THE COURT: You may step down.

4 Anything else?

5 MS. ALSTON: Nothing else from the State,
6 Your Honor.

7 MS. BUTCHER: I renew all of my objections.
8 I believe even if she can authenticate his voice,
9 if she's not on the call itself, it doesn't come
10 in, Your Honor. These other ones between,
11 supposedly, him and someone else, yes, she may be
12 able to identify the voice, but we still have no
13 idea if -- when they were prepared, how they were
14 transmitted, the mode and preparation of the
15 record, anything under 803.

16 THE COURT: Okay.

17 MS. ALSTON: Your Honor, the State is seeking
18 to admit them under defendant's statement against
19 his interest.

20 MS. BUTCHER: Your Honor, I believe that
21 still requires business records of when they were
22 recorded and things of that nature, which they can
23 authenticate.

24 MS. ALSTON: Which we had two witnesses who
25 testified they are familiar with his voice. They

THE COURT AND ATTORNEYS

1 testified just on the stand a few minutes ago that
2 this is Marquise Franklin's voice on the
3 recordings. And we also have the lead investigator
4 familiar with his voice through an interview, and
5 she's able to verify that is his voice on the call.

6 MS. BUTCHER: I don't think that interview
7 gave her any way to identify his voice.

8 THE COURT: Okay. And I think under 901-5 it
9 is sufficient to authenticate these calls because
10 of the -- identified by two separate people.
11 Understanding that some of these calls came from a
12 jail in Ohio that was recorded, even though -- and
13 I have a certificate from someone there who says it
14 was, but it is not coming under that or the
15 business records.

16 I don't think this applies under 902 or the
17 business records issue. I think this is a
18 telephone conversation that comes in under five or
19 six, and not necessarily business records. I think
20 the State has at least met the burden under 901-5
21 that it is authenticated that the voice on that
22 recording is the defendant's voice. They've done
23 that through two independent witnesses.

24 Now, authentication is the first step. The
25 fact that it is still hearsay, and so now we are

THE COURT AND ATTORNEYS

1 dealing with the hearsay rule, and it's only
2 admissible under the hearsay rule when it's an
3 admission by a party opponent, and it is the
4 statement against interest.

5 So the parts of these tapes that are against
6 his interest are admissible under the hearsay rule.
7 The parts that are not against his interest are
8 hearsay.

9 Having said that, it depends whether
10 sometimes -- if they offer the whole tape, you have
11 to decide whether you want to object or not.
12 Sometimes trial strategies, there is nothing that
13 you deem is harmful, you don't object to it being
14 hearsay. I don't know what the ultimate play is,
15 but, technically, they can only -- the State can
16 only introduce those portions against his interest.

17 Now, if you don't want to object -- you want
18 to play any other parts of it -- I assume they
19 don't object. If they object to it being hearsay,
20 then you have a right -- if they give a statement
21 that somehow is out of context, I think you have a
22 right to play what happened just before that
23 statement and just after that statement, and put it
24 in some kind of context if you think it would
25 benefit the jury in making the determination versus

THE COURT AND ATTORNEYS

1 something that doesn't have anything to do with it.

2 I understand I have four tapes -- five tapes.

3 I don't know how many hours of testimony on the

4 tapes, but unless there is something on there that

5 is pertinent that will help this jury make a

6 determination, either way, I think we're probably

7 wasting our time hearing it. But I haven't heard

8 them all. It is up to you all. It is your all's

9 case. So you play it, but I'm just stating that

10 out from my understanding of the rules, and if you

11 go past that and object, I'll deal with it.

12 MS. BUTCHER: For the record, I still have no

13 idea when the Ohio calls were recorded.

14 THE COURT: They were recorded while he was

15 incarcerated in Ohio, and you know from your

16 client.

17 MS. BUTCHER: He may have been incarcerated

18 from another time.

19 THE COURT: He's sitting beside, you can ask

20 him. They can't ask him, but you can.

21 Okay. Anything before this jury gets mad and

22 leaves?

23 MR. BENNY: I'm asking for housekeeping

24 purposes, we have a SLED agent here from Columbia,

25 Ms. Eichenmiller. I would like to ask the Court

MICHELLE EICHENMILLER - DIRECT EXAMINATION

1 but that is just the nature of trying cases, so I
2 apologize. But we're back now. State is ready to
3 call its next witness.

4 If you will, call your next witness, and
5 we'll get going.

6 MS. ALSTON: Michelle Eichenmiller.

7 (MICHELLE EICHENMILLER, having been duly
8 sworn, testified as follows:)

9 **DIRECT EXAMINATION**

10 **BY MS. ALSTON:**

11 **Q** Good afternoon.

12 **A** Good afternoon.

13 **Q** Could you state your full name?

14 **A** Michelle Eichenmiller,

15 E-I-C-H-E-N-M-I-L-L-E-R.

16 **Q** And could you tell the Court where you are
17 currently employed?

18 **A** South Carolina Law Enforcement Division known
19 as SLED. I work in the firearms department in the
20 forensic laboratory.

21 **Q** And could you tell the Court a little bit
22 about your background, education, and other
23 qualifications you may have?

24 **A** I have a bachelor's degree in biology and
25 psychology, a master's of science in forensic

MICHELLE EICHENMILLER - DIRECT EXAMINATION

1 science. For a firearms examiner, you can't really
2 go to college for it, so once you are hired
3 somewhere, you do an apprenticeship program with
4 examiners that are already at that agency. So when
5 I started with SLED, I learned with the agents
6 there. I did a lot of reading and practice
7 casework on my own. It took about three years. At
8 the end of three years, they gave me a big
9 competency test and told me I could work cases on
10 my own.

11 **Q** And about how many cases have you worked over
12 the years at SLED?

13 **A** Hundreds.

14 **Q** And have you ever been qualified as an expert
15 before?

16 **A** Yes.

17 **Q** And in what field?

18 **A** Field of forensic firearm identification.

19 MS. ALSTON: Your Honor, at this time we
20 offer Ms. Eichenmiller as an expert in firearm
21 identification.

22 MS. BUTCHER: No objection.

23 THE COURT: Court so finds.

24 **Q (BY MS. ALSTON)** Ms. Eichenmiller, did you
25 prepare a report in regards to this case?

MICHELLE EICHENMILLER - DIRECT EXAMINATION

1 **A** I did.

2 **Q** I'm going to approach you with what has been
3 premarked as State's Exhibit 75. Could you tell
4 the Court what that box appears to be?

5 **A** It's a box that we use to submit firearms to
6 the lab. It is an evidence box.

7 **Q** How are you able to identify exactly what
8 that box is?

9 **A** When evidence comes to the lab at SLED, it
10 gets a barcode. So this box barcode and lab
11 number, I write on the box when I receive it. So
12 that is my initials and the case number, and the
13 items numbers are up there. When I complete my
14 examination, I seal it with evidence tape and my
15 initials and date are on the tape as well.

16 **Q** In fact, did you receive the items in that
17 box for your testing?

18 **A** Yes. These are the items I received in this
19 case.

20 **Q** And did you prepare a report in regards to
21 your findings?

22 **A** I did.

23 **Q** We'll go over your report in a little bit.
24 Item 6, could you explain to the Court what that
25 item is?

MICHELLE EICHENMILLER - DIRECT EXAMINATION

1 **A** Item 6 was one fired bullet described as "R
2 Arm," so right arm.

3 **Q** And what about Item 8?

4 **A** Item 8 was Arms Model, J-A-9, semi-auto
5 pistol, a 9-millimeter Luger caliber, Serial
6 No. 204459, received with a magazine of eight
7 unfired 9-millimeter Luger cartridges, as well as
8 test fired specimens.

9 **Q** And did you examine the item?

10 **A** I did.

11 **Q** And to the best of your knowledge, was that
12 item functioning properly?

13 **A** Yes.

14 **Q** And how do you all find when an item is
15 functioning properly?

16 **A** We do a lot of examination beforehand to make
17 sure it is safe. If there is any trace evidence on
18 it, we document it on a worksheet of the make,
19 model, serial number, caliber. I make sure the
20 safeties are working or not working, and then I
21 test fire into a bullet recovery tank.

22 **Q** And could you explain to the Court what Item
23 9 was?

24 **A** Item 9 was one fired 9-millimeter Luger
25 caliber cartridge case.

MICHELLE EICHENMILLER - DIRECT EXAMINATION

1 **Q** And, again, on Item 10?

2 **A** Item 10 was a fired bullet and one bullet
3 fragment described as recovered from autopsy.

4 **Q** And does it say who the bullet was recovered
5 from?

6 **A** Tysie Wilson.

7 **Q** Last, I believe there were Items 13 through
8 21?

9 **A** Items 13 through 21 were nine fired
10 9-millimeter Luger caliber cartridge cases.

11 **Q** So, based on your report, how many firearms
12 were recovered and tested?

13 **A** Just one.

14 **Q** And the shell casings -- the bullets that
15 were recovered, did they match with the firearm
16 that was recovered?

17 **A** So both bullets were consistent with the
18 9-millimeter Luger caliber. They were not fired --
19 well, Item 6 was the first bullet and was not fired
20 by the Item 8 pistol that I received.

21 In firearms identification, we have a couple
22 different conclusions we can have. It is either
23 fired by that firearm, not fired by that firearm,
24 inclusive, or unsuitable. Inclusive means there is
25 not enough marks for me to tell for sure that was

MICHELLE EICHENMILLER - CROSS EXAMINATION

1 the firearm. That was the case with Item 10. The
2 Item 10 fired bullets have the same general
3 characteristics of the firearm, but I couldn't find
4 enough matching marks to say that it was fired by
5 that firearm on.

6 Q And just explain, again, Item 10 was similar
7 to it?

8 A It was similar to the test specimens I had,
9 but there weren't enough marks on it.

10 Q And Items 13 through 21, when they were able
11 to be examined, were you able to tell -- did they
12 match up with the firearms that were recovered?

13 A So I examined 9 and 3 through 21. Item 9 and
14 13 through 20 were fired by the same firearm based
15 on matching individual identifying characteristics.
16 They were not fired by the pistol I received, which
17 was the Hemeniss (phonetic).

18 Item 21 was not fired by the firearm that
19 fired the first group, and it was inclusive with
20 the firearm that I received.

21 MS. ALSTON: No further questions at this
22 time, Your Honor.

23 CROSS EXAMINATION

24 BY MS. BUTCHER:

25 Q Do you know whose right arm Item No. 6 was

MICHELLE EICHENMILLER - CROSS EXAMINATION

1 from?

2 **A** I believe in the picture it says the name.

3 Item 6 was received from Quadree Wilson.

4 **Q** And in your report, how far was this gun
5 found from Quadree Wilson's body?

6 **A** According to the evidence description, it was
7 found 3 feet from Quadree Wilson.

8 **Q** And did you do any analysis to see if his DNA
9 or anything was on that gun?

10 **A** No, that's not my department.

11 **Q** Okay. Someone else did, to your knowledge?

12 **A** I don't know what was done at the lab in the
13 other departments.

14 **Q** Okay. And I think you said that you all were
15 able to test fire this gun that was found next to
16 Quadree Wilson's body?

17 **A** Yes.

18 **Q** Now, Item No. 10 was a bullet from the young
19 girl, Tysie Wilson, from her body, correct?

20 **A** That's correct.

21 **Q** Now, were you able to rule out that this gun
22 -- whether or not this gun fired that bullet?

23 **A** For the result from Item 10 in comparison to
24 the test fires from the firearm were inconclusive.
25 The bullet was damaged, and there was not enough to

MICHELLE EICHENMILLER - CROSS EXAMINATION

1 marks on it to make a definitive answer.

2 Q But they were both a 9-millimeter gun and
3 bullet?

4 A Correct.

5 Q So it is possible that this was the gun that
6 fired the bullet that killed Ms. Wilson?

7 A Yes. Item 10 could have been fired by Item
8 8.

9 Q Okay. When I'm looking at Page 3 of your
10 report, Items 13 through 21 -- and, forgive me, I'm
11 a little slow -- but when I read this, it appears
12 that there was possibly three different guns that
13 those various cartridges could have been shot out
14 of?

15 A No. There were two. So one group, Items 9
16 and 13 through 20 was fired by one firearm, and
17 then we couldn't tell if Item 21 was fired by the
18 Item 8 pistol, but it was not fired by the same
19 firearm that fired the first group.

20 Q Okay. And I guess that's where I'm getting a
21 little confused. That could have been another
22 9-millimeter gun that fired Item 21, correct?

23 A That's true.

24 Q So the possibility of three different guns
25 that fired those cases that were discovered,

MICHELLE EICHENMILLER - CROSS EXAMINATION

1 possibly?

2 **A** No. It would still be two firearms.

3 **Q** Again, I'm slow. The gun in front of you,
4 the gun that fired 9 and 13 through 20, and then
5 the gun that fired Item 21?

6 **A** Right. So there is two. I guess if 21 was
7 not fired by this gun -- this gun didn't fire
8 anything at the scene then, so then you still only
9 have two firearms.

10 **Q** When you say it did not fire anything at the
11 scene, we just said that that gun could have fired
12 the shot that hit Ms. Wilson?

13 **A** Correct.

14 **Q** Are you saying there is no casings that came
15 out of that gun?

16 **A** Item 21 could have been fired by this gun or
17 another firearm. So there is only one firearm for
18 that cartridge case, and then we have Items 9 and
19 13 through 20 that were the second.

20 **Q** Okay. But what about -- do we know that 9
21 and 13 through 20 were fired by the same gun?

22 **A** Yes.

23 **Q** Thank you. Like I said, I'm slow.

24 MS. BUTCHER: May I approach?

25 THE COURT: Yes, ma'am.

MICHELLE EICHENMILLER - REDIRECT EXAMINATION

1 **Q** **(BY MS. BUTCHER)** Is this a copy of your
2 report?

3 **A** Yes, it is.

4 MS. BUTCHER: Your Honor, I would enter this
5 as Defendant's 1.

6 THE COURT: Any objection?

7 MS. ALSTON: No objection.

8 THE COURT: Okay. Defendant's 1 admitted.

9 (Defendant's Exhibit 1 marked and admitted.)

10 MS. BUTCHER: No further questions.

11 **REDIRECT EXAMINATION**

12 **BY MS. ALSTON:**

13 **Q** In regards to the firearm, Item 8, how many
14 bullets can fit in that magazine?

15 **A** The magazine capacity is ten, so the firearm
16 can hold 11.

17 **Q** So, according to your report, we have bullets
18 that were not fired by Item No. 8?

19 **A** We have one bullet that wasn't fired by No.
20 8, and the second bullet I couldn't tell for
21 certain due to damage and insufficient marks if it
22 was fired by Item 8.

23 **Q** And if Item 8 was fired, there would be shell
24 casings, presumably?

25 **A** Yes.

MICHELLE EICHENMILLER - REDIRECT EXAMINATION

1 **Q** And no shell casings would have been
2 collected and tested against this firearm?

3 **A** Whatever evidence that was submitted to the
4 lab is what I examined.

5 **Q** So were there any shell casings that
6 presumptively, a hundred percent, matched Item No.
7 8?

8 **A** No. Item 21 was inconclusive of Item 8, so
9 just that one.

10 **Q** And do you know how many shots were fired and
11 test fired on Item 8?

12 **A** I test fired the firearm four times, and they
13 were test fires in the box when it was in the lab
14 for entry into the database, so two more.

15 MS. ALSTON: Beg the Court's indulgence, Your
16 Honor.

17 **Q** **(BY MS. ALSTON)** How many unfired bullets were
18 in the gun when it came to the lab?

19 **A** I received eight unfired cartridges with the
20 firearm.

21 **Q** So there were eight unfired, and two test
22 fires?

23 **A** Yes.

24 **Q** Math is not a lawyer's high, strong suits.
25 So that is ten?

MICHELLE EICHENMILLER - REDIRECT EXAMINATION

1 **A** The test fires were from our labs ammo
2 collection, so it was not from the firearm. I
3 should say the cartridges that were received with
4 the firearm were not used to test fire it, so.

5 **Q** So to clarify, Item No. 6, the bullet from
6 the right arm, did it match with Item No. 8, the
7 firearm recovered from Mr. Quadree Wilson?

8 **A** It did not.

9 **Q** And the one fired bullet fragment recovered
10 from the autopsy from Tysie Wilson, what was the
11 conclusion in regards to that?

12 **A** It was inclusive with the Item 8 pistol.

13 **Q** But it had similar characteristics to the
14 other shell casings that were turned in?

15 **A** The bullet had similar characteristics to the
16 firearm, but there weren't enough to say for sure.

17 **Q** Were you able to check the head stamps on the
18 bullets that were recovered in regards to the one
19 that was inconclusive as well?

20 **A** The cartridge cases that were recovered?

21 **Q** Yes.

22 **A** Yes.

23 **Q** And what did your testing of that --

24 **A** Nos. 9 and 13 through 20 all had a Federal
25 head stamp. Item 21 also had a Federal head stamp.

MICHELLE EICHENMILLER - REDIRECT EXAMINATION

1 **Q** Item 21 had a Federal head stamp as well?

2 **A** Yes. They all had Federal head stamps.

3 **Q** So there is a possibility that they were all
4 fired from a similar firearm?

5 **A** No. Item 21 was not fired by the same
6 firearm as the first group. The construction of
7 the cartridges was different. One had -- let me
8 verify. Item 21 was a brass cartridge case with a
9 brass primer, and the other ones had a brass
10 cartridge case with a nickel primer. So they were
11 different compositions, but the same head stamps,
12 so the same manufacturer.

13 **Q** And Item 21 was not recovered from the
14 autopsy?

15 **A** No. As far as I know.

16 **Q** Is it possible that Item 21 was fired by Item
17 8?

18 **A** Yes, Item 21 could have been fired by 8.

19 **Q** But since it was different from Items 9 and
20 13 through 20, they were not fired by the same
21 firearm?

22 **A** Based on the microscopic marks I examined
23 using my comparison microscope in the laboratory,
24 the two groups were Item 21 was not fired by the
25 same firearm as the first group.

MICHELLE EICHENMILLER - RECROSS EXAMINATION

1 **Q** And then did the unfired head stamps from
2 Item 8 match any of the cartridges from the fired
3 bullets?

4 **A** They looked to be different. The head stamps
5 are different from what I received.

6 **Q** The head stamps on the fired cartridges were
7 different?

8 **A** The unfired cartridges that I received with
9 the pistol -- it is hard to see in my picture. I
10 believe it is tool ammo, and they have steel cases.

11 MS. ALSTON: No further questions, Your
12 Honor.

13 MS. BUTCHER: One follow-up, if I may?

14 THE COURT: All right.

15 **RECROSS EXAMINATION**

16 **BY MS. BUTCHER:**

17 **Q** Head stamps -- different head stamps don't
18 mean that they weren't fired from the same gun,
19 correct? I mean, you could have different
20 9-millimeters with different head stamps loaded
21 into the same gun; is that correct?

22 **A** That's correct.

23 **Q** So that means nothing about matching with
24 that gun, right?

25 **A** Correct.

JALISA BROWN - DIRECT EXAMINATION

1 MS. BUTCHER: Thank you.

2 THE COURT: You can step down.

3 Ladies and gentlemen, go to your jury room
4 for a ten-minute break. Don't discuss the case
5 yet.

6 (The jury exits at 3:37 p.m., and the
7 following is heard out of the presence of the jury.)

8 (A recess was taken.)

9 THE COURT: All right. We ready for the
10 jury?

11 MS. ALSTON: Yes, sir, Your Honor.

12 THE COURT: Bring me the jury.

13 (The jury enters at 3:54 p.m., and the
14 following is heard in the presence of the jury.)

15 THE COURT: Okay.

16 MS. ALSTON: State call Investigator Jalisa
17 Brown.

18 (JALISA BROWN, having been duly sworn,
19 testified as follows:)

20 **DIRECT EXAMINATION**

21 **BY MS. ALSTON:**

22 **Q** Good afternoon. Could you state your name?

23 **A** Jalisa Brown.

24 **Q** Investigator Brown, where are you employed?

25 **A** Williamsburg County Sheriff's Office.

JALISA BROWN - DIRECT EXAMINATION

1 **Q** How long have you been employed there?

2 **A** A little over seven years.

3 **Q** What is your position?

4 **A** Investigator.

5 **Q** And about how long have you been doing
6 investigations with Williamsburg County Sheriff's
7 Office?

8 **A** Since late 2018.

9 **Q** And, approximately, how many murder cases
10 have you worked?

11 **A** A couple.

12 **Q** What would you describe as a couple?

13 **A** More than I would want to. About five or
14 more. Close to ten.

15 **Q** And what was your role in this case that
16 we're here for?

17 **A** I was lead investigator.

18 **Q** And tell the jury what a lead investigator
19 does?

20 **A** I'm basically the person that finds the facts
21 and probable cause to obtain a warrant, if it leads
22 to that kind of case.

23 **Q** And could you tell the jury about what you
24 did in this case?

25 **A** Yeah. So on October 3rd, I responded with

JALISA BROWN - DIRECT EXAMINATION

1 other investigators by request of Kingstree Police
2 Department. We went to Wilson Buie. I wasn't
3 there long. I ended up leaving to get -- was sent
4 to the hospital to make contact with the victims.

5 **Q** And did you go gather any information from
6 the victims there?

7 **A** I did. And then at that point, I think the
8 4th is when the case was assigned to the sheriff's
9 office, and it was assigned to me by my lieutenant
10 back then. At that time, I conducted several
11 interviews, followed up search warrants, which led
12 to the arrest of Mr. Marquise.

13 **Q** Could you kind of lead us through the journey
14 of how you were able to get the warrants from Mr.
15 Franklin?

16 **A** So we interviewed several witnesses that were
17 there. I watched surveillance footage that you all
18 had seen this morning. We retrieved tracking
19 information to obtain a warrant at that time.

20 **Q** And, Investigator Brown, I'll show you what
21 is already entered into evidence as State's 1.

22 MS. ALSTON: I beg the Court's indulgence,
23 Your Honor. We'll come back to that.

24 **Q (BY MS. ALSTON)** You were able to review the
25 surveillance footage from the apartment?

JALISA BROWN - DIRECT EXAMINATION

1 **A** I did.

2 **Q** Did you ever go out to the scene?

3 **A** I went that night, but I didn't stay long.

4 My lieutenant sent me to the hospital.

5 **Q** And throughout your investigation, do you
6 remember if there was any items collected?

7 **A** I did.

8 **Q** And could you tell the jury about what items
9 were collected from the scene?

10 **A** Shell casings from the scene collected,
11 firearm was collected, and pieces of clothing.

12 **Q** And those items were photographed?

13 **A** They were, by Investigator Monty. The shell
14 casing. The gun was collected by Kingstree Police
15 Department, and I later retrieved that once the
16 case was assigned to me.

17 **Q** I'm now going to approach you with premarked
18 State's Exhibit No. 75. Are you able to identify
19 it for the jury?

20 **A** Yes. It's a firearm evidence box that was
21 given to me by Officer Evans on October 5th,
22 2020.

23 **Q** Is that the firearm recovered from the scene?

24 **A** It was.

25 **Q** How can you be sure about that?

JALISA BROWN - DIRECT EXAMINATION

1 **A** It's listed on the box on the outside of the
2 box, the case number. And the gun that I retrieved
3 from Officer Evans.

4 **Q** Were any other firearms recovered in the
5 matter?

6 **A** No.

7 **Q** Throughout your investigation, did you find
8 out who the firearm belonged to?

9 **A** Officer Evans instructed it was near the
10 victim, Quadree Wilson.

11 **Q** I believe you said there was several things
12 that led to probable cause for Mr. Franklin's
13 arrest?

14 **A** Yes.

15 **Q** Could you continue with that? I'm sorry.

16 **A** The list of other things?

17 **Q** Yes.

18 **A** In addition to the actions by the bystanders
19 and the video, we were able to review the GPS
20 monitoring tracking information that placed him
21 there, along with interviews that placed him on the
22 scene.

23 **Q** So was Mr. Franklin seen at the crime?

24 **A** He was.

25 **Q** And after this incident, do you know what

JALISA BROWN - DIRECT EXAMINATION

1 happens to Mr. Franklin?

2 **A** After that night, he left and went to
3 Greeleyville. He went down 377, took 521 into
4 Greeleyville, and went to a location of Bloody
5 Bucket Road. When he left Bloody Bucket Road, he
6 went to his mother's residence in Greeleyville
7 before leaving the State, and he went to Ohio.

8 **Q** And, again, how do you know this information?

9 **A** He had GPS monitoring on at the time. But he
10 was -- he had GPS monitoring at the time, but after
11 he got to Greeleyville, it was taken off. But he
12 was apprehended by U.S. Marshals in Ohio.

13 **Q** Once he had gone to Ohio, did you do any
14 further investigation?

15 **A** I did.

16 **Q** Could you tell the jury about that?

17 **A** I continued to conduct interviews, as well as
18 retrieve phone calls, monitoring phone calls.

19 **Q** And could you tell the jury about those phone
20 calls? Do you know where they came from?

21 **A** Correct. So some of them came from Cuyahoga
22 County Sheriff's Office in Cleveland, Ohio. Some
23 came from the detention monitors and some came from
24 Alvin S. Glenn monitors.

25 MS. BUTCHER: Your Honor, I would have the

JALISA BROWN - DIRECT EXAMINATION

1 same objections.

2 THE COURT: It is noted for the record.

3 MS. BUTCHER: Thank you.

4 Q (BY MS. ALSTON) How were you able to verify
5 that was Mr. Franklin's phone calls?

6 A Once we returned to Williamsburg County, he
7 was extradited back to South Carolina, I was able
8 to meet with him to offer him an interview, which I
9 was able to hear his voice then.

10 Q So you had an opportunity to hear him speak?

11 A I did.

12 Q After hearing his voice on the phone calls as
13 you heard, were there any type of indication that
14 it was him on the call?

15 A It was consistent with the voice that I
16 heard, in addition to his statements.

17 Q And just explain to the jury -- could you
18 tell how the jail phone calls work for
19 identification purposes?

20 A So once you receive a phone call -- so inmate
21 calls you, they are going to tell you that the call
22 is monitored and recorded, it could be monitored at
23 any time, and the individual has to state their
24 name.

25 Q And was the name stated?

JALISA BROWN - DIRECT EXAMINATION

1 **A** It was.

2 **Q** And what name was that?

3 **A** Marquise.

4 **Q** And, again, was it consistent with the voice
5 that you heard from the prior interviews?

6 **A** It was.

7 **Q** Do you know about how many jail calls you
8 listened to?

9 **A** It was hours. More than 30. Thirty or more.

10 **Q** More than 30 calls, or more than 30 hours?

11 **A** More than 30 calls.

12 **Q** And while listening to those calls, was
13 anything provided in those calls help you in your
14 investigation?

15 **A** It did.

16 **Q** Again, were you able to verify who Mr.
17 Franklin was talking to?

18 **A** I was.

19 **Q** And could you explain to the jury how you
20 were able to verify those phone calls?

21 **A** Once you make a phone call, it records the
22 number you are calling. I was able to send one of
23 the numbers to SLED to verify who the individual
24 was, and then two of the other numbers we had from
25 interviews.

JALISA BROWN - DIRECT EXAMINATION

1 **Q** Again, those phone calls were consistent with
2 phone calls made by Mr. Franklin?

3 **A** Correct.

4 **Q** Was there any comparison between the calls at
5 the different detention centers?

6 **A** Comparisons?

7 **Q** In regards to his voice.

8 **A** The voice was consistent.

9 **Q** And he identified himself in the calls?

10 **A** He did.

11 **Q** I'm going to approach you with what is
12 premarked as State's Exhibit 74. It is a jail call
13 ending in 40. Have you had the opportunity to
14 listen to the phone call?

15 **A** I have.

16 **Q** And on the phone call, were you able to
17 verify it was Mr. Marquise Franklin's voice on it?

18 **A** It was.

19 **Q** And did the tape sound altered or changed in
20 any format?

21 **A** It didn't.

22 MS. ALSTON: At this time the State seeks to
23 admit into evidence State's 74.

24 THE COURT: It is in over objection, State's
25 74.

JALISA BROWN - DIRECT EXAMINATION

(State's Exhibit 74 admitted.)

THE COURT: Now, are you going to publish all of it or portions of it?

MS. ALSTON: A portion of it.

THE COURT: Okay.

(Published to the jury.)

Q (BY MS. ALSTON) Is that Mr. Marquise Franklin's voice on this call?

A It is.

Q And do you know who Mr. Franklin was talking to in this phone call?

A His sister.

Q What is her name?

A Sharday (ph) Robinson.

(Published to the jury.)

Q (BY MS. ALSTON) Do you know who those boys are that Mr. Franklin is referring to?

MR. BUCKLEY: Objection; speculation.

THE COURT: I sustain the objection. Rephrase.

Q (BY MS. ALSTON) Do you have any knowledge of who came to get Mr. Franklin?

A A U.S. Marshal's task force.

Q Now, I'm going to approach you with what is premarked as State's Exhibit No. 73. It is another

JALISA BROWN - DIRECT EXAMINATION

1 call ending in 73-B. Have you had a chance to
2 review that phone call?

3 **A** I have.

4 **Q** Again, did you verify that that was Mr.
5 Franklin's voice on the call?

6 **A** It was.

7 **Q** And did the tape appear to be altered or
8 changed in any way?

9 **A** No.

10 MS. ALSTON: We seek to move into evidence
11 73.

12 THE COURT: Portions of 73? Or are you going
13 to play the whole thing?

14 MS. ALSTON: No, sir, Your Honor.

15 THE COURT: Okay. In over the objection of
16 the defense, State's 73.

17 (State's Exhibit 73 admitted.)

18 **Q** (BY MS. ALSTON) Is that Mr. Franklin's voice
19 on that call?

20 **A** Yes.

21 **Q** Do you know who he is speaking with?

22 **A** His sister.

23 MS. BUTCHER: I object to the hearsay part of
24 these from somebody else.

25 THE COURT: Okay. I mean -- let me talk to

THE COURT AND THE ATTORNEYS

1 you all a minute.

2 (Whereupon, a bench conference was had.)

3 THE COURT: Ladies and gentlemen, I have
4 issues of law I have to take up outside of your
5 presence. It is 4:36. Instead of leaving you back
6 up there, I'm going to send you home. We will deal
7 with all of this, and you can go home to your
8 families.

9 Don't discuss the case yet. Don't do any
10 research or allow anyone to discuss it with you.

11 I'll see you at 9:30 in the morning. If you
12 have an emergency, call me.

13 (The jury exits at 4:31 p.m., and the
14 following is heard out of the presence of the jury.)

15 THE COURT: Okay. Do you all want to do this
16 and wait and rule, or do this and we do it at
17 9 o'clock in the morning?

18 MR. BENNY: I think you should let us get the
19 portions of the defendant's voice that we want on
20 tape. We'll try to get it down to the 40 seconds
21 we need, and then we'll have it ready for playing
22 in the morning.

23 THE COURT: Okay. And so having said that,
24 if you can redact it and put it on a tape, that's
25 fine -- if you can't. If that is all that this

THE COURT AND THE ATTORNEYS

1 jury hears, those tapes can't go back to the jury
2 if there is more in it. So what we would have to
3 do is if they had a question, bring them back out
4 and play just that portion. The whole tape can't
5 go in the jury room. Because, technically, she's
6 objecting to hearsay. It is a lot of hearsay on
7 these tapes. It is not admissible. The only thing
8 that is admissible is his statements against his
9 own interest, okay?

10 So if you all do that, and we'll deal with it
11 in the morning.

12 MS. ALSTON: Yes, sir.

13 THE COURT: I will be here by 9 o'clock, but
14 I'm not going to deal with it at 9:30, I won't let
15 this jury sit an hour-and-a-half. So you need to
16 be ready and work it out. Everybody is in
17 agreement, and we can roll. If you need me to
18 rule, I can come early. My court reporter has a
19 long drive; I don't. So if you don't need --
20 matter of fact, if you can text me or call me and
21 say we don't need to start at 9:00, I'll call her
22 and we'll start at 9:30. If you need us at 9:00,
23 we'll be here. But if we are here, you better be
24 ready to go.

25 MS. BUTCHER: I was told there is

THE COURT AND THE ATTORNEYS

1 transcripts?

2 MS. ALSTON: There is none.

3 THE COURT: I was told that, too. But if I
4 had that, that would have saved us hours ago.

5 MS. BUTCHER: Just for the record, we
6 stipulated to all of the SLED experts with chain of
7 custody for them coming in. I don't think we put
8 that on the record.

9 THE COURT: So chain of custody of what
10 items?

11 MS. BUTCHER: The GSR, SLED reports for the
12 GSR, gun, ballistics, DNA, everything that SLED
13 analyzed.

14 MS. ALSTON: They haven't been placed into
15 evidence yet.

16 THE COURT: I know they haven't because the
17 record wasn't established, but if you stipulate,
18 we'll deal with that in the morning. That cuts out
19 a lot of witnesses.

20 MS. ALSTON: Yes.

21 MS. BUTCHER: You're welcome.

22 THE COURT: I will see you at 9:00 or 9:30.

23 (WHEREUPON, THE PROCEEDINGS FOR JULY 23, 2024
24 CONCLUDED.

25 (THE FOLLOWING WAS HAD ON JULY 24, 2024 OUT

THE COURT AND THE ATTORNEYS

1 OF THE PRESENCE OF THE JURY.)

2 (The defendant, Marquise Franklin, is not
3 present.)

4 THE COURT: Okay. If you all have it worked
5 out, maybe we don't need him. I mean, I assume you
6 redacted whatever you want to play, and there's no
7 hearsay in that?

8 MS. BUTCHER: I have to hear it.

9 THE COURT: Okay. If you listen to it and
10 satisfied with it, we're good to go. If not, I'll
11 come rule on whether it is inadmissible. But when
12 I rule, your client needs to be here. So you all
13 go through it and confirm. I thought that is what
14 you were going to do last night?

15 At 9:30, that jury is going to be sitting
16 there. And if you all aren't ready, it ain't
17 coming in, okay?

18 I'll go back in here and bother the Chief
19 Justice.

20 (A recess was taken.)

21 THE COURT: Okay. You all can be seated.
22 Sorry. Are we ready? Are you in agreement with
23 what is coming in, or we need to rule on it?

24 MS. BUTCHER: I don't think I have a legal
25 argument, Your Honor.

JALISA BROWN - DIRECT EXAMINATION

1 THE COURT: Okay. So from the procedure
2 standpoint, I'll bring the jury in, go back to what
3 you were doing.

4 MS. ALSTON: Yes, sir.

5 MS. BUTCHER: For the record, my standing
6 objection is ongoing throughout?

7 THE COURT: Right. On the texts themselves.

8 MS. BUTCHER: And based on not --

9 THE COURT: So Ms. Brown needs to get back on
10 the stand.

11 Okay. Bring them in, if they're ready.

12 No, you are okay. If you are sworn in front
13 of the jury, that holds. Once you are sworn in, as
14 long as you are a witness, you're there.

15 (The jury enters at 9:31 a.m., and the
16 following is heard in the presence of the jury.)

17 **DIRECT EXAMINATION**

18 **BY MS. ALSTON:**

19 **Q** Good morning, again, Ms. Brown.

20 **A** Good morning.

21 **Q** We left off on your investigation. You were
22 able to obtain phone calls in regards to Mr.
23 Franklin?

24 **A** I was.

25 **Q** Did you have time to review those phone

JALISA BROWN - DIRECT EXAMINATION

1 calls?

2 **A** I did.

3 **Q** On those phone calls, was he able to identify
4 himself?

5 **A** He did.

6 **Q** Is that typical protocol whenever there is a
7 jail call?

8 **A** Correct. Normally, they state their names
9 prior to the individual picking up the phone.

10 **Q** Are there any other identifying
11 characteristics when an inmate calls?

12 **A** Other characteristics? Of the person that is
13 calling?

14 **Q** Yes.

15 **A** So, at our detention center, in order for an
16 inmate to make a phone call, they have to have a
17 certain pin number. Everyone has their own pin
18 number. They'll put in the pin number to make a
19 phone call for their account. So I would not have
20 your pin number, and you shouldn't have my pin
21 number.

22 **Q** And, again, you were able to identify the
23 voice on the jail calls?

24 **A** I was.

25 **Q** Did you verify it was Mr. Franklin?

JALISA BROWN - DIRECT EXAMINATION

1 **A** I did.

2 **Q** So I'm going to approach you with what is
3 marked -- premarked as State's 76, a jail call
4 labeled 10.8.0.21. Did you have a chance to listen
5 to that phone call?

6 **A** I did.

7 **Q** On the phone call, it is Mr. Franklin's
8 voice?

9 **A** It is.

10 MS. ALSTON: At this time the State seeks to
11 move into evidence State's 76.

12 THE COURT: What says the defense?

13 MS. BUTCHER: Just -- is that the same one
14 played yesterday?

15 THE COURT: This is 76, which hasn't been
16 introduced into evidence yet, but this is allegedly
17 what she says is a jail call from the Williamsburg
18 County Jail.

19 MS. BUTCHER: Is that --

20 MS. ALSTON: It is from Ohio, Your Honor.

21 THE COURT: Oh, I'm sorry. I thought you
22 said --

23 MS. BUTCHER: I'm uncertain if that is -- was
24 it the same one played yesterday or a new one?

25 THE COURT: It's a new one, isn't it?

JALISA BROWN - DIRECT EXAMINATION

1 MS. ALSTON: It's the same call that was
2 already played, but this is the new exhibit.

3 THE COURT: Oh, so this is the same call, you
4 are just putting it on a different disk?

5 MS. ALSTON: That's correct.

6 THE COURT: Okay. I understand that. I'm
7 sorry. So this is just a redacted disk?

8 MS. ALSTON: That's correct, Your Honor.

9 THE COURT: Okay.

10 MS. BUTCHER: May we approach?

11 THE COURT: Yes.

12 (Whereupon, a bench conference was had.)

13 THE COURT: 76 is in without objection; is
14 that right?

15 MS. BUTCHER: May we approach one more time?

16 (Whereupon, a bench conference was had.)

17 THE COURT: So 76 is in evidence, and for the
18 record, it is the redacted portion of 70?

19 MS. ALSTON: That is correct, Your Honor.

20 (State's Exhibit 76 admitted.)

21 **Q (BY MS. ALSTON)** This is State's 77. It is a
22 call labeled 10.68.021. Did you have a chance to
23 listen to this phone call?

24 **A** I did.

25 **Q** Did you verify that that was Mr. Franklin's

JALISA BROWN - DIRECT EXAMINATION

1 voice on the phone call?

2 **A** It was.

3 **Q** It was?

4 MS. ALSTON: At this time the State seeks to
5 move into evidence State's 77.

6 THE COURT: What say the defense?

7 MS. BUTCHER: No objection -- or same
8 objections.

9 THE COURT: I understand the overall
10 objection, but it is not a hearsay objection on
11 this. The other objection wasn't hearsay, so there
12 is no hearsay objection on this one; is that right?

13 MS. BUTCHER: Correct, Your Honor.

14 THE COURT: Okay.

15 (State's Exhibit 77 admitted.)

16 MS. ALSTON: Permission to publish to the
17 jury, Your Honor?

18 THE COURT: Yes, ma'am.

19 (Published to the jury.)

20 **Q** (BY MS. ALSTON) What did he say on the call?

21 **A** It was meant for it to happen, it wasn't --

22 MS. BUTCHER: Objection, Your Honor. The
23 tape speaks for itself.

24 THE COURT: I understand, but I'll overrule
25 your objection because sometimes you can't

JALISA BROWN - DIRECT EXAMINATION

1 understand exactly the words. I'll overrule. The
2 jury heard the tape, they can compare what they
3 heard versus what she just said.

4 Go ahead.

5 **Q (BY MS. ALSTON)** And the statement you heard
6 on the phone call, did it help with your
7 investigation?

8 **A** It did.

9 **Q** I'm now going to approach you with what is
10 marked as -- premarked as State's 78, a jail call
11 labeled 10.65.0.21. Did you have a chance to
12 review that phone call?

13 **A** I did.

14 **Q** And did you review who the caller was on
15 there?

16 **A** I did.

17 **Q** And were you able to verify who the caller
18 was?

19 **A** I did.

20 **Q** Who was the caller?

21 **A** Marquise.

22 MS. ALSTON: Your Honor, the State seeks to
23 move into evidence State's Exhibit 78.

24 THE COURT: What says the defense?

25 MS. BUTCHER: Same objections, Your Honor.

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1 THE COURT: Okay. But no hearsay objection?

2 MS. BUTCHER: Correct.

3 THE COURT: It's in. State's 78.

4 (State's Exhibit 78 admitted and published
5 to the jury.)

6 Q (BY MS. ALSTON) Is that Mr. Franklin's voice?

7 A It is.

8 Q What did he say?

9 MS. BUTCHER: Objection.

10 THE COURT: Overruled.

11 Q (BY MS. ALSTON) What did he say, Ms. Brown?

12 A He thought that they found the gun, but they
13 didn't.

14 MS. BUTCHER: Objection. She's --
15 speculation, Your Honor.

16 THE COURT: I understand your objection, but
17 I'll allow her. You know, the jury heard both, and
18 they can determine what the defendant said versus
19 what her interpretation of what he said.

20 Go ahead.

21 Q (BY MS. ALSTON) I'm now going to approach you
22 with State's Exhibit No. 79. It is a jail call
23 labeled 10.89.0.21. Did you have an opportunity to
24 review this jail call?

25 A I did.

JALISA BROWN - DIRECT EXAMINATION

1 **Q** Were you able to verify the caller?

2 **A** I was.

3 **Q** And who was the caller?

4 **A** Marquise.

5 MS. ALSTON: Your Honor, at this time the
6 State seeks to move into evidence State's 79.

7 THE COURT: You still have your same
8 objection?

9 MS. BUTCHER: Yes, Your Honor.

10 THE COURT: It is in over defense's
11 objection.

12 (State's Exhibit 79 admitted and published
13 to the jury.)

14 **Q** **(BY MS. ALSTON)** Did the statement he make in
15 this phone call, did it help your investigation?

16 **A** It did.

17 **Q** And I'm now going to approach you with what
18 is premarked as State's Exhibit No. 80. It is a
19 call labeled 10.8.0.21. Did you have the
20 opportunity to listen to this phone call?

21 **A** I did.

22 **Q** Were you able to identify the caller on this
23 call?

24 **A** I was.

25 **Q** And who was the caller?

JALISA BROWN - DIRECT EXAMINATION

1 **A** Marquise.

2 MS. ALSTON: Your Honor, the State seeks to
3 move into evidence State's 80.

4 THE COURT: Do you have any other objection
5 other than what you have made?

6 MS. BUTCHER: No, Your Honor.

7 THE COURT: Okay. It's in evidence then.

8 (State's Exhibit 80 admitted and published
9 to the jury.)

10 **Q** **(BY MS. ALSTON)** Did the statements that he
11 made in this phone call help with your
12 investigation?

13 **A** It did.

14 MS. BUTCHER: Objection; speculation.

15 THE COURT: Overruled.

16 **Q** **(BY MS. ALSTON)** So besides jail calls, did
17 you do any other parts of investigation?

18 **A** I did. I watched video surveillance,
19 conducted interviews, follow-ups, search warrants.

20 **Q** So you went out to the scene?

21 **A** I did that night. I initially responded. I
22 wasn't there long because I got sent to the
23 hospital to the victims.

24 MS. ALSTON: Beg the Court's indulgence.
25 Having a little technical difficulties.

JALISA BROWN - DIRECT EXAMINATION

(A brief pause in the proceedings.)

1
2 **Q (BY MS. ALSTON)** Investigator Brown, I'll show
3 you what is premarked State's Exhibit 1, which is
4 the video surveillance from the housing authority.

5 **A** It is.

6 **Q** On there, are you able to tell where Mr.
7 Franklin was located?

8 **A** Can you play a little bit more? The car he
9 was driving is going to be the one facing the
10 apartment complex with the taillights on. So that
11 would be him getting out of the driver's side.

12 **Q** So that is him getting out of the vehicle
13 with the taillights on?

14 **A** It is.

15 **MS. BUTCHER:** Objection, Your Honor. May we
16 approach?

17 (Whereupon, a bench conference was had.)

18 **Q (BY MS. ALSTON)** Investigator Brown, how do
19 you know that is the vehicle that Mr. Franklin got
20 in?

21 **A** The girl that he was driving with him, Tysie
22 Carson, identified it.

23 **Q** She identified it as her car?

24 **A** She did.

25 **Q** Did she identify that Mr. Franklin was in the

JALISA BROWN - DIRECT EXAMINATION

1 vehicle with her?

2 **A** Correct. She identified him as the driver.

3 **Q** And are you able to see where Mr. Franklin
4 goes in the video?

5 **A** Not after he walks over here to this crowd to
6 the upper, left corner.

7 **Q** Do you mind kind of pointing it out on the
8 jury's TV so they can see?

9 **A** So this would be the car. When he got there,
10 he initially gets out, but walks over here to this
11 crowd over here. There is no camera to pick this
12 up, so the only camera is this one pointing that
13 way (indicates).

14 **Q** Where are the victims located, generally, in
15 this area?

16 **A** The victims are somewhere in this crowd here.

17 **Q** So what side would Mr. Franklin be
18 approaching from?

19 **A** From the backside. So he walks from here
20 behind the crowd, like in this area (indicates).

21 **Q** Is Mr. Franklin currently on the screen
22 there?

23 **A** Not right now, no.

24 (Published to the jury.)

25 **A** Stop. So that's him. He runs around this

JALISA BROWN - DIRECT EXAMINATION

1 building here, and then he's right here, and then
2 he'll go back to this vehicle.

3 Q (BY MS. ALSTON) And how are you able to tell
4 that that is Mr. Franklin?

5 A His girlfriend, Tykia, identified him in the
6 interview.

7 This is him right here getting back into the
8 vehicle.

9 Q He goes into the same vehicle he got out of?

10 A He did.

11 Q Are any other vehicles leaving prior to --

12 A Not from this angle, no.

13 Q After this car is passing by, would you
14 describe what is going on with the white car?

15 A So, you know, this female, she's running from
16 over here where the crowd is. She gets -- ducks
17 down until the headlights pass, and then she gets
18 back up and goes back over there.

19 (Published to the jury.)

20 Q (BY MS. ALSTON) The people that were
21 gathering around, did they duck down when any other
22 vehicle passed by?

23 A No, they didn't.

24 Q At this point can you tell us the location of
25 the two victims?

JALISA BROWN - DIRECT EXAMINATION

1 **A** They are in this area over here (indicates)?

2 **Q** So, Investigator Brown, were photos taken at
3 the scene?

4 **A** There was. It was processed by Investigator
5 Monteith.

6 **Q** Did you review those photos?

7 **A** I did.

8 **Q** Were they helpful with your investigation?

9 **A** They was.

10 **Q** I'll show you what is put into evidence as
11 State's Exhibits 4, 5 and 6. Upon reviewing those
12 photos, can you point out to the jury where these
13 photos correspond with?

14 **A** This photo here, this white -- I believe it
15 is -- a Mercedes is parked here. You can't see,
16 but the location where Marquise parked would be
17 here (indicates). The red car is actually right
18 there (indicates).

19 **Q** And, again, the cones on here, is that where
20 the victim's bodies were?

21 **A** The cones, basically, represent evidence that
22 Investigator Monteith would have documented and
23 collected.

24 **Q** And what items were collected in this area?

25 **A** Shell casings. I think it was like blood was

JALISA BROWN - DIRECT EXAMINATION

1 there, body fluids was there, clothing was
2 collected from that general location, shell casings
3 were collected.

4 Q Was there a firearm that was recovered?

5 A There was.

6 Q And what was the location of the firearm?

7 A That was collected by Kingstree Police
8 Department prior to me getting out there, but I was
9 instructed that it was somewhere near the deceased
10 male's body, Quadree Wilson's body.

11 Q So was the firearm, along with the shell
12 casings, sent off for additional testing?

13 A It was.

14 Q I believe the SLED agent testified before.
15 Did you have an opportunity to read her report?

16 A I did.

17 Q Was that helpful to your investigation?

18 A It was.

19 Q And could you explain to the jury how the
20 report helped with your investigation?

21 A The report, basically, let me know that the
22 shell casing --

23 MS. BUTCHER: Your Honor, I'll object to her
24 interpretation of the report. That is why we had
25 the expert here, to explain the report.

JALISA BROWN - DIRECT EXAMINATION

1 THE COURT: I'll overrule the objection. I
2 don't think she's -- she can go further -- she's
3 just explaining how she applied the report to her
4 investigation.

5 Q (BY MS. ALSTON) Can you answer?

6 A Can you ask it again?

7 Q How was the firearm report helpful to your
8 investigation?

9 A The report, basically, let me know that the
10 shell casings weren't fired from the firearm that
11 we collected. It was one that was inconclusive, so
12 it was not determined -- couldn't be determined
13 whether it was fired from that firearm or not.

14 Q And I'm now going to approach you with what
15 has been premarked as State's Exhibit 75. There
16 are several shell casings collected from the scene.
17 Did you have the opportunity to look at those shell
18 casings?

19 A I did.

20 Q Would you tell the jury how many were
21 recovered from the scene?

22 A I believe it was ten that was recovered.

23 Q And do they appear to all have similar head
24 stamps?

25 A Yeah, they appear to have the same stamp,

JALISA BROWN - DIRECT EXAMINATION

1 like the same brand.

2 Q So firearms and shell casings are sent off to
3 SLED for testing?

4 A It was.

5 Q Once testing was done, did it return back to
6 Williamsburg Sheriff's Office?

7 A It was returned.

8 Q And it was placed back into evidence?

9 A I never brought it back.

10 Q How do you know that it was kept properly?

11 A We keep a chain of custody on the box. Right
12 here. We keep a paper form. So the chain of
13 custody is telling what piece of evidence goes
14 through to who. So if I'm giving it to you, I put
15 from me, and then I put your name on here, and the
16 time and the date. That is just to keep track of
17 who had that and when they had it.

18 Q Is everybody on the chain of custody
19 identified as an agent of law enforcement?

20 A Correct.

21 MS. ALSTON: Your Honor, the State would seek
22 to move into evidence State's 75.

23 THE COURT: What says the defense?

24 MS. BUTCHER: No objection.

25 THE COURT: In without objection.

JALISA BROWN - DIRECT EXAMINATION

(State's Exhibit 75 admitted.)

1
2 **Q** (BY MS. ALSTON) Was there any other firearm
3 testing done?

4 **A** No.

5 **Q** Any GSR testing done?

6 **A** Yeah, there was.

7 **Q** And could you tell the jury what GSR is?

8 **A** It is a gunshot residue. So if you shoot a
9 gun or be in the vicinity of someone that shot a
10 gun, you would have residue either in your hands or
11 clothing. So when we do a GSR kit, we open a brand
12 new sample. We complete the paperwork that is in
13 there, which is basically the suspect or victim's
14 information, and then we'll take it and dab it on
15 your hands to get the residue off. We package it
16 back up, and put it into evidence until it goes to
17 SLED.

18 **Q** And it was a report prepared by SLED?

19 **A** It was.

20 **Q** And were you able to review the report?

21 **A** I was.

22 **Q** And was it, generally, helpful for your
23 investigation?

24 **A** It was. Gunshot residue was found on
25 Quadree --

JALISA BROWN - DIRECT EXAMINATION

1 MS. BUTCHER: I object. That requires an
2 expert.

3 THE COURT: Okay. I'll sustain your
4 objection -- hold on a minute. Come here.

5 (Whereupon, a bench conference was had.)

6 MS. BUTCHER: Your Honor, I'll withdraw that
7 objection.

8 THE COURT: Okay.

9 Q (BY MS. ALSTON) Was there gunshot residue on
10 Quadree?

11 A One was conducted on him.

12 Q And was any gunshot residue found on him?

13 A Can I review the report again? Do you have
14 the report?

15 Q I'll show you what is premarked as State's
16 81. Is that the same report that you reviewed
17 during your investigation?

18 A It is.

19 Q Does it appear to have any changes,
20 deletions, alterations?

21 A No.

22 Q So did Mr. Wilson have any gunshot residue on
23 him?

24 A He did.

25 Q As an investigator, is it common for gunshot

JALISA BROWN - DIRECT EXAMINATION

1 victims to have gunshot residue on them?

2 MS. BUTCHER: Objection, Your Honor. That
3 requires an expert.

4 MS. ALSTON: She's not testifying as an
5 expert. She's testifying as an investigator.

6 THE COURT: She can answer your question, she
7 just can't explain how it is and why. I mean,
8 based on her past experience on....

9 Q Based on your past experiences as an
10 investigator, can gunshot victims have gunshot
11 residue on them?

12 A They can.

13 Q Is that even when they are not handling a gun
14 themselves?

15 A Correct.

16 Q Was any GSR testing done on Mr. Franklin?

17 A No. I didn't make contact with him that
18 night.

19 Q How long was it before law enforcement made
20 contact with Mr. Franklin?

21 A It was around November. Somewhere around
22 November 16th, in that area. I don't have the
23 exact date, but somewhere around November of 2020.

24 Q And what was the date of this incident,
25 again?

THE COURT AND THE ATTORNEYS

1 **A** October 3rd of 2020.

2 MS. ALSTON: No further questions, Your
3 Honor.

4 MR. BENNY: Your Honor, may I have a moment
5 to speak before we change the witness?

6 THE COURT: Okay.

7 (A brief pause in the proceedings.)

8 MS. ALSTON: Your Honor, may we approach?

9 THE COURT: Okay.

10 (Whereupon, a bench conference was had.)

11 THE COURT: Ladies and gentlemen, I need to
12 send you to the jury room. I need to get you back
13 out as soon as I can. Don't discuss the case.

14 (The jury exits at 10:15 a.m., and the
15 following is heard out of the presence of the jury.)

16 THE COURT: Okay. You want to proffer
17 whatever you want? The question you wanted to ask
18 her, and I think she objected.

19 MS. ALSTON: I wanted to ask Investigator
20 Brown did she conduct an interview with the
21 defendant? She did. There's a video of it. Of
22 course he does not give law enforcement
23 information, but we were going to ask her through
24 the investigation did she conduct an interview with
25 him, give him a chance to tell his side of the

JALISA BROWN - CROSS EXAMINATION

1 was a self-defense defense.

2 Anything else?

3 MS. BUTCHER: That was it.

4 MS. ALSTON: No, sir.

5 THE COURT: Okay. So at this point you all
6 are through with this witness, and I'm going to
7 turn her over to defense counsel?

8 Okay. If the jury is ready -- and they still
9 may be in the restroom, but whenever they are
10 ready, we are ready for them.

11 (The jury enters at 10:23 a.m., and the
12 following is heard in the presence of the jury.)

13 **CROSS EXAMINATION**

14 **BY MS. BUTCHER:**

15 **Q** Good morning, Investigator Brown.

16 **A** Good morning.

17 **Q** Now, with the phone calls, you were not a
18 part of that conversation, were you?

19 **A** No.

20 **Q** And when did you speak to the person that he
21 was speaking to?

22 **A** When did I speak to which one?

23 **Q** On all of the tapes Mr. Franklin was speaking
24 to another person. On those tapes, when did you
25 speak to that person he was talking to?

JALISA BROWN - CROSS EXAMINATION

1 **A** I spoke to Tykia. That was prior to -- right
2 after the incident occurred.

3 **Q** Okay. But she wasn't on all of those tapes,
4 right?

5 **A** No, she wasn't.

6 **Q** So when did you speak to the --

7 **A** I didn't.

8 **Q** So you never bothered to talk to the person
9 he was talking to to learn what the conversations
10 were actually about?

11 **A** I didn't.

12 **Q** And one of the other persons he was talking
13 to was his sister?

14 **A** Correct. That is what the phone number came
15 back to, his sister.

16 **Q** Okay. And you did a thorough search for --
17 to see if Mr. Franklin had a gun, correct?

18 **A** I didn't. I didn't go to Ohio. The U.S.
19 Marshal's Task Force did. But I did contact that
20 agency back to see if they could go back and do a
21 search warrant, but too much time lapsed, per their
22 prosecutor.

23 **Q** Okay. But here you had searched a friend of
24 his house?

25 **A** I searched like the farming compound on

JALISA BROWN - CROSS EXAMINATION

1 Bloody Bucket Road. I searched it.

2 Q You are the lead investigator?

3 A I am.

4 Q In the investigation, were other places
5 searched?

6 A Bloody Bucket Road.

7 Q How about a friend of his house?

8 A I don't know which friend. I didn't search a
9 friend's house.

10 Q So you don't know anything about that?

11 A No. I'm assuming you're talking about Bloody
12 Bucket Road?

13 Q No. The other places.

14 A No.

15 Q Okay. That's fine. And through your
16 investigation, you interviewed witnesses?

17 A I did.

18 Q And you learned that someone identified the
19 shooter as having a black hoody on?

20 A I didn't.

21 Q You did not interview someone that said that
22 they saw the shooter, and they had on a black
23 hoody?

24 A I don't recall anyone saying that the shooter
25 had on a black hoody.

JALISA BROWN - CROSS EXAMINATION

1 MS. BUTCHER: Court's indulgence.

2 Q (BY MS. BUTCHER) Do you recognize this?

3 A I do. It's a transcript.

4 Q You were present at the interview. Does that
5 refresh your memory?

6 A It does.

7 Q So was there a witness that claimed they saw
8 the shooter, and he had on a black hoody?

9 A There was.

10 Q My client did not have on a black hoody, did
11 he?

12 A He didn't.

13 Q And you also learned from that interview that
14 Quadree had a gun?

15 A He did.

16 Q Did you do any follow-up on that?

17 A I did.

18 Q About the person with the black hoody?

19 A I did. We tried to identify all of the
20 parties in the video, but we -- actually, we sent
21 the video to have it enhanced, but SLED was unable
22 to do so because it was so pixilated, so we weren't
23 able to identify anyone else in the video.

24 Q Okay. Now, the video showed my client
25 driving away, several other cars driving away, but

JALISA BROWN - CROSS EXAMINATION

1 that's only a small portion of the cars that could
2 have potentially driven away, right, after the
3 shooting, right?

4 **A** Correct. They could have come from the other
5 angle.

6 **Q** And do you recall the white car that was the
7 most predominate car next to the mailboxes?

8 **A** The Honda?

9 **Q** Yes. Was it a concern to you that that
10 driver was so anxious to get out of there that he
11 didn't even allow the person in the back seat to
12 fully get in the car before he started leaving?

13 **A** No, not really.

14 **Q** Because that driver wasn't there at the car
15 at first when he got in the car?

16 **A** Right.

17 **Q** And then didn't even wait for the back seat
18 person to get in?

19 **A** No. The back seat person was looking towards
20 where everyone else was at.

21 **Q** But he started driving that car prior to the
22 person in the back seat getting fully in and
23 closing the door, correct?

24 **A** Correct.

25 **Q** But that didn't concern you?

JALISA BROWN - CROSS EXAMINATION

1 **A** No, ma'am.

2 **Q** Now, how many phone calls did you say there
3 were from Ohio that you listened to?

4 **A** There were a lot. Between Ohio and down here
5 and Columbia, there was a lot. I don't have the
6 exact number.

7 **Q** Perhaps I heard you wrong yesterday. Did you
8 testify that there were about 30 phone calls?

9 **A** No, ma'am. I said I listened to over 50 in
10 all, not 50 from Ohio.

11 **Q** Okay. Weren't there more accurately 137 from
12 Ohio?

13 **A** It could have been. There was a lot.

14 **Q** So 50 is not overly accurate?

15 **A** Correct. I said I listened to over 50.
16 There was a lot of calls. I don't have an exact
17 number. I know it was a lot.

18 **Q** Would you agree if I said there was at least
19 137 from Ohio alone?

20 **A** Could have been.

21 **Q** Now, Exhibit 77, when you first heard Mr.
22 Franklin's voice, he was saying he didn't do it,
23 Bro; is that correct?

24 **A** You have to play it back for me. I listened
25 to four different calls today. If you can play it

JALISA BROWN - CROSS EXAMINATION

1 back.

2 Q But you don't deny that?

3 A I'm not denying or affirming. I need you to
4 play it back so I can do one or the other.

5 Q Now, with these phone calls, you didn't talk
6 with the person on the other side to get the
7 context of what was being said?

8 A I didn't.

9 Q So you aren't one hundred percent sure of
10 what he was talking about in these, are you?

11 A So the call from Ohio, if that is what we're
12 talking about, those were directly after the point
13 he was arrested.

14 Q Okay. But what I'm saying is you never
15 talked to --

16 A I didn't.

17 Q Okay. Now, you testified a little while ago
18 that all of the bullets have the same head stamp on
19 them?

20 A The ones she showed me, they did.

21 Q Not all of the bullets, just the ones she
22 showed you?

23 A The ones she showed you.

24 Q And --

25 MS. BUTCHER: Court's indulgence.

JALISA BROWN - REDIRECT EXAMINATION

(A brief pause in the proceedings.)

MS. BUTCHER: No further questions at this time.

MR. BENNY: Beg the Court's indulgence.

(A brief pause in the proceedings.)

REDIRECT EXAMINATION

BY MS. ALSTON:

Q In respect to the jail calls, did you listen to the whole phone conversation?

A I did.

Q Did you listen to it in its entirety?

A I did.

Q And listening to the whole phone conversation, could you make out the two parties on the phone?

A Say again?

Q Were you able to make out who the two parties were on the phone?

A Based on Marquise's voice and based on the phone numbers, yes.

MS. ALSTON: No further questions, Your Honor.

THE COURT: Anything else?

You can step down.

Call your next witness.

ANGELIA PHILLIPS - DIRECT EXAMINATION

1 MS. BUTCHER: Your Honor, we need to
2 approach.

3 THE COURT: Okay.

4 (Whereupon, a bench conference was had out of
5 the hearing of the jury.)

6 THE COURT: Okay. Next witness is five to
7 ten minutes outside. We can just sit here and
8 wait, or you can go back upstairs. It doesn't
9 matter to me. What do you want to do?

10 JUROR: We'll wait.

11 (A recess was taken.)

12 THE COURT: Thank you. You can be seated.
13 Okay. Call your witness.

14 MS. ALSTON: State calls Angelia Phillips.

15 (ANGELIA PHILLIPS, having been duly sworn,
16 testified as follows:)

17 **DIRECT EXAMINATION**

18 **BY MS. ALSTON:**

19 **Q** State your full name for the record.

20 **A** Angelia Phillips.

21 **Q** Where are you currently employed?

22 **A** Medical University of South Carolina.

23 **Q** How long have you been employed there?

24 **A** Approximately, nine years.

25 **Q** And what is your position with the Medical

ANGELIA PHILLIPS - DIRECT EXAMINATION

1 University of South Carolina?

2 **A** I'm a forensic pathologist.

3 **Q** And could you tell the Court about your
4 background, education, and training?

5 **A** Of course. I have four-year undergraduate
6 degree from New York University in anthropology, an
7 advanced degree Master's of Human Nutrition from
8 Columbia University, New York. I completed medical
9 school, four years, in upstate New York at the
10 State University of New York. Then I went to
11 Massachusetts to complete four years of pathology
12 residency; that is general pathology training.
13 Then I came down to South Carolina to the Medical
14 University where I did one additional year in
15 forensic pathology.

16 **Q** Have you testified in cases before?

17 **A** Yes.

18 **Q** Do you know, approximately, how many times
19 you've testified?

20 **A** It's going to be at least 30.

21 **Q** And have you ever been qualified as an expert
22 before?

23 **A** Yes.

24 **Q** And in what field?

25 **A** Forensic pathology.

ANGELIA PHILLIPS - DIRECT EXAMINATION

1 MS. ALSTON: Your Honor, the State would
2 offer Dr. Phillips as an expert in forensic
3 pathology.

4 MS. BUTCHER: No objection.

5 THE COURT: Court so finds.

6 Q (BY MS. ALSTON) Could you give the jury a
7 brief statement on what a forensic pathologist
8 does?

9 A A forensic pathologist is a doctor who is a
10 trained in the field of pathology, and the specific
11 part of pathology that we work in is performing
12 autopsies. The autopsies involve examining the
13 body, looking for any injuries or natural disease
14 that would help us explain why a person has died.

15 Q And did you perform an autopsy in this
16 matter?

17 A Yes.

18 Q And did you prepare a report?

19 A I did.

20 Q And throughout the normal forensic business,
21 do you always prepare a report?

22 A Yes.

23 Q I'll approach with what is premarked as
24 State's 82.

25 A It's a copy of my report.

ANGELIA PHILLIPS - DIRECT EXAMINATION

1 **Q** Thank you. Does it appear to be changed or
2 altered in any way?

3 **A** It does not.

4 **Q** Would you explain to the Court your findings
5 in regards to this report that was prepared?

6 **A** In this case, we received the body of Tysie
7 Wilson and performed an autopsy. The body was
8 received to our department after a tissue and organ
9 procurement. So the organ procurement organization
10 will procure their tissue or take what organs or
11 skin or muscle or bone they need prior. We
12 restricted them from touching the head, which is
13 where the injuries are in this case. There was a
14 single gunshot wound to the head, and I'll refer to
15 my report to give you the specifics of the
16 injuries.

17 The gunshot wound enters on the right side of
18 the head, and as it goes through the skin on the
19 right side of the head, it perforates and fractures
20 the skull in that region. It goes along through
21 the brain creating some swelling and bleeding
22 around the brain. There was some disruption of
23 what I would normally expect to see, mainly because
24 of the decedent in this case, Ms. Wilson, lived for
25 a period of time in the hospital, so that gave

ANGELIA PHILLIPS - DIRECT EXAMINATION

1 enough time for her body to react and try to heal,
2 but it was not able to do so. These injuries were
3 too damaging to her brain.

4 We had injuries to the right temporal lobe,
5 right parietal loan. So right temporal lobe sits
6 behind your ear here (indicates), and the parietal
7 lobe is on the top. So it is going from right to
8 left and up as it travels through her brain.

9 Q Was there an exit wound on Ms. Wilson?

10 A No.

11 Q So did you recover a bullet from her?

12 A Yes. The projectile was recovered from her
13 brain tissue.

14 Q And about where on her body was the
15 projectile recovered from?

16 A It was in the cranial cavity up in the top
17 portion of the head.

18 Q And what happens when a projectile is
19 recovered from a body?

20 A When we recover a projectile from the body,
21 as we did in this case, it is cleaned of any tissue
22 that is attached to it, photographed, and then
23 packaged into a container and transferred to the
24 investigator who may be attending.

25 Q And did you take a photo of the bullet?

ANGELIA PHILLIPS - DIRECT EXAMINATION

1 **A** Yes.

2 **Q** I'm going to approach and show you what is
3 premarked State's 64.

4 **A** This is the photograph taken at the time of
5 autopsy showing the bullet and a fragment we had
6 recovered from the body.

7 **Q** And how could you be sure that that is a
8 projectile that was recovered?

9 **A** This has our autopsy marking number on a
10 ruler. That is from our office.

11 **Q** It corresponds with your written report?

12 **A** Yes.

13 **Q** And the photos are a fair and accurate
14 representation of that projectile that was
15 recovered?

16 **A** Yes.

17 MS. ALSTON: At this time the State seeks to
18 move into evidence State's 64.

19 THE COURT: What says the defendant?

20 MS. BUTCHER: No objection.

21 THE COURT: 64 in without objection.

22 MS. ALSTON: Permission to publish to the
23 jury, Your Honor?

24 THE COURT: Granted.

25 (State's Exhibit 64 admitted and published

ANGELIA PHILLIPS - CROSS EXAMINATION

1 to the jury.)

2 **Q** (BY MS. ALSTON) Through your observations of
3 the body, were you able to identify a cause of
4 death?

5 **A** Yes.

6 **Q** What was that?

7 **A** It was a gunshot wound to the head.

8 **Q** And do you all make any determinations as to
9 manner of death?

10 **A** Yes.

11 **Q** And how do you all usually come to that
12 conclusion?

13 **A** The manner of death is a classification
14 system. I have five options: Homicide, accident,
15 suicide, natural, or undetermined. It is made
16 based off of the circumstances provided to me about
17 what happened in the case. In this case, those
18 circumstances helped me decide that this was a
19 homicide.

20 MS. ALSTON: No further questions, Your
21 Honor.

22 **CROSS EXAMINATION**

23 **BY MS. BUTCHER:**

24 **Q** Hi. How are you?

25 **A** Well, thank you.

ANGELIA PHILLIPS - CROSS EXAMINATION

1 **Q** Now, the young lady was 62 inches, and I'm
2 not the best at math, but that is about 5 feet?

3 **A** 62 inches is about 5 feet, 2 inches.

4 **Q** And you said it was upward?

5 **A** Yes.

6 **Q** Would that sort of indicate someone was in a
7 lower position?

8 **A** In general, it wouldn't give me much of a
9 clue as to how they were positioned when they were
10 shot, other than if you give me a scenario. The
11 gun would have to be facing the right side of her
12 body and angled in such a way -- or her body angled
13 in such a way -- that the projectile travels
14 throughout it in an upward manner.

15 The trajectory -- when I do a trajectory in
16 the body, it is assuming the person is standing
17 perfectly still in a forward-facing manner. It
18 does not take into consideration them being twisted
19 or bent.

20 **Q** I understand. But your autopsy in no way
21 indicates who the shooter was?

22 **A** It does not.

23 MS. BUTCHER: Thank you.

24 THE COURT: Anything further from this
25 witness?

ANGELIA PHILLIPS - CROSS EXAMINATION

1 MS. ALSTON: Nothing from the State, Your
2 Honor.

3 THE COURT: All right. You may be excused.
4 Thank you.

5 We need to break for lunch and deal with
6 legal matters?

7 MS. ALSTON: Yes, sir.

8 THE COURT: So how long of a lunch break do
9 we need? When do you want the jury back?

10 MR. BENNY: We have another doctor scheduled
11 for testimony this afternoon, but I think that
12 doctor is supposed to arrive at 3:00. We have
13 another witness to take, so I would ask until 2
14 o'clock and try to take all of the witnesses we
15 have before the doctor gets here.

16 THE COURT: All right. I'll see you at 2:00.
17 Don't discuss the case or allow anyone to discuss
18 it with you.

19 (The jury exits at 11:55 a.m., and the
20 following is heard out of the presence of the jury.)

21 THE COURT: We have a witness we need to
22 proffer testimony?

23 MS. ALSTON: Correct, Your Honor. Raneisha
24 Conyers.

25 (RANEISHA CONYERS, having been duly sworn,

PROFFER TESTIMONY - RANEISHA CONYERS - DIRECT EXAMINATION

1 testified as follows:)

2 **PROFFER TESTIMONY -DIRECT EXAMINATION**

3 **BY MS. ALSTON:**

4 **Q** Good afternoon.

5 **A** Hi.

6 **Q** Ms. Conyers, are you familiar with the
7 defendant, Mr. Marquise Franklin?

8 **A** Yes.

9 **Q** And could you explain how you know him?

10 **A** Well, I really don't know of him. I just
11 know of him when me and Quadree got together.

12 **MS. BUTCHER:** I can't hear.

13 **THE COURT:** I can't hear her either.

14 Okay. Start over.

15 **Q (BY MS. ALSTON)** I apologize. Ms. Conyers,
16 are you familiar with Mr. Franklin?

17 **A** Yes.

18 **Q** And how do you know him?

19 **A** I only know of him when we and Quadree got
20 together.

21 **Q** Who was Quadree to you?

22 **A** He was my boyfriend.

23 **Q** And if you were able to see Mr. Franklin,
24 would you recognize him?

25 **A** Yes.

PROFFER TESTIMONY - RANEISHA CONYERS - DIRECT EXAMINATION

1 Q Because you have seen him before in the past?

2 A Yes.

3 Q And is he present in the courtroom now?

4 A Yes.

5 Q Could you point him out?

6 A (Indicates.)

7 Q And could you explain any prior history you
8 have with the defendant?

9 A Well, I don't have no prior history, just the
10 night when he slapped me.

11 Q When was that?

12 A It was back on September 19th, if I'm not
13 mistaken.

14 Q Do you remember what year?

15 A It was 2020.

16 Q And could you tell us about that incident?

17 MS. BUTCHER: Object to relevance.

18 THE COURT: Okay. The jury is not here. I'm
19 going to hear it and determine.

20 MS. BUTCHER: Okay. Sorry.

21 A When we was in the car, we were just chilling
22 or whatever. I was with my cousin. I was talking
23 to one of the guys that he was with. I don't know
24 if they were kin to each other or not, but I know
25 him from school, so we was talking. And then an

PROFFER TESTIMONY - RANEISHA CONYERS - DIRECT EXAMINATION

1 incident happened, so we went outside -- me and my
2 cousin outside, and he followed us outside, and he
3 hit me, and he told me that Quadree was next.

4 Q (BY MS. ALSTON) Which club was this?

5 A Red Bear Club in Salters.

6 Q And did this incident happen inside the club?

7 A Outside of the club.

8 Q Who all was involved with the incident?

9 A Really, nobody was involved, just me and him.

10 Q You and who?

11 A Him.

12 Q Who is the "him"?

13 A Marquise.

14 Q What happened between you and Marquise?

15 A When I went outside, I was getting on the
16 phone calling Quadree, and that is when he told
17 me -- said he's next. So I went home, and she took
18 us there. So when we went in the housing, she was
19 walking back outside. We were still walking
20 outside. He was already in the yard calling
21 Quadree outside. I don't know what he was calling
22 him outside to do, but he was outside of my yard
23 calling him outside. Quadree never went outside.

24 Q So the statement when he said he was next, he
25 was referring to Quadree?

PROFFER TESTIMONY - RANEISHA CONYERS - DIRECT EXAMINATION

1 **A** Yes, ma'am.

2 **Q** I want to make sure the microphone -- he
3 followed you?

4 **A** Yes. He followed me home after the club.

5 **Q** Did you reside with Quadree?

6 **A** Yes.

7 **Q** So after he gets to your residence, what
8 happens?

9 **A** We was in the house. We were telling Quadree
10 what happened at the club or whatever. So my aunt
11 was getting ready to go home, and he was already in
12 the yard. My grandmama -- the house is in the same
13 yard, so my grandmama called and said he was
14 outside in the middle of the yard. He was out
15 there jumping up and down telling Quadree to come
16 outside.

17 **Q** And did you do a report in regards to this?

18 **A** Yes, I did.

19 **Q** How long did it take for you and the aunt to
20 get from the club to the house?

21 **A** From Greeleyville, it is like 15 minutes.

22 **Q** 15 minutes?

23 **A** Yeah. Right in Greeleyville.

24 **Q** I want to make sure. It was from the Salters
25 area to Greeleyville?

PROFFER TESTIMONY - RANEISHA CONYERS - REDIRECT

1 **A** To Greeleyville, yes, ma'am.

2 **PROFFER TESTIMONY - CROSS EXAMINATION**

3 **BY MS. BUTCHER:**

4 **Q** My client was not convicted of the incident
5 you filed a police report about?

6 **A** I don't think so. I asked them to put a
7 warrant out for him, and I don't know what they
8 did. All I did was do the report.

9 **Q** Okay. And you were not at the setting up --

10 **A** No, ma'am.

11 **Q** -- when all of that happened?

12 **A** No, ma'am.

13 **Q** So you have no idea what happened?

14 **A** No, ma'am.

15 MS. BUTCHER: No further questions.

16 THE COURT: Anything further from the State?

17 MS. ALSTON: Beg the Court's indulgence, Your
18 Honor.

19 (A brief pause in the proceedings.)

20 **PROFFER TESTIMONY - REDIRECT EXAMINATION**

21 **BY MS. ALSTON:**

22 **Q** How long had you and Quadree been dating?

23 **A** We be together for --

24 MS. BUTCHER: Objection. It is not proper
25 redirect.

THE COURT AND THE ATTORNEYS

1 THE COURT: She didn't bring anything up
2 about how long they were dating. You got any
3 questions?

4 MS. ALSTON: Just asking did -- while they
5 were dating, did they know anything about the
6 history between the two?

7 THE WITNESS: Yeah. I know they were beefing
8 since high school.

9 THE COURT: Say that again?

10 THE WITNESS: They was beefing since high
11 school.

12 Q (BY MS. ALSTON) How long ago was that?

13 A I'm not too sure. All I know is when I got
14 with him --

15 Q Would it have been months, years?

16 A I guess years.

17 THE COURT: Okay. Do you want to ask
18 anything else?

19 MS. BUTCHER: No, Your Honor.

20 THE COURT: You can step down.

21 Now, what do you all want to do?

22 MS. BUTCHER: Your Honor, I object to her
23 testifying at all. She's not a witness, wasn't
24 there. The fact that, allegedly, my client may
25 have hit her, he's not convicted of that. It is,

RANEISHA CONYERS - DIRECT EXAMINATION

1 THE COURT: Okay. What I'm trying to get at
2 is do you think I'll get this case to the jury this
3 afternoon? Are we going to argue and charge this
4 afternoon, or it will be tomorrow? That is all I'm
5 trying to figure out.

6 MS. BUTCHER: It is tomorrow. My witnesses
7 will not be here until 9:00.

8 THE COURT: Okay. All right. I'll see you
9 all at 2 o'clock.

10 (A lunch recess was taken.)

11 THE COURT: All right. Are we ready for the
12 jury?

13 MS. ALSTON: Yes, sir, Your Honor.

14 (The jury enters at 2:14 p.m., and the
15 following is heard in the presence of the jury.)

16 THE COURT: Call your next witness.

17 MS. ALSTON: State Raneisha Conyers.

18 (RANEISHA CONYERS, having been duly sworn,
19 testified as follows:)

20 **DIRECT EXAMINATION**

21 **BY MS. ALSTON:**

22 **Q** Good afternoon.

23 **A** Good afternoon.

24 **Q** I'll ask you to speak up since we have the
25 power outage. Can you speak your name?

RANEISHA CONYERS - DIRECT EXAMINATION

1 **A** Raneisha Conyers.

2 **Q** Are you currently employed?

3 **A** Yes, ma'am.

4 **Q** Where are you employed at?

5 **A** Tupperware in Hemingway.

6 **Q** And, Ms. Conyers, are you familiar with the
7 defendant, Mr. Marquise Franklin?

8 **A** Yes, ma'am.

9 **Q** And could you tell the Court how you are
10 familiar with him?

11 **A** I know him because of my boyfriend, Quadree
12 Wilson.

13 **Q** Have you seen him previously?

14 **A** Yes.

15 **Q** And would you be able to recognize him if you
16 saw him?

17 **A** Yes.

18 **Q** Is he present today in the courtroom?

19 **A** Yes.

20 **Q** And would you point him out to the jury?

21 **A** (Indicates.)

22 **Q** So could you explain to the jury a little bit
23 on how you know the victims in this case?

24 **A** I just know him because of my boyfriend,
25 Quadree. When we got together, they were beefing

RANEISHA CONYERS - DIRECT EXAMINATION

1 back in high school.

2 Q And we'll back up a little bit. How long did
3 you and Mr. Quadree Wilson date?

4 A Eight years.

5 Q What did you mention about high school?

6 A They were beefing back in high school.

7 Q Who is "they" that you are referring to?

8 A Marquise and Quadree.

9 Q And how old was Quadree at the time of his
10 death?

11 A He was 25.

12 Q So about how long had it been since he was
13 out of high school?

14 A I would say, like, three years.

15 Q Did you have any prior experiences with the
16 defendant?

17 A No.

18 Q Did you have any kind of past with Mr.
19 Franklin?

20 A No, ma'am.

21 Q Was there ever any chance --

22 MS. BUTCHER: Objection to any leading.

23 THE COURT: Okay. Don't lead her.

24 Q (BY MS. ALSTON) Did you have any personal
25 experience with Marquise Franklin?

RANEISHA CONYERS - DIRECT EXAMINATION

1 **A** Only when we were at the club and had a beer
2 and he assaulted me.

3 **Q** Could you tell the jury about that incident?

4 **A** Me and my cousin was at the club, and I was
5 talking to one of the guys he was with because we
6 went to school together. So the incident happened
7 in the club, and we went outside. When we went
8 outside, he hit me, and when he hit me, he told me
9 Quadree was next. So when we left -- my aunt came
10 to pick us up. So we left and went home. When we
11 was at the house, I was explaining to Quadree what
12 is going on. My aunt was leaving out the door, and
13 she noticed him outside. He was in the yard
14 jumping up and down telling Quadree to come
15 outside.

16 **Q** Let's back up. Who is the "he" that hit you?

17 **A** Marquise.

18 **Q** And is that the same defendant sitting here?

19 **A** Yes, ma'am.

20 **Q** And was this inside the club or outside?

21 **A** It was outside.

22 **Q** Did he make a statement to you?

23 **A** No. He just told me Quadree was next.

24 **Q** Is that the deceased victim in this matter?

25 **A** Yes, ma'am.

RANEISHA CONYERS - DIRECT EXAMINATION

1 **Q** Do you remember when this incident took
2 place?

3 **A** It was on September 19, 2020.

4 **Q** So what happened after the slap?

5 **A** After everything happened, he left, and we
6 called the police, and I wrote an incident report.

7 **Q** Where was the club located at?

8 **A** In Salters.

9 **Q** And could you tell the jury what happened
10 after you left the club?

11 **A** When I left the club, my aunt took us home.
12 We went home, and we were explaining to Quadree
13 what happened, and he was outside jumping up and
14 down telling Quadree to come outside.

15 **Q** What town is your home located in?

16 **A** Greeleyville.

17 **Q** So about how far was the club to your home?

18 **A** Like 15 minutes.

19 **Q** And who followed you to the home?

20 **A** Marquise.

21 **Q** What happened once he arrived there?

22 **A** When he --

23 MS. BUTCHER: Asked and answered several
24 times.

25 THE COURT: Okay. I'll allow one more time.

RANEISHA CONYERS - CROSS EXAMINATION

1 **Q** **(BY MS. ALSTON)** What happened after he
2 arrived there?

3 **A** When he arrived there, me and my aunt, we
4 were in the house explaining to Quadree what
5 happened. And so when she went outside, he was out
6 there jumping up and down telling Quadree to come
7 outside.

8 **Q** Who was jumping up and down?

9 **A** Marquise.

10 MS. ALSTON: No further questions, Your
11 Honor.

12 **CROSS EXAMINATION**

13 **BY MS. BUTCHER:**

14 **Q** You said you called the police and made a
15 report?

16 **A** Yes, I did.

17 **Q** And, to your knowledge, nothing has ever been
18 done with that?

19 **A** I don't think so.

20 **Q** What kind of gun did Quadree carry?

21 **A** I'm not sure.

22 **Q** Do you know what color it was?

23 **A** No, I don't.

24 MS. ALSTON: Objection, Your Honor,
25 relevance.

RANEISHA CONYERS - REDIRECT EXAMINATION

1 THE COURT: Overruled.

2 Q (BY MS. BUTCHER) The setting up was three
3 weeks after the incident you claim happened at the
4 club?

5 A I think it was two weeks.

6 Q You said September 19th?

7 A Uh-huh. And he died October 3rd.

8 Q Did Quadree ever say anything to you about
9 wanting to get back?

10 A No, he didn't.

11 Q Do you know if that's the reason he took a
12 gun?

13 A No. I don't know.

14 Q And to your knowledge, he just carried a gun?

15 A If I'm not mistaken. I guess.

16 Q You were not at the setting up?

17 A No, I wasn't.

18 Q So you have no idea of any of the details or
19 anything about what happened?

20 A No, I don't.

21 MS. BUTCHER: No further questions.

22 THE COURT: Anything further from the State?

23 REDIRECT EXAMINATION

24 BY MS. ALSTON:

25 Q Were you on the scene of the accident

THOMAS BEAVER - DIRECT EXAMINATION

1 October 3, 2020?

2 **A** No, I wasn't.

3 **Q** Would you have known if Quadree had a gun on
4 October 3rd?

5 **A** No, I don't.

6 MS. ALSTON: Nothing further.

7 It's going to be about another 20 minutes for
8 the next witness to get here.

9 THE COURT: Okay. You want to sit here, or
10 go back?

11 JUROR: 20 minutes? Go back.

12 THE COURT: Okay. Go back and don't discuss
13 the case. I'll let you know when he gets here.

14 (The jury exits at 2:25 p.m., and the
15 following is heard out of the presence of the jury.)

16 THE COURT: Okay.

17 (The jury enters at 2:52 p.m., and the
18 following is heard in the presence of the jury.)

19 THE COURT: You can call your next witness.

20 MS. ALSTON: State calls Thomas Beaver.

21 (THOMAS BEAVER, having been duly sworn,
22 testified as follows:)

23 **DIRECT EXAMINATION**

24 **BY MS. ALSTON:**

25 **Q** Good afternoon. Can you state your name?

THOMAS BEAVER - DIRECT EXAMINATION

1 **A** Thomas Richard Beaver, B-E-A-v-E-R.

2 **Q** And, Dr. Beaver, where are you currently
3 employed?

4 **A** I'm currently employed at Medical University
5 of South Carolina in Charleston, South Carolina.

6 **Q** And how long have you been employed there?

7 **A** I started there in June of 2008.

8 **Q** What position are you there?

9 **A** My job title is clinical associated
10 professor. I basically teach medical students and
11 second-year medical students pathology class, and I
12 also do autopsies for the University.

13 **Q** And did you perform an autopsy in this
14 matter?

15 **A** Yes, ma'am, I did.

16 **Q** And could you kind of give the jury a
17 brief -- what goes on during autopsies?

18 **A** Sure. So it starts out with an external
19 examination. We look the body over from head to
20 toe. I make four passes. I start at the head and
21 move to the foot. The first time through, I'm
22 looking to describe the body in general: How tall
23 they are, short, eye color, hair color, hair
24 length. It's a general overview of the body.

25 Then I'll come back and start at the head

THOMAS BEAVER - DIRECT EXAMINATION

1 again and am looking specifically for scars and
2 identifying marks. So I'll look for tattoos and
3 scars used to identify the person, if the identity
4 is in question. This is kind of an archaic thing
5 now that we have DNA and other methods, but it is a
6 holdover and old school, and I'm kind of old
7 school.

8 So then I start at the head again and move to
9 the foot for a third time, and this time I'm
10 looking for evidence of therapy, anything that the
11 emergency personnel would have done to try to
12 resuscitate the decedent, breathing tubes, cardiac
13 chest compressions. What did they do?

14 And then I start the final time, head going
15 to the foot, and I'm looking for evidence of
16 injury. This is all the wounds that I see on the
17 surface of the body.

18 Once that is complete, then we take x-rays.
19 And so everywhere I see a wound, particularly in
20 the case of gunshot wounds, I want to take an x-ray
21 because I want to see what bones might be damaged
22 and what bullets or bullet fragments I might be
23 able to recover.

24 And then once the x-rays are done, we're
25 ready to begin the internal examination. So the

THOMAS BEAVER - DIRECT EXAMINATION

1 internal examination involves making a Y-shape
2 incision. I want to tell you that we photograph
3 every step of the way. So there is photographs
4 taken. Every time we do something to the body, we
5 take a photograph of it. Every tattoo, scar, we
6 photograph. Every gunshot wound is photographed,
7 backwards and forwards.

8 So then we make an incision, open the body.
9 We gain access to the cavities, body cavities, and
10 remove the organs in a systematic way. So we take
11 the heart, lungs, all the organs are removed and
12 weighed, dissected, and biopsied.

13 We also use the autopsy as a time to get
14 specimens for toxicology. So we will get blood, we
15 will get urine, if there is any urine, gastric
16 contents, if there is anything in the stomach, bile
17 from the gallbladder, and we will take vitreous
18 fluid from the eye. So we gather all of these
19 materials together. They can be used for various
20 laboratory tests at a later date should they be
21 necessary.

22 Everyone gets a routine tox. So blood is
23 sent out to a laboratory for a routine forensic
24 panel that we get done.

25 Then the final step is to extract the brain.

THOMAS BEAVER - DIRECT EXAMINATION

1 We make an incision behind the ears, open the
2 skull, remove the brain, examine that.

3 That is the completion of the examination
4 part of the autopsy.

5 Q And did you perform those routine steps with
6 this autopsy?

7 A Yes, ma'am.

8 Q And could you tell the jury a little bit
9 about your background, education, and training?

10 A Sure. Absolutely. So I have an
11 undergraduate degree from University of California.
12 I have my MD degree from St. George University
13 School of Medicine. I completed a five-year
14 training program, residency program, in anatomic
15 and clinical pathology at the University of
16 Colorado. And then I followed that with a
17 fellowship in forensic pathology at the Denver
18 County Coroner's Office.

19 All of those things have made me eligible to
20 take the examinations given by the American Board
21 of Pathology and Anatomic Pathology, Clinical
22 Pathology, and Forensic Pathology, and I passed all
23 of those exams on the first attempt.

24 Q Have you testified before in cases?

25 A Yes, ma'am.

THOMAS BEAVER - DIRECT EXAMINATION

1 **Q** Do you know about how many cases you've
2 testified for in?

3 **A** In South Carolina, since I've only been here
4 since 2018, it's probably less than a hundred; but
5 in my career, probably thousands.

6 **Q** And have you ever been qualified as an expert
7 witness before?

8 **A** Yes, ma'am.

9 **Q** And in what field?

10 **A** Forensic pathology.

11 MS. ALSTON: Your Honor, the State seeks to
12 offer Dr. Beaver as an expert in forensic
13 pathology.

14 MS. BUTCHER: No objection.

15 THE COURT: Court so finds.

16 **Q** **(BY MS. ALSTON)** Dr. Beaver, did you prepare a
17 report in regards to this autopsy?

18 **A** Yes, ma'am, I did.

19 **Q** I'm going to approach you with what is
20 premarked as State's Exhibit 83?

21 **A** (Witness examines document.)

22 **Q** Does that appear to be the report as prepared
23 in regards to this autopsy?

24 **A** Yes, ma'am, it is.

25 **Q** And how are you able to tell that is your

THOMAS BEAVER - DIRECT EXAMINATION

1 report?

2 **A** That's the words that I use, and I made the
3 words, so it is very familiar to me. It is in the
4 order that I would do things. I think if anyone
5 would want to try to copy it, it would be hard
6 because it is so weird.

7 **Q** Could you explain to the jury the findings
8 you have in this autopsy?

9 **A** So in this autopsy he has eight gunshot
10 wounds, and that is -- that's going to be the cause
11 of death. He has some through-and-through wounds
12 to the extremities, and some through the chest with
13 wounds to the internal organs causing internal
14 bleeding and causing death that way.

15 **Q** And could you explain the location of the
16 gunshot wounds?

17 **A** Sure. So I would have to look at the report
18 to tell you exactly, but I will try to do that. So
19 he has a gunshot wound to the right side of his
20 head, right behind what is called the angle of the
21 jaw or angle of the mandible. So where your jaw
22 makes a 90-degree turn, right behind that is where
23 the gunshot wound is.

24 For the record, I indicated with my finger
25 the right side of my head.

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1 That wound passes through the cervical spine
2 at the C-3 level. So the vertebra are numbered
3 from 1 at the top to 7 at the bottom, and so this
4 goes through Level 3. The overall path of that
5 wound is from front to back, so going this way and
6 slightly right to left. So it is going this way
7 and slightly downwards (indicates). And then
8 there's an exit wound that goes with it, and that
9 is on the back of the neck right below the head and
10 the skull connect on the left side. So that is
11 Gunshot No. 1 of the 8.

12 And then Gunshot Wound No. 2 is on the back,
13 on the left, upper chest. So this time the wound
14 is -- we measured that from the heel, so
15 52-and-a-quarter inches from the heel -- that
16 doesn't really mean much to you, but that is how we
17 locate it on the body -- and 2 inches to the left
18 of midline.

19 So this gunshot wound -- and through all of
20 these wounds, I don't believe there is any powder
21 stippling or sooty material, which is how we
22 determine the range of fire. So they all appear --
23 we would clarify them in forensic pathology as a
24 "distant range gunshot wounds." Distant range can
25 be from a couple of feet, to a mile. What we use

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1 to measure the range of fire is the things that
2 come out of the muzzle of the gun, besides the
3 bullet, which is soot and unburned powder granules.
4 Once you are passed the distance where those would
5 be able to be deposited, then we don't really see
6 anything except the hole from the bullet.

7 The only other caveat with that is if you are
8 wearing clothing of some sort, that will obscure
9 the powder stippling and soot that might be
10 deposited on the skin.

11 Anyway, back to this wound. It is on the
12 chest -- left, upper chest kind of to the left of
13 midline. It goes through the upper lobe of the
14 right lung, because it is going this way, and the
15 middle lobe of the right lung, and it causes
16 hemorrhage into the right pleural cavity, and then
17 exits in the armpit on the right side. So it's
18 going like this (indicates). Like that
19 (indicates). It's going towards the front of the
20 body enough that it misses the heart, but gets the
21 lung, and the lung tends -- both lungs tend to
22 overlap over the heart in the front.

23 Then, Gunshot No. 3 is at the left clavicle
24 collarbone area. It is right -- 53 inches, and
25 six-and-a-half inches from the midline. So it's

THOMAS BEAVER - DIRECT EXAMINATION

1 over in this area here.

2 For the record, I'm indicating my left
3 shoulder area.

4 And this one -- the overall path is left to
5 right, and it's going front to back and kind of
6 straight, and then it exits out the -- let's see.
7 No. It is going through the left axial region into
8 the upper arm. So this one is going this way, and
9 goes into the upper arm this way, so kind of down
10 the arm. The arm is probably up and going like
11 this (indicates).

12 Then it has an exit wound on the lateral
13 aspect of the wound, so it goes into the arm and
14 then exits going through the structures of the
15 shoulder.

16 No. 4 is the right costal margin. That is
17 where the ribs end and the abdomen begins. So if
18 you feel your own chest, you feel bony ribs, and
19 then you feel like that is the abdomen. It's soft.
20 So that is the margin where we're talking about.

21 That wound is kind of like on this side of
22 the right costal margin. This is a bad place
23 because the liver sits here, and it sits right
24 underneath this costal margin. That gunshot wound
25 goes through the liver and makes a very large

THOMAS BEAVER - DIRECT EXAMINATION

1 defect to the liver, and then it ends up exiting in
2 the left, lower back. So it is going through like
3 this (indicates). But the liver is the main organ
4 that it hits. The liver is extraordinary vascular,
5 so it is just going to -- it will be an unstoppable
6 bleeding -- unstoppable.

7 Gunshot No. 5 is on the posterior left thigh.
8 So back of the leg. It's 27 inches from his heel,
9 but -- that is about the only measurement we can
10 make because measurements on the arms and legs, we
11 don't really try too much because the arm can be at
12 any position, and the leg can be at any position.
13 So it doesn't tell us much about the position of
14 the body to say it is a certain distance from the
15 heel because the leg could be lifted up, turned
16 sideways. So we just, basically, try to put some
17 context to where it might be.

18 So that is posterior, lateral, left thigh and
19 it goes through. It does not impact any
20 neurovascular structures or fracture the femur. It
21 exits on the medial left thigh. The overall path
22 is left to right, slightly back to front, and
23 slightly downwards.

24 We're almost done. Gunshot No. 6, this is on
25 the right medial thigh, so the other leg. It is on

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1 the inside of the other leg. There would be
2 some -- I think I remember at the time I had some
3 thought about -- bullets sometimes will enter one
4 leg, go through that leg, and then enter the next
5 leg. So you will have an entry and exit, and a
6 reentry and exit all with one bullet. So that
7 thought occurred to me here, but I couldn't get
8 them to really line up that well, so I don't think
9 that's the case, but that is still a possibility I
10 think.

11 So the bullet, it -- this bullet hits the
12 femur on the right side and creates a very
13 complexed fracture of the femur. The person
14 wouldn't be able to stand after that wound. So
15 once that bullet goes to the femur, they are going
16 to be on the ground no matter what.
17 Extraordinarily, the bullet misses the femoral
18 artery and vein, which runs along the middle side
19 of the thigh, but it does fracture the femur, so
20 that is enough.

21 The overall path of the wound is left to
22 right, front to back, and slightly downwards.

23 Gunshot No. 7 exits on the right thigh as
24 well, so through-and-through of the thigh.

25 Then 7 is on the flexor, aspect of the right

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1 forearm. So flexor is the front of the right
2 forearm. This wound is 14 inches from the top of
3 the shoulder, which is about all we can do for an
4 arm because the arms can move any way. So, you
5 know, it doesn't make any difference from the heel.
6 It wouldn't mean anything because you could put the
7 arm out, and it would change everything.

8 So this bullet passes through the musculature
9 of the right forearm, does not hit any major
10 neurovascular structure, and doesn't fracture the
11 radius or ulna. The overall path with the body in
12 an anatomic position. We use that as a reference.
13 The anatomic position is standing straight up,
14 hands/palms forward, hands at the side. So that is
15 what doctors use. When they talk about "up" and
16 "down" and "sideways" and "front" and "back," they
17 are talking about the body in the anatomic
18 position.

19 So in that position, the path on 7 is
20 moderately downwards, and slightly left to right,
21 and slightly back to front. We recovered some
22 fragments from this. Actually, it is minimally
23 deformed, copper caliber projectile. So that means
24 that the bullet was relatively intact. We'll
25 photograph the bullet, place it in evidence, and it

THOMAS BEAVER - DIRECT EXAMINATION

1 will go for ballistic tests.

2 A medium caliber is generally in the .38,
3 9-millimeter or .380 kind of range, for me -- and I
4 leave it to the ballistic guys to make the exact
5 determination. Then large caliber would be a .40,
6 .45. And then a small caliber is like a .25, .22.
7 A .32 is kind of in the gray zone there, but
8 probably I would call that small. But a .38 would
9 be medium.

10 Then No. 8, the last one. This is on the top
11 of the right shoulder. It's a grazed-type of
12 wound. So it is on the top of the shoulder here,
13 and just a graze. So it doesn't penetrate the
14 skin. It's kind of limited to the superficial
15 cutaneous tissues.

16 With a graze wound, we can get an idea for
17 the direction sometimes, but I didn't give a
18 direction in this case. We have to kind of look at
19 it, and I would tell -- if we look at a photo, I
20 would tell you what I think might be the direction,
21 but it is hard sometimes on grazed wounds to tell
22 whether it is going front to back or back to front
23 because they are so superficial, and you don't have
24 a discrete entrance or exit.

25 He does have other injuries on the dorsum of

THOMAS BEAVER - DIRECT EXAMINATION

1 his right fifth digit. He has an abrasion, but no
2 fracture.

3 That, I think, is the wounds. I think the
4 wound to his neck going through the C-3 is a pretty
5 -- that would be life-threatening immediately
6 almost. And I think the wounds to his lungs would
7 be life-threatening within a matter of minutes as
8 he bleeds into the chest cavity; same thing for the
9 liver.

10 Q And did you take any pictures of the
11 projectile that was recovered?

12 A Yes, ma'am, I did.

13 Q I'll approach you with what is premarked as
14 State's Exhibit 62.

15 A Yes. That's it.

16 Q How are you able to verify that that is what
17 it purports be?

18 A First, in my report, I designate it as bullet
19 from right arm. So that is kind of a strange
20 number, but it is consistent with what I put in the
21 report. This is the photograph that we take. It
22 is just the kind -- I can remember this. It has
23 his name here, unique identifier up here in the
24 corner, a scale on the bottom, and this is the
25 little emblem we'll put it into to put it into

THOMAS BEAVER - DIRECT EXAMINATION

1 evidence, and then it will be sealed up in a clear,
2 plastic envelope with evidence tape.

3 Q Does this picture appear to be an accurate
4 representation of the bullet that was recovered?

5 A Yes, ma'am, it is.

6 Q Does it appear to be altered or changed in
7 any way?

8 A No.

9 MS. ALSTON: At this time the State seeks to
10 admit State's 62.

11 MS. BUTCHER: No objection.

12 THE COURT: In without objection, 62.

13 (State's Exhibit 62 admitted.)

14 MS. ALSTON: Permission to publish to the
15 jury?

16 THE COURT: Yes, ma'am.

17 (Published to the jury.)

18 Q (BY MS. ALSTON) When you conduct the autopsy,
19 do you come up with a cause of death?

20 A Yes, ma'am.

21 Q So how do you come to that conclusion?

22 A I look at the totality of the injuries and
23 any other conditions that the decedent might have,
24 and I construct a cause of death statement that
25 would best fit the conditions of the body.

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1 So, in this case, that would be multiple
2 gunshot wounds.

3 **Q** And did you all ever find out the manner of
4 death?

5 **A** Yes, ma'am. We are asked to do the manner of
6 death; although, I think the coroner can change it
7 around if they would like, but when we make a
8 manner of death, it is based upon the rules of
9 forensic pathology, so the manner of death in this
10 case would be homicide.

11 **Q** Were you able to discover a cause for that
12 abrasion that Mr. Wilson had?

13 **A** No, ma'am. I did not make a cause for it --
14 at least I don't recall making a cause.

15 **Q** Do you have an opinion as to what may have
16 caused it?

17 **A** I don't know. I would have to look at it
18 again in the photo. I didn't see a photo recently.
19 I would have to look again, but I don't recall.

20 MS. ALSTON: No further questions, Your
21 Honor.

22 THE COURT: Okay.

23 MS. BUTCHER: Thank you, Your Honor.
24
25

THOMAS BEAVER - CROSS EXAMINATION

CROSS EXAMINATION

1

2

BY MS. BUTCHER:

3

Q Good afternoon, Dr. Beaver. How are you?

4

A Doing well, thank you, ma'am.

5

Q Very briefly. Did the toxicology report come back with anything unusual in his blood?

6

7

A The toxicology is positive. He has

8

cannabinoids. The levels are -- he has THC of a

9

level of 36 nanograms per milliliter. So he has 11

10

hydroxy tetrahydrocannabinol at 10 nanograms -- I

11

won't go there.

12

Q I apologize. Drugs have big words that I

13

can't pronounce, and a lot of people don't know

14

what they are. THC is marijuana?

15

A Correct, cannabinoids. Presumably from

16

marijuana, but sometimes it can be synthesized.

17

Q What else?

18

A That was it. He had -- THC, they break it

19

down into various compounds. I think there is 30

20

of them. With the synthetics, we try to break it

21

down to see if there is any of the synthetic ones

22

mixed in with everything else. Some of them are

23

metabolites. Some are within the marijuana to

24

begin with. So, here, this is just -- looks like

25

straight up marijuana with some metabolites from

THOMAS BEAVER - CROSS EXAMINATION

1 the pattern of the various levels.

2 Q Did you say speed?

3 A No. Straight up metabolites and
4 marijuana-type pattern of THC.

5 Q You are not referring to the Delta agent
6 synthetics, are you?

7 A I'm referring to that, yes.

8 Q There is a lot of new science with that.

9 A Yes.

10 Q The powder stippling, you said there was
11 none, which typically indicates the gunshot
12 occurred from 2 feet to a mile. But then you also
13 said that it can be obscured by clothing. Could
14 you -- were you saying that clothing could obscure
15 it so that could be the reason why there is no
16 powder?

17 A Correct. The caveat with interpreting that
18 would be that if there is a shirt and the bullet
19 hits the shirt first, all of the powder granules
20 that leaves marks on the skin would hit the shirt,
21 and they would be there.

22 Similar with the soot. Any soot would be
23 deposited on the shirt. So when I see the body, I
24 don't necessarily see the shirt, and by the time I
25 do see the shirt, it is usually soaked in blood,

THOMAS BEAVER - CROSS EXAMINATION

1 and so I don't have a way to look at it careful
2 enough to see those tiny, tiny fractions of a grain
3 of sand granules.

4 So that comes under the purview of the
5 criminologist and forensic scientist to dry it out,
6 put it in good lighting, and a dissecting
7 microscope and look for those granules. Sometimes,
8 maybe even swabbing around the hole and running
9 that swab through for gunshot residue.

10 Q In this case he was clothed, so there is no
11 way, in your report or anything, that you could
12 tell what distance he was shot at?

13 A Correct. That's correct.

14 Q Okay. One more question. Anatomical
15 position is this (indicates)?

16 A Correct.

17 Q And that is the poster we see with --

18 A Yes. Yes. Exactly.

19 Q You are not saying that he was in this
20 position when he was shot. That is just saying how
21 you all reference everything?

22 A Exactly. We have to have some point of
23 reference; otherwise, there is no way to talk about
24 it. So that's what we use in the convention of
25 medicine. It is very old. It is hundreds of years

THOMAS BEAVER - REDIRECT EXAMINATION

1 old.

2 Q Is it correct that the autopsy you conducted
3 did not give any evidence towards who shot or
4 committed this homicide?

5 A That is correct. I have no idea.

6 MS. BUTCHER: Thank you. No further
7 questions.

8 THE COURT: Anything from the state?

9 REDIRECT EXAMINATION

10 BY MS. ALSTON:

11 Q Just a quick question. Did the results of
12 the toxicology skew or affect your determination
13 from the cause of death?

14 MS. BUTCHER: Objection. I don't think that
15 is proper cross, and I don't understand the
16 question -- I mean not proper redirect.

17 THE COURT: You brought up the toxicology.

18 MS. BUTCHER: Okay.

19 THE COURT: Go ahead.

20 Q (BY MS. ALSTON) Did the results of the
21 toxicology affect your determination for the cause
22 of death?

23 A No, ma'am. It doesn't change the cause of
24 death, but it is a routine thing that we do.
25 Cannabinoids in these levels is benign. It is not

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1 going to accelerate the death. It is not going to
2 change anything about the death. It would be
3 really no more if he had smoked a cigarette.
4 Nicotine may be even worse for a vascular response.

5 MS. ALSTON: Thank you.

6 THE COURT: Okay. Any further witnesses
7 today?

8 MS. ALSTON: No further witnesses today.

9 THE COURT: 9:30 in the morning?

10 MS. ALSTON: Yes.

11 THE COURT: Ladies and gentlemen, hopefully
12 we'll finish this tomorrow.

13 Don't talk about it yet. Don't let the
14 family talk to you yet. I'll see you at 9:30 in
15 the morning. If you have an emergency, call me.

16 (The jury exits at 3:22 p.m., and the
17 following is heard out of the presence of the jury.)

18 THE COURT: See you all at 9:30.

19 (WHEREUPON, THE PROCEEDINGS FOR JULY 24, 2024
20 CONCLUDED.

21 (THE FOLLOWING WAS HAD ON JULY 25, 2024 OUT
22 OF THE PRESENCE OF THE JURY.)

23 THE COURT: You can be seated.

24 Ready for the jury?

25 MS. ALSTON: Not yet. I believe we have one

PROFFER - DANIEL LAKE - DIRECT EXAMINATION

1 matter of law to take up with the probation agent.

2 MS. BUTCHER: Yeah, I did want to proffer the
3 testimony of the probation officer.

4 MS. ALSTON: The State will call Agent Daniel
5 Lake.

6 (DANIEL LAKE, having been duly sworn,
7 testified as follows:)

8 **PROFFER TESTIMONY - DIRECT EXAMINATION**

9 **BY MS. ALSTON:**

10 **Q** Good morning.

11 **A** Morning.

12 **Q** Could you state your name for the record?

13 **A** Daniel Johnson Lake.

14 **Q** And, Mr. Lake, where were you formerly
15 employed?

16 **A** South Carolina Department of Probation,
17 Parole and Pardon Services.

18 **Q** What was your position there?

19 **A** My last position was the agent in charge of
20 the Division of Intelligence Tracking and
21 Communications.

22 **Q** And could you explain a little bit about what
23 that role entailed?

24 **A** Sure. We did GPS monitoring for the
25 department. The department maintained usually 750

PROFFER - DANIEL LAKE - DIRECT EXAMINATION

1 to 800 people statewide wearing GPS monitors. Our
2 center was open -- is open 24/7, 365. We never
3 sleep. So our staff across four shifts would
4 monitor any and all events that occurred regarding
5 the people wearing GPS monitors.

6 We also did radio communications for the
7 department, NCIC operations, so forth. We were the
8 communication center, basically.

9 Q And were you employed there back on October 3
10 of 2020?

11 A Yes, ma'am.

12 Q So did you have the occasion to monitor
13 anyone from Williamsburg County?

14 A Yes, ma'am. This case here.

15 Q That is Mr. Franklin?

16 A Yes. Correct.

17 Q And what is your policy in regards to
18 tracking anybody wearing GPS monitoring?

19 A Well, offenders are given a number of rules
20 and conditions regarding GPS monitoring. First and
21 foremost, that they very to wear the monitor. They
22 are not allowed to remove the monitor. There is
23 some other conditions. Some offenders may have a
24 curfew; others may not. GPS can be tailored to
25 each individual case. You can direct an offender

PROFFER - DANIEL LAKE - DIRECT EXAMINATION

1 to be at a certain location at a certain time, such
2 as their home. Curfews are very often commonly
3 used in GPS monitoring. You can also draw
4 exclusions zones around certain areas. Really, GPS
5 can be tailored to the individual according to,
6 oftentimes, how the Court directs the GPS to be
7 tailored.

8 Q What kind of details come along with the GPS
9 monitor?

10 A Again, you must wear the GPS monitor. You
11 must charge the GPS unit. It requires how to
12 operate it. I'm not sure -- there are many, many
13 conditions of GPS monitoring. Again, there is some
14 general conditions that all offenders must follow,
15 and there is are some that are tailored.

16 Q What kind of information is monitored?

17 A The monitor works in a couple different ways.
18 It is designed to try to get a GPS point every
19 minute of the day. So 1,440 minutes in a 24-hour
20 period, it tries to collect one satellite GPS point
21 for every minute. Four times an hour, like a
22 telephone call, it delivers that to a server.
23 Again, those functions of the GPS unit can be
24 tailored, but that is what it tries to do,
25 generally.

PROFFER - DANIEL LAKE - DIRECT EXAMINATION

1 **Q** And do you all prepare reports?

2 **A** Yes. We often do. Especially if there is
3 violations of the GPS monitor.

4 **Q** Did you prepare a report in this scenario?

5 **A** I did.

6 **Q** Is the report related to Marquise Franklin?

7 **A** It is.

8 **Q** I'm going to approach you with what is
9 premarked as State's Exhibit No. 84. Does that
10 appear to be the report prepared in this matter?

11 **A** Yes, ma'am. I prepared this report.

12 **Q** You prepared it?

13 **A** Yes.

14 **Q** Were you able to make any specific findings
15 in regards to Mr. Franklin in regards to this
16 report?

17 **A** Yes, ma'am. First of all, he removed the GPS
18 monitor. We call that strap tampering. There are
19 also a number of points on that report that show
20 his movements. And so, generally speaking, that is
21 what is on that report. It shows movement from
22 location to location, along with the final location
23 where the device was found by the agent after he
24 removed the device.

25 **Q** I'll hand this back to you. Around the time

PROFFER - DANIEL LAKE - DIRECT EXAMINATION

1 of 7:43, 7:45, where was Mr. Franklin located at?

2 **A** He was located in the vicinity of Wilson
3 Buoy. I might be saying that wrong. The device
4 recorded him being there for, approximately, three
5 minutes: 7:43 p.m., 7:44 p.m., and 7:45 p.m.

6 **Q** And what happens after that time period of
7 7:45?

8 **A** Mr. Franklin left that area. He traveled on
9 a couple of highways, Highway 37, M.L.K Junior
10 Avenue, and 521 at a high rate of speed.

11 **Q** Does it show what speeds?

12 **A** I recorded several. On 377 M.L.K Junior,
13 72 miles an hour, 73 miles an hour, and 76 miles an
14 our, respectively.

15 And then on the Highway 521: 95 miles an
16 hour, 96 miles an hour, 98 miles an hour, and
17 105 miles an hour, respectively.

18 Thereafter, he traveled to a location off of
19 Bloody Bucket Road. He spent about 13 minutes
20 there, from 7:58 p.m. to 8:11 p.m.

21 At 8:21 p.m. is when he cut the device off,
22 and he was at a location in Greeleyville at that
23 time, and that is the same place the agent
24 recovered the device.

25 MS. ALSTON: No further questions of the

PROFFER - DANIEL LAKE - CROSS EXAMINATION

1 witness, Your Honor.

2 **PROFFER TESTIMONY - CROSS EXAMINATION**

3 **BY MS. BUTCHER:**

4 **Q** Good morning.

5 **A** Good morning.

6 **Q** What was the weather like that night?

7 **A** I don't know.

8 **Q** What was the amount of charge on the battery
9 that night?

10 **A** I don't know.

11 **Q** The age of the monitor?

12 **A** Age of the monitor? I don't know.

13 **Q** When he was traveling, how much foliage
14 coverage was there?

15 **A** I have no idea.

16 **Q** Isn't it true that all four of those things
17 can affect the accuracy of the device in
18 pinpointing where he is?

19 **A** Many things can affect the accuracy, but on
20 the report itself, if you will observe, there are a
21 number of satellites that are floating across the
22 earth at any one time. I should have explained it
23 earlier. I think the owner of the GPS equipment is
24 called Behavioral Interventions. They have about
25 12 satellites that can see the monitor, and then

PROFFER - DANIEL LAKE - CROSS EXAMINATION

1 you need at least three satellite points to get a
2 dot on this report to see the device.

3 So, for example, when he was at Buie Drive
4 location, eight satellites saw the device. The
5 greater amount of the satellites that see the
6 device, the more accurate the device is. And so
7 with eight satellites looking at the device, if you
8 go through the report point-by-point-by-point
9 looking at the number of satellites that hit it,
10 three make it very accurate, but more than that
11 indicates even more accuracy.

12 Q Okay. Now, these pictures with the
13 pinpoints, were these generated from data by
14 machine, or was it you getting a satellite and
15 pinpointing it yourself?

16 A The software we use -- this is simply a
17 screen shot from the software that monitors the
18 device.

19 Q Okay. So it is the machine putting the green
20 dot on here?

21 A The software with the GPS device, yes, ma'am.

22 Q And I think what I'm trying to get at is when
23 you were stating how many miles per hour he was
24 traveling, if the accuracy is off -- I'm assuming
25 it measures this point to this point, and when he

PROFFER - DANIEL LAKE - CROSS EXAMINATION

1 reaches this point how far he had to travel to get
2 there; is that correct?

3 **A** You are asking me a technical question that
4 I'm not exactly sure. I can't answer.

5 **Q** Okay. So -- okay. So you don't know how the
6 machine generates the miles per hour?

7 **A** No, I don't.

8 **Q** What you do know is that he was at a certain
9 address at a certain time?

10 **A** Yes.

11 **Q** At 7:43?

12 **A** Yes, ma'am. At that general area that those
13 points came on the report, yes.

14 **Q** And you do know that his monitor stopped
15 sending a signal at a certain time?

16 **A** It didn't stop just because he cut it off.
17 We get an alert call of a strap tamper. So when
18 the agent gets the alert, we take a number of steps
19 to try to contact the offender, usually by cell
20 phone, if we have that. We can send signals to the
21 device itself. But, usually, when a strap tamper
22 occurs, in this case at 8:21 p.m., the device would
23 still continue to get one point every single
24 minute. That is how we found it in the first
25 place. Does it make sense? So the device doesn't

MOTION

1 stop working just because he cut it off.

2 Q So you are able to say when the device
3 stopped working?

4 A When the strap was cut. There is a little
5 fiberoptic light that goes around the strap. When
6 that light was disturbed by cutting the device off,
7 it sends the alert, and that was at 8:21 p.m. The
8 device itself was still powered up and working and
9 picked up points until the agent recovered it and
10 cut it off.

11 MS. BUTCHER: Okay. No further questions.
12 Just a motion.

13 MS. ALSTON: Nothing further for this
14 witness.

15 THE COURT: Okay. You can step down. Don't
16 leave, okay.

17 MS. BUTCHER: Your Honor, I believe that
18 Mr. Lake can testify where he was at certain times.
19 I do not believe that he had the knowledge or
20 demonstrated any knowledge of how that device was
21 able to transmit what speed he was traveling or any
22 of that. Therefore, Your Honor, I would ask that
23 those pictures not come in that have on there how
24 fast he was traveling.

25 THE COURT: Okay. You want to respond?

MOTION

1 MS. ALSTON: Your Honor, we concur. The
2 pictures do not have to come in, but the
3 testimony -- he can testify he prepared the report,
4 and these are the findings he got from the
5 satellite and prepared a report in regards to what
6 was compiled by the analysis of the machine.

7 MS. BUTCHER: Again, Your Honor, since he was
8 not able to have the knowledge of how that data was
9 transmitted to generate a miles-per-hour speed, I
10 do not believe that they should come in, Your
11 Honor. I cannot cross examine him on that.

12 THE COURT: Well, I mean, the issue is
13 whether he's an expert and qualified as an expert.
14 Nobody tried to qualify him as an expert in this,
15 but the fact -- he's not necessarily interrupting
16 -- he's testifying as to what his tracking device
17 shows and what his speed shows. It is just like a
18 patrolman testifying about his radar and how fast
19 he's clocking somebody. Just because I can run a
20 radar and clock speed, he's not an expert in how
21 the radar works and how it's put together. He's
22 not testifying to that. He's simple -- so I think
23 the evidence is admissible. You can argue to the
24 jury the weight of the evidence, whether it is
25 accurate or not. And so -- he didn't testify that

MOTION

1 it is accurate. He's just testifying as to what he
2 is observing as he is tracking it, just like a
3 patrolman running a radar. He is not testifying --
4 you can always argue that the machine could be
5 wrong, you know, not necessarily correct. I don't
6 think he has to be an expert to testify. He's not
7 trying to explain how it works. To explain how it
8 works, he may need to be qualified as an expert,
9 how the machine is put together.

10 He is testifying that he's tracking somebody.
11 This is what the tracking showed, just like Google
12 Maps of you tracking one of your family members.
13 You don't have to be an expert on how Google works
14 to do the tracking, and the jury can take it and
15 give it whatever weight it is deemed, and you can
16 argue that, but I think it is admissible.

17 MS. BUTCHER: Thank you, Your Honor.

18 THE COURT: Now, are we ready for the jury?

19 MS. ALSTON: Yes, sir, Your Honor.

20 (The jury enters at 10:17 a.m., and the
21 following is heard in the presence of the jury.)

22 THE COURT: Ladies and gentlemen, I'm sorry.
23 I understand you had to wait 45 minutes, but I had
24 to deal with some; legal matters outside of your
25 presence. We're ready to proceed.

DANIEL LAKE - DIRECT EXAMINATION

1 Call your next witness.

2 MS. ALSTON: State will call Daniel Lake.

3 (DANIEL LAKE, having been duly sworn,

4 testified as follows:)

5 **DIRECT EXAMINATION**

6 **BY MS. ALSTON:**

7 **Q** Good morning. State your name, please.

8 **A** Daniel Johnson Lake.

9 **Q** Agent Lake, where were you formerly employed?

10 **A** At the South Carolina Department of

11 Probation, Parole, and Pardon Services.

12 **Q** What was your position?

13 **A** My position was agent in charge of the
14 Intelligence Tracking and Communication Center. I
15 worked there for five years, between 2017 and 2022.

16 **Q** Could you tell the jury what that position
17 entails?

18 **A** Yes. Primary responsibility is GPS
19 monitoring. There is 800 or so that monitor
20 statewide, so our staff monitors GPS tracking of
21 all 800 of those offenders 24/7, 365. So we never
22 sleep.

23 That division has other responsibilities such
24 as radio communication, fugitive operations through
25 NCIC tracking. And it's, basically, the

DANIEL LAKE - DIRECT EXAMINATION

1 communications hub of the department.

2 Q And were you employed there back on October 3
3 of 2020?

4 A Yes, ma'am.

5 Q And did you have the occasion to track this
6 case?

7 A Yes, ma'am.

8 Q Who did you track?

9 A Mr. Franklin in this particular occasion.

10 Q And could you tell the jury a little bit
11 about what all goes into the conditions of wearing
12 a GPS monitor?

13 A Sure. So the GPS monitor is a device
14 typically strapped around someone's ankle. The
15 device itself is like a cell phone. It can get a
16 GPS point from satellites that float above the
17 earth, and also has actual cell phone inside, so
18 it's cellular coverage. So some of the devices
19 have WiFi coverage as well. So offenders that are
20 placed on GPS monitoring usually have standard set
21 of rules they have to follow. Sometimes the Court
22 imposes additional rules. Some of the rules would
23 be to charge the device, make sure it has power,
24 not to cut off the device, that's for sure. There
25 is some other general maintenance and care.

DANIEL LAKE - DIRECT EXAMINATION

1 Sometimes the Court places things, such as
2 curfew, be at your house or have exclusion zones,
3 things like that. And so GPS just allows us with
4 small groups of people to see where they are at all
5 times.

6 **Q** And could you explain to the jury what
7 information is transmitted from the GPS monitor?

8 **A** Right. So the GPS monitor tries its best to
9 pick up one satellite point every minute of the
10 day. That is a lot of information, 1,440 minutes
11 in a 24-hour period. So it tries to collect that
12 point -- satellite point once every minute. Then
13 four times an hour, every 15 minutes, it makes a
14 telephone call and delivers that to the servers.

15 Then, our staff -- or, really, any staff
16 across the state that has access can pull up the
17 software and see where that GPS is at all times.
18 There are dozens and dozens of alerts that GPS
19 units will provide to the software. Some of those
20 alerts are really nominal alerts that have to do
21 with whether or not it can pick up a point. It's
22 like a cell phone drops. Other alerts are causes
23 for concern, like if someone were to go to an
24 exclusion zone or not be home at a curfew or cut a
25 device off, those alerts are cause for our staff to

DANIEL LAKE - DIRECT EXAMINATION

1 contact -- at my communication division to contact
2 the staff in the field to address that alert.

3 Q And in your line of work, are reports
4 typically generated to explain those GPS points?

5 A Yes, ma'am. There are many reports that are
6 associated with GPS alerts. Some of those can be
7 considered probation violations, others are not.

8 Q Did you prepare a report in this case?

9 A I did.

10 Q So you have before you what has been
11 premarked as State's Exhibit No. 84.

12 A Yes, ma'am.

13 Q Have you had a chance to review the report?

14 A I have.

15 Q Does it appear to be the report that was made
16 in regards to Mr. Franklin?

17 A Yes. I generated this report.

18 Q Could you tell the jury what was Mr.
19 Franklin's location at 7:43 to 7:45 p.m.?

20 A During that, approximate, three-minute
21 period, 7:43, 7:44, and 7:45 p.m., he was in the
22 general area of Wilson Buoy -- I may be saying that
23 wrong --

24 Q Could you tell the jury how that is
25 determined?

DANIEL LAKE - DIRECT EXAMINATION

1 **A** Sure. At any one point, the provider -- the
2 GPS software is called BI, Behavioral
3 Interventions. They use about 12 satellites that
4 are floating over the earth. To get a satellite
5 point, the GPS device needs at least three
6 satellites to be looking at it to get a point that
7 is considered accurate. And the more between three
8 and 12 satellites, the more accurate the point is.

9 So, for example, if you have eight satellite
10 devices -- like we have here -- it is very
11 accurate.

12 **Q** What happens after this 7:45 p.m. period?

13 **A** After 7:43, Mr. Franklin traveled away from
14 that area, often at a high rate of speed. He went
15 to an area around 7:58 to 8:11, so about 13 minutes
16 he was at an area called Bloody Bucket Road, again
17 spending about 13 minutes there. After 8:11,
18 8:21 he traveled to Gibson Road area in
19 Greeleyville. 8:21, he cut the device off his
20 ankle, removed it.

21 **Q** Can this track speeds as well?

22 **A** Yes, ma'am.

23 **Q** Is it typical to have those speeds in the
24 report?

25 **A** Right. Typical for every single satellite

MOTIONS

1 point that it picks up. If you do a satellite
2 point, it will show you a speed that the device was
3 traveling at showing zero if someone is at home,
4 and as fast as the car will go.

5 Q Can you tell the jury about the speeds that
6 Mr. Franklin was traveling?

7 A Yes, ma'am. Again, after leaving the Wilson
8 Buie area, the device recorded three points on
9 Highway 77 -- looks also known as Martin Luther
10 King Junior Avenue -- 72 miles an hour, 73 miles,
11 76 miles an hour, respectively. From there, on
12 Highway 521: 95 miles an hour, 96 miles an hour,
13 98, and 105 miles an hour, respectively.

14 MS. ALSTON: Nothing further.

15 MS. BUTCHER: No questions.

16 THE COURT: Okay.

17 MS. ALSTON: We rest at this time.

18 THE COURT: State rests?

19 MS. ALSTON: Yes, Your Honor.

20 THE COURT: I need you to go to the jury
21 room. I need to do some things out here, but it
22 won't take long. I do need you to do one thing
23 while you're back there: Select a foreperson. I
24 don't know any of you, so outside of the 12 -- the
25 alternate can't be a foreperson -- but you all

MOTIONS

1 that?

2 MR. FRANKLIN: Yes.

3 THE COURT: Now, whether you testify or
4 whether you don't testify is your decision. You
5 certainly can talk to your lawyer and get
6 recommendations as to whether she thinks you should
7 or should not testify, but it is up to your
8 decision. Do you understand that?

9 MR. FRANKLIN: I do.

10 THE COURT: And, like I said, if you choose
11 not to testify, I'll instruct the jury, and they
12 cannot consider that in any way against you,
13 because you have a Constitutional right to remain
14 silent. Do you understand?

15 MR. FRANKLIN: Yes.

16 THE COURT: I don't know if you need to talk
17 to your lawyer about your decision to testify or
18 not. If you don't need any more time, I'll be glad
19 to entertain any motions, and we can proceed with
20 the trial.

21 (A brief pause in the proceedings.)

22 MS. BUTCHER: He does not want to, Your
23 Honor.

24 I have a motion for directed verdict in this
25 matter. The State has the sole burden of proof.

MOTIONS

1 They have been unable to show that my guy had a
2 gun, was the shooter. The evidence actually
3 indicated someone else was the shooter, an
4 eyewitness. They are unable to have any gun that
5 my client could have possessed, Your Honor.

6 They do show that he left after he, himself,
7 was grazed by a bullet, and left like so many other
8 people did. He did cut his ankle monitor off. He
9 did go to Ohio, and I think that is a reasonable
10 suspicion. I don't believe that without anything
11 else that would even meet the probable cause
12 standard, Your Honor.

13 The statements he made, we don't even know
14 what they mean. The investigator even admitted she
15 didn't know what they meant, but even if he had
16 said I did it, I did it, without more, the State
17 still -- with that, the State still has to
18 independently prove their case, which they have not
19 done.

20 THE COURT: Okay. Do you want to respond?

21 MS. ALSTON: Yes, sir. And I have a few case
22 laws I'll reference as well, and copies for
23 Attorney Butcher.

24 Just as a brief overview, when we talk about
25 directed verdict, the test when ruling on directed

MOTIONS

1 verdict is whether or not there is existence or
2 non-existence of evidence and not as to its weight.

3 Your Honor, we must view the evidence in
4 light most favorable to the State in regards to a
5 directed verdict. And, as you see, the case law is
6 direct or any substantial circumstantial evidence
7 relating to prove the guilt of the accused, this
8 case must be submitted to the jury for
9 deliberations.

10 Here, in this matter, we have more than just
11 one piece of evidence. We have a substantial
12 amount of circumstantial evidence. Mr. Marquise is
13 at the scene of the crime. We heard testimony
14 confirmed that he was wearing an ankle monitor. He
15 is on the scene as we watch the surveillance video
16 and the surveillance video coincides with the time
17 frame of when the shooting occurred.

18 He has a prior bad blood with the deceased.
19 We had a witness that testified that there was a
20 threat was sent to him saying Quadree is next. We
21 have both parties there on the scene of the crime,
22 along with an innocent third party who was in close
23 proximity to the other deceased victim. We have
24 Mr. Franklin fleeing the scene at a high rate of
25 speed.

MOTIONS

1 He then cuts his ankle monitor off, leaves
2 South Carolina, travels to Ohio. When he is in
3 Ohio, he makes jail calls. He is claiming that
4 this event could not have been avoided, it was
5 going to happen regardless, and it was meant to
6 happen. He even goes as far as stating that he had
7 a change of plans.

8 We heard from the young lady. The original
9 plan was for him to drop her off at the concert,
10 come back and pick her up, and he goes home or
11 whatever they plan to do afterwards. After this
12 occurred with the shooting, that is when there is a
13 change of plans. He gets dropped off, and then he
14 flees to Ohio.

15 When he's there, he makes reference to the
16 missing gun. We had expert testimony to confirm
17 there are two guns in play here. No one identified
18 the deceased victim as the shooter. There is
19 evidence to the contrary that his gun was even
20 fired. As we heard experts say, the head stamps on
21 the shell casing did not match any head stamps on
22 what was recovered next to the victim.

23 We do have the defendant himself on jail
24 calls saying when law enforcement came, he could
25 have beat those boys. He could have run away, and

MOTIONS

1 he could have gotten away from them if he continued
2 to hide.

3 And then he mentioned that when they came and
4 got him, he thought that they had the gun. He
5 thought that they had it. So the State feels as
6 though there is enough circumstantial evidence to
7 be presented to the jury.

8 MS. BUTCHER: It is not circumstantial
9 evidence. It has to be substantial circumstantial
10 evidence.

11 THE COURT: Okay.

12 (A brief pause in the proceedings.)

13 THE COURT: Okay. Obviously, the standard is
14 not mere scintilla, but I think there is a genuine
15 issue of material fact based on circumstantial
16 evidence in this case.

17 Now, understanding there is no direct
18 evidence, as far as this murder is concerned, but
19 it is circumstantial evidence, the jury can rely on
20 it in making those conclusions now. I'm going to
21 deny your motion for directed verdict based on the
22 circumstantial evidence that he was at the scene at
23 the time. There was evidence introduced that he
24 was, in fact, there. He left the scene, just as
25 you pointed out and as other people, and you can

MOTIONS

1 see him on the video running from the scene getting
2 back in the car. He left there at a high rate of
3 speed, which is evidence in the record. He cut his
4 ankle monitor off. He made statements on the
5 telephone conversations about -- that the police
6 didn't find his gun, as well as it was intended to
7 happen.

8 Understanding the jury is going to have to
9 put all of that together through circumstantial
10 evidence, and whether they can do it or not, I'm
11 not sure. But I'll send it to the jury.

12 Do you have any other witnesses to call?

13 MS. BUTCHER: Yes, Your Honor. I have two
14 SLED agents to call.

15 THE COURT: Okay. I'll bring the jury in,
16 finish those, and then maybe this is a good time to
17 -- instead of sending them back out again, let's
18 talk about the charge. I assume -- and I'll do my
19 standard charge.

20 MS. ALSTON: The State has a list of proposed
21 jury charges as well, Your Honor.

22 THE COURT: Okay. I'll charge my standard
23 reasonable doubt. I was going to charge murder,
24 possession of a weapon during the commission of a
25 violent crime. Is there anything else that I need

MOTIONS

1 to charge?

2 MS. BUTCHER: Your Honor, I've handed up --
3 we're requesting the Logan charge.

4 THE COURT: You are talking about
5 circumstantial evidence? I have that in there
6 anyway. I always charge that.

7 MS. BUTCHER: Oh, okay.

8 THE COURT: I'll go over the standard charge
9 which is my role, jury's role, reasonable doubt,
10 presumption of innocence, credibility of witnesses,
11 expert witnesses, criminal intent, circumstantial
12 evidence and direct evidence, the fact that the
13 defendant did not testify that they can't hold that
14 against him in any way. I will charge murder,
15 possession of a weapon during a violent crime.

16 MS. BUTCHER: And no comment about fleeing.
17 I thought you used to --

18 THE COURT: About what?

19 MS. BUTCHER: Fleeing. No charge on that?
20 You used to be able to, but now it's changed.

21 THE COURT: Yeah. So, I mean, the jury can
22 weigh that evidence however they deem appropriate.

23 MS. BUTCHER: But you won't charge that they
24 can find that?

25 THE COURT: Right. So I'm charging

MOTIONS

1 possession of a weapon during the commission of a
2 violent crime, but not Count 4 of the indictment,
3 because there is no evidence in the record on Count
4 4.

5 MS. ALSTON: Right.

6 THE COURT: Okay. You want to talk about the
7 verdict form?

8 (A recess was taken.)

9 THE COURT: All right. Are we ready for the
10 jury?

11 MS. BUTCHER: Yes, Your Honor.

12 MS. ALSTON: Yes, Your Honor.

13 (The jury enters at 10:48 a.m., and the
14 following is heard in the presence of the jury.)

15 THE COURT: Did you all select a foreperson?
16 Who is that person?

17 JUROR: I'll serve, Your Honor.

18 THE COURT: Good. Thank you. You have to
19 sit up here in the hot seat.

20 JUROR: Oh, boy.

21 THE COURT: All right. You want to call your
22 witness?

23 MS. BUTCHER: Yes. I will call Megan
24 Fletcher.

25 (MEGAN FLETCHER, having been duly sworn,

MEGAN FLETCHER - DIRECT EXAMINATION

1 testified as follows:)

2 **DIRECT EXAMINATION**

3 **BY MS. BUTCHER:**

4 **Q** Hi, Ms. Fletcher. How are you?

5 **A** Doing well. How are you?

6 **Q** Doing well. Could you tell me what your job
7 is?

8 **A** I'm a forensic scientist at the South
9 Carolina Law Enforcement Division in the Forensic
10 Services Laboratory in the Trace Evidence
11 Department.

12 **Q** And what type of education did you have to
13 achieve to get that title?

14 **A** I have my bachelor's from Chatham College in
15 biochemistry and English. I have a master's in
16 forensic science from Marshall University,
17 emphasizing in computer forensics and forensic
18 chemistry.

19 **Q** Did you have other special training -- or did
20 you mention all of it?

21 **A** Yes, ma'am. Once I obtained my employment at
22 SLED, I underwent specialized training in each one
23 of the disciplines that I'm competent to perform
24 analysis; that includes, gunshot residue, fired and
25 grain analysis, explosives, paints, fibers, glass,

MEGAN FLETCHER - DIRECT EXAMINATION

1 pressure sensitive tapes, and general chemical and
2 physical unknown identification and comparison.

3 Q And you testified as an expert in the past?

4 A Yes, ma'am, I have.

5 Q Roughly, how many times?

6 A For gunshot primer residue, it is 67.

7 MS. BUTCHER: Your Honor, I would like to
8 submit Ms. Fletcher as an expert in the field of
9 forensic science.

10 MS. ALSTON: No objection.

11 THE COURT: Okay. You are an expert in
12 forensic science or firearm -- what are you going
13 to be an expert in?

14 THE WITNESS: Gunshot primer residue.

15 THE COURT: Court so finds.

16 MS. BUTCHER: Thank you.

17 Q (BY MS. BUTCHER) Ms. Fletcher, I'll hand you
18 a report that you did in the case. Do you
19 recognize that?

20 A May I refer to my notes?

21 Q Yes. Yes, ma'am.

22 A This appears to be a copy of the report I
23 issued to this case.

24 Q And that was a gunshot residue kit from a
25 Quadree Wilson; is that correct?

MEGAN FLETCHER - DIRECT EXAMINATION

1 **A** Yes, ma'am, it was.

2 **Q** Can you explain to me what the results were
3 of your analysis?

4 **A** My results is that particles were
5 characteristic of gunshot primer residue were
6 found. In general, particles characteristic of
7 gunshot primer residue are microscopic, molten
8 particles that contain lead, barium and antimony.
9 Gunshot residue can come from being in the vicinity
10 to the discharge of a firearm, which includes
11 sustaining a gunshot wound; discharging a firearm
12 or coming into contact with a surface that has
13 gunshot primer residue on it.

14 It should be noted that the presence or
15 absence of gunshot primer residue on a victim of a
16 gunshot wound cannot determine if the shooting was
17 a homicide, or accident, suicide, or self-defense.

18 **Q** So, in other words, if you find gunshot
19 residue, he possibly could have been the victim of
20 the gunshot, the shooter of the gun, or even both,
21 correct?

22 **A** That is right. In this case, I did note that
23 this individual did sustain a gunshot wound, and
24 that could be where the particles came from, but I
25 can't rule out any of the other scenarios either.

MEGAN FLETCHER - CROSS EXAMINATION

1 Q Thank you.

2 MS. BUTCHER: No further questions.

3 CROSS EXAMINATION

4 BY MS. ALSTON:

5 Q Good morning.

6 A Morning.

7 Q I wanted to clarify, because it is a lot of
8 science. Is it possible for gunshot victims to
9 have GSR on them?

10 A It is very possible. It is very likely.

11 Q And is it possible for those who are in close
12 proximity to a shooting to have gunshot residue on
13 them as well?

14 A Yeah. So anyone who is in the vicinity of a
15 discharge of a firearm, this means about 2 to 3
16 feet on either side, 2 to 3 feet behind may have
17 gunshot primer residue. That also includes people
18 as far as 16 feet in front of the muzzle loader of
19 the firearm, if they sustain a gunshot wound. The
20 reason for that is that because those are
21 microscopic particles from the primer are traveling
22 along with the bullet itself, so it can travel
23 quite far.

24 Q Okay.

25 MS. ALSTON: No further questions.

KATHRYN LEISY - DIRECT EXAMINATION

1 THE COURT: You may step down. Thank you.

2 MS. BUTCHER: I call Kathryn Leisy.

3 (KATHRYN LEISY, having been duly sworn,
4 testified as follows:)

5 **DIRECT EXAMINATION**

6 **BY MS. BUTCHER:**

7 **Q** How are you?

8 **A** Well. Thank you.

9 **Q** Could you state your full name and spell your
10 last name for the court reporter?

11 **A** Kathryn Leisy, L-E-I-S-Y.

12 **Q** Apologize. I've been calling you Lessee
13 (pronunciation).

14 **A** No problem.

15 **Q** Could you tell the jury where you work?

16 **A** I work for the South Carolina Law Enforcement
17 Division, more commonly referred to as SLED.

18 **Q** And what is your role there, your job?

19 **A** Forensic scientist assigned to the DNA
20 Casework Department and currently working with the
21 Homicide and Violent Crimes Unit.

22 **Q** And to obtain that job, what was your
23 education you had to achieve?

24 **A** I have a bachelor's of science degree in
25 genetic engineering from Cedar Crest College in

KATHRYN LEISY - DIRECT EXAMINATION

1 Pennsylvania. I also have, approximately, four
2 years of experience at a private DNA testing
3 facility where I ran the same types of tests and
4 analyses I'm required to do -- and the duties -- at
5 SLED. I've been at SLED for a little over 18
6 years, and I've been trained in every type of
7 analyses that I'm required to perform by other
8 court-qualified analysts within the department.

9 Q And you have been qualified as an expert in
10 the past?

11 A Yes, ma'am.

12 Q How many times?

13 A I would say, approximately, 150.

14 MS. BUTCHER: At this time I would submit
15 Ms. Leisy as an expert in DNA analysis.

16 THE COURT: Any objection?

17 MS. ALSTON: No objection.

18 THE COURT: Court so finds.

19 Q (BY MS. BUTCHER) Now, Ms. Leisy, I'll hand
20 you a report. Let me know if you recognize it.

21 A Appears to be a copy of the report I
22 generated that contained all of the different
23 results of the conclusions I drew after my testing
24 in this case.

25 Q And can you tell us about Page 2, the swabs

KATHRYN LEISY - DIRECT EXAMINATION

1 from the gun trigger -- and let me ask you this.

2 MS. BUTCHER: This has been sealed back up.

3 THE COURT: She can unseal it.

4 MS. BUTCHER: Okay. I didn't know how
5 evidence --

6 THE COURT: She can open it.

7 Q (BY MS. BUTCHER) I'll let you unseal this.

8 THE COURT: It probably pops off.

9 MS. BUTCHER: It looks like it was taped
10 back.

11 A I received swabs taken from the gun, so the
12 gun was never physically in my custody.

13 Q (BY MS. BUTCHER) Okay. Okay. But you did
14 test the swabs from the gun taken from the scene in
15 this case?

16 A Correct. I received two different swabs that
17 were identified as being from a gun, one from the
18 trigger of the gun, and one from the handle.

19 Q Can you tell me the results from the trigger
20 of the gun?

21 A I can. So, essentially, my job as a DNA
22 analyst is to try to develop a DNA profile from
23 biological material left on an item of evidence or
24 crime scene, compare it to a profile on a known
25 individual, and determine if that individual

KATHRYN LEISY - DIRECT EXAMINATION

1 contributed to the material that I tested.

2 In terms of SLED Item 1.1, the swab from the
3 gun trigger, I was able to gather a DNA profile
4 suitable for comparison, and I interpreted that as
5 being a single source, meaning it was DNA from just
6 one person.

7 When we do comparisons between known
8 individuals and a profile from evidence, we
9 calculate what is known as a likelihood ratio, and
10 it is just a mathematical calculation that compares
11 two possible explanations for the DNA profile, and
12 the number it generates provides support for which
13 of those two possible explanations is more likely,
14 with larger the number, meaning more support or
15 stronger support.

16 So for this particular comparison, in
17 comparing Quadree Wilson to the profile from the
18 gun trigger, my two possible explanations were,
19 one, that Quadree Wilson was the contributor to the
20 profile.

21 Second possible explanation being that an
22 unidentified, unrelated individual contributed to
23 this profile. I was and able to determine that the
24 DNA profile is approximately 180 octillion times
25 more likely if it is Quadree Wilson contributing to

KATHRYN LEISY - CROSS EXAMINATION

1 the profile than if an unidentified, unrelated
2 individual contributed. I was able to exclude
3 Tysie Wilson as a contributor to this profile.

4 In terms of SLED Item 1.2, the swab from the
5 gun handle, a partial DNA profile was developed,
6 which means that not all of the locations that I
7 tested yielded results, which could be indicative
8 of there being not enough DNA present to be tested,
9 or that that DNA has been degraded or broken down
10 to the point that we cannot test it. Due to the
11 limited information obtained and the inability to
12 determine the number of contributors to this
13 partial profile, I was not able to offer any
14 further interpretation.

15 MS. BUTCHER: No further questions at this
16 time.

17 I would move Ms. Leisy's report into
18 evidence.

19 THE COURT: What says the State?

20 MS. ALSTON: No objection, Your Honor.

21 THE COURT: In without objection.

22 (Defendant's Exhibit 2 marked and admitted.)

23 CROSS EXAMINATION

24 BY MS. ALSTON:

25 Q Good morning.

KATHRYN LEISY - CROSS EXAMINATION

1 **A** Morning.

2 **Q** After reading your report, could you
3 determine whether or not the trigger was pulled by
4 Mr. Quadree Wilson?

5 **A** We can't determine anything such as when an
6 item is held, how it was handled. So I can't say
7 that the trigger was pulled. All I can say is this
8 was the DNA profile developed from the swab from
9 the item when I tested it.

10 **Q** Do you know, approximately, how long does DNA
11 remain on these types of materials?

12 **A** It depends, first off, on how much DNA is
13 deposited on an item. The more DNA left, you would
14 expect longer that it would be viable for testing.
15 But it can be affected by the length of time the
16 DNA has been present on the time, if it hasn't been
17 touched by anyone else. Has it been wiped?
18 Cleaned by a disinfection? Any other way that it
19 could be handled it could have removed that DNA
20 from that individual and introduced DNA from
21 another. So there is no way to determine how long
22 that material was present.

23 **Q** So it is possible that he could have touched
24 the trigger of the gun, say, weeks prior?

25 **A** That would be possible, yes. That is one

KATHRYN LEISY - CROSS EXAMINATION

1 method of transferring.

2 Q Were you able to determine whether or not he
3 touched the trigger of his gun and when exactly he
4 did that?

5 A The testing we performed does not allow us to
6 timestamp when DNA was deposited. It is just a
7 question of when that DNA is present when we tested
8 it.

9 MS. ALSTON: No further questions.

10 MS. BUTCHER: Nothing further.

11 THE COURT: Any further from the defense?

12 MS. BUTCHER: None, Your Honor.

13 THE COURT: Reply from the State?

14 MS. ALSTON: None, Your Honor.

15 THE COURT: Okay. Any reason we can't do
16 arguments and charge? You ready to go?

17 MS. ALSTON: Yes, sir, the State is ready.

18 MS. BUTCHER: Yes, Your Honor.

19 THE COURT: Okay. Ladies and gentlemen, you
20 have heard all of the evidence you are going to
21 hear in this case. Now you will hear the closing
22 arguments of the attorneys, and then I will charge
23 you on the law and give you this case to decide.

24 So, if you will, pay close attention to the
25 attorneys.

CLOSING ARGUMENT - BY MS. ALSTON

1 MS. ALSTON: I beg the Court's indulgence.
2 I'm having technical difficulties.

3 (A brief pause in the proceedings.)

4 MS. ALSTON: Ladies and gentlemen, good
5 morning. First, I want to take the time to thank
6 you all took being attentive and patient and
7 understanding with all of the chaos and drama we
8 had going on this week. Like I told you on Tuesday
9 morning, what you do is very important. Your job
10 is essential to make sure that the justice system
11 works, and that that it also keeps going.

12 Back on Tuesday morning, I told you all how
13 pride, animosity, holding onto unnecessary grudges,
14 and having an overly inflated ego is just a recipe
15 for disaster and it can lead to a tragedy. You all
16 have sat here this week and heard how all of those
17 aspects pertaining to the defendant did, indeed,
18 lead to the tragedy of losing two amazing young
19 people: 16-year-old Tysie Wilson and 24-year-old
20 Quadree Wilson.

21 Now, in a week you all heard from several
22 people that took the very stand over there. You
23 got to hear their testimony. You got to watch
24 their body language and learn a little bit about
25 science and math, and now you get to judge their

CLOSING ARGUMENT - BY MS. ALSTON

1 credibility. You all got to the watch the
2 surveillance footage from the Lanue Floyd Village
3 Apartments located at 500 Wilson Buie Boulevard
4 here in Kingstree, South Carolina. You were able
5 to get a glimpse of the scene of two murders.

6 What was that scene? A setting up for a
7 funeral, of all things, where you have a large
8 number of family, friends, relatives, loved ones
9 gathered together, even in the mist of Covid. You
10 had them coming out to pay their respects, to send
11 their condolences, to show love to one another, to
12 celebrate the life of one dearly departed soul.

13 You saw a range of individuals there on the
14 scene. You had babies, small children. You had
15 teenagers, adults, and even the elderly out there.
16 You even saw the smaller circle gathered outside
17 where Tysie and Quadree was located at. As you
18 heard one of the witnesses say, the small group was
19 just gathered together first in the name of the
20 young lady that had passed away. They were trying
21 to celebrate her life by creating happy memories.

22 They gathered together to sing songs, rap,
23 make jokes and anything to try to make the
24 situation a little bit more lighthearted, because
25 it is already a sad occasion when someone loses

CLOSING ARGUMENT - BY MS. ALSTON

1 their life, trying to put light into the darkness
2 already going on through that period of time.

3 Then, not even within a whole minute of the
4 defendant getting out of his girlfriend's vehicle,
5 you heard testimony from one of the witnesses that
6 several shots rang out causing chaos. You see one
7 body fall in the camera. Another falls right
8 outside of the camera's view. Two lifeless bodies.
9 Two young people laying out on the cold, hard
10 ground causing those who are already grieving more
11 heartache and pain, not to mention causing two more
12 families unimaginable pain because they thought
13 their loved ones were coming home that evening.

14 What else do we see? We see the defendant,
15 Marquise Devonte Franklin, travel from the vehicle
16 over to the small circle where Quadree and Tysie
17 were located, arms tucked and running from around
18 the building where the camera is located. He's
19 making a beeline back to that vehicle that he got
20 out of. Arms tucked as if he's holding something.
21 He makes a beeline to that vehicle, gets into the
22 driver's seat. He backs out, and speeds through
23 the residential area.

24 You heard it from the young lady who was
25 trying to render aid to the people that got shot,

CLOSING ARGUMENT - BY MS. ALSTON

1 people who she knew her whole life, and she was
2 checking their well-being to find out what had
3 happened. He almost runs over her by how fast he
4 was going. You heard testimony that he was
5 traveling speeds in excess of 70, 80, the 90 up to
6 a hundred miles an hour. Careless disregard for
7 the scene and everything going on.

8 As he is flying through that same residential
9 neighborhood, people are ducking down out of sheer
10 fear of his vehicle that he is in. They stayed
11 ducked down behind mailboxes, behind the white
12 Honda you all saw. When his car passes by,
13 everyone checks around to see that that vehicle has
14 left and see that he is off the scene. Then they
15 get up to check on their dear loved ones that they
16 didn't know had lost their lives.

17 Now, we heard from Ms. Carson, the
18 then-girlfriend of the defendant. She even stated
19 that the original plan for that evening was for
20 them to waste time. They were going to waste time
21 as they waited for a friend to get dressed so they
22 could go to the concert. But then he was supposed
23 to drop her off, come back into town, do whatever
24 he wants to do, come back, pick her up, and then go
25 on about their business. But those plans

CLOSING ARGUMENT - BY MS. ALSTON

1 conveniently change after the shooting takes place.

2 All of the sudden, he needs to get dropped
3 off in Greeleyville. After that, there is no more
4 concert. There is no more let's-go-on-a-date,
5 let's-see-what-else-we-have-planned-for-the-rest-of
6 -evening. He hightails it to Cleveland, Ohio,
7 650 miles or more away from Kingstree, South
8 Carolina -- all the way to Cleveland, Ohio.

9 What did Mr. Franklin have to say about that?

10 (Published to the jury.)

11 MS. ALSTON: It was meant for this to happen.
12 Even if you drop Ms. Carson off, the defendant was
13 still going to the setting up, and it was bound to
14 happen. He says the shooting death of Tysie Wilson
15 and Quadree Wilson was still going to happen, and
16 it was all dependent on his presence at the setting
17 up. How do we know that that was going to happen?
18 Because of his actions. Like an insecure little
19 boy, he was still holding onto a petite grudge from
20 high school years ago. Not days. Not weeks. Not
21 months. Not even hours. Years ago from when they
22 were in high school.

23 You heard testimony that he went and slapped
24 Ms. Raneisha Conyers, the girlfriend of Quadree
25 Wilson, and sends a threat that Quadree is next,

CLOSING ARGUMENT - BY MS. ALSTON

1 and then follows up on that threat following the
2 poor young lady 15 minutes from Salters to
3 Greeleyville. It's a 15-minute drive, and he's
4 causing a scene at her residence trying to engage
5 in an altercation with Quadree two weeks before
6 this incident take place.

7 But, you know, take his word for it. What
8 did he say?

9 (Published to the jury.)

10 MS. ALSTON: You also heard from the forensic
11 pathologist that Ms. Tysie Wilson suffered one
12 gunshot wound to the back of her head. Quadree
13 suffered eight gunshot wounds. One bullet
14 recovered from the back of Tysie's head, and one
15 bullet recovered from Quadree's right arm. The
16 cause of death for both individuals were gunshot
17 wounds, and the manner of death determined by the
18 experts was determined to be homicide. Both
19 pathologists recovered those projectiles. It was
20 collected, packaged, and shipped off for further
21 testing and comparison.

22 So let's talk about what we learned there.
23 The bullet retrieved from Quadree's right arm was
24 not fired by the gun next to him, not a bullet
25 recovered from Tysie's back of her head. It was a

CLOSING ARGUMENT - BY MS. ALSTON

1 little damaged, but the head stamp on that bullet
2 matched that other bullet from Quadree. Nine shell
3 casings recovered. Eight gunshot wounds to
4 Quadree. One gunshot wound to Tysie. It appeared
5 to be fired from the same weapon.

6 The firearm expert even testified that there
7 are two guns in play in this scenario. Again, you
8 all saw the surveillance footage. We saw the
9 defendant running behind the building, arms tucked
10 under him as if he's holding something. The
11 defendant himself even makes reference to a gun.

12 (Published to the jury.)

13 MS. ALSTON: They didn't find anything. They
14 didn't find the gun or anything. I thought they
15 had "it." I thought the man was talking about the
16 gun. The defendant is talking about the second gun
17 that is missing from the scene that could have been
18 in his hand as he was running away from the
19 apartment.

20 But as he said right there, That seals the
21 deal. The big, bad defendant, who was so sure of
22 himself after running away scared, just knew in his
23 soul, in his heart of hearts, that the boys -- or,
24 you know, the more respective terms law
25 "enforcement agents" -- he just knew that they had

CLOSING ARGUMENT - BY MS. ALSTON

1 the weapon, and that right there would seal the
2 deal for him.

3 Like I said earlier this week, real life
4 isn't like the TV shows. We really wish it could
5 be. We all wish you could catch everything in 4K
6 and high definition on cameras and have fingerprints
7 and all of this dramatic things in court. But real
8 life just isn't like that. We don't get to have
9 everything packaged within a 30-minute time frame.

10 But in real life there is what we call
11 "circumstantial evidence," and circumstantial
12 evidence is real evidence. It requires us to use
13 our common sense and to put the elements and facts
14 together.

15 The circumstances here are clear. The
16 defendant had a long-standing beef or difficult
17 history with Mr. Quadree Wilson. Both knew or were
18 related to the deceased woman whose setting up they
19 were at, and both men were at the scene.
20 Unfortunately, Ms. Tysie was close to Quadree during
21 that period of time. The defendant already
22 threatened Mr. Conyer's life. Quadree's next. He
23 walks toward them towards the circle where the two
24 individuals are located, fires into the crowd of
25 people, striking an innocent 16-year-old child, a

CLOSING ARGUMENT - BY MS. ALSTON

1 cheerleader, daughter, granddaughter, sister,
2 friend. As I stated, she attended the very school
3 across the street from where she took her last
4 breath. She wasn't able to attend her graduation.
5 She wasn't able to cheer again. She wasn't able to
6 give her mom a big hug anymore. Her life cut short
7 prematurely.

8 Mr. Quadree Wilson, 24 years old, a son who
9 recently lost his own mother, brother, cousin, dear
10 friend had his young life cut short all because the
11 defendant couldn't let go of nonsense that didn't
12 matter anymore.

13 He fires into the crowd with those two young
14 lives present. He runs back to his car like a
15 coward, changes his plans, claims he got grazed.
16 Now, during this period of time, Williamsburg
17 Regional Hospital was about a two-minute walk from
18 the Lanue Floyd Apartments. Doesn't go that
19 direction. Goes towards Greeleyville, and then runs
20 to Cleveland, Ohio.

21 Once he's in -- even before he gets there,
22 he cuts off his ankle monitor. When he gets to
23 Ohio, he gets on those calls, I could have beaten
24 those boys, all I had to do was hide in the
25 apartment. I could have jumped out of the window.

CLOSING ARGUMENT - MS. BUTCHER

1 I thought that they had the gun. There is no way
2 around the situation.

3 That is pride talking there when you think
4 there is no other alternative to handle your issues
5 like a real man. But he had to dip. He had to dip.
6 It was going to happen regardless. The shooting
7 death of Tysie Wilson and shooting death of Quadree
8 Wilson was going to happen regardless, all because
9 of the defendant.

10 We talked briefly about reasonable doubt,
11 and the Honorable Judge Cothran will give you an
12 instruction. But with these facts and
13 circumstances, I submit that you will be firmly
14 convinced that Mr. Franklin unlawfully, pridefully,
15 and arrogantly cut down the lives of these two deer
16 young people, and in his own words, it was going to
17 happen regardless.

18 Well, now, in his own words as well, It's
19 time to seal the deal.

20 MS. BUTCHER: Ladies and gentlemen, the State
21 wants you to make assumptions. You start making
22 guesses, it is inherent and unreliable. No way
23 around it.

24 We knew he was going back out later. No way
25 around Quadree Wilson going to take his life, who

CLOSING ARGUMENT - MS. BUTCHER

1 was going to kill him later if he didn't then,
2 perhaps that is what that meant. We don't know.
3 Was he holding something when he was running for
4 his life? Or was he simply holding up his pants
5 because he wore them low like so many young people
6 do? Don't make assumptions.

7 This was a very tragic situation, and my
8 heart goes out to families in this case. I have
9 young children -- well, three young adults who will
10 always, in my mind, be young children. This was a
11 very tragic loss for these families, but so would
12 be convicting the wrong person.

13 The Solicitor told you that it is my job to
14 throw doubt on the facts. That is not quite fact.
15 First, you have to have facts. Facts don't change.
16 The facts in this case do not point to my client,
17 Marquise Franklin.

18 What do we know? There was a setting up. A
19 lot of people attended, including Mr. Franklin.
20 The video that was shown is only a small shot of
21 the entire area of the setting up. They emphasized
22 Mr. Franklin leaving, but you saw other cars
23 leaving. You saw the one I kept referring to as
24 the white one when the man got into it and didn't
25 even wait for the passenger to get in the car all

CLOSING ARGUMENT - MS. BUTCHER

1 the way before he started moving.

2 They also said there was a lot of other cars
3 that left. Mr. Franklin, we don't know that he was
4 the first car to leave. He was just on the video.
5 We know there was a shooting. We know Mr. Wilson
6 had a gun and his DNA was on the trigger of his
7 gun.

8 We know there was an eyewitness. An
9 eyewitness saw a man in a black hoody shooting at
10 Mr. Wilson. We know that. Mr. Franklin had a
11 light green jacket with no hood. We know Mr.
12 Franklin was not seen with a gun, and if he was
13 holding a gun when he ran back, I think the
14 passenger in his car would have seen it.

15 We know that Mr. Franklin went to the setting
16 up just by happenstance because the young girl they
17 were going to pick up was still in the shower. He
18 wasn't going out there with an attitude or on the
19 phone with anyone. He just went to pay his
20 respects.

21 We know that Mr. Franklin was either shot at
22 himself or he happened to be in the line of fire
23 between Mr. Wilson and the man in the black hoody.
24 You heard from the SLED agent that it was possible
25 that the bullet in Mr. Wilson's gun, the one that

CLOSING ARGUMENT - MS. BUTCHER

1 killed that young girl that night, that bullet
2 could have very easily been shot at Mr. Franklin,
3 grazed and missed him, and hit the young lady.

4 We don't know if the man in the black hoody
5 was being shot at too or retaliated against because
6 of what Mr. Wilson did killing the young lady. We
7 don't know. Don't make assumptions. The State has
8 to prove every aspect of this, and that is very
9 important to all of us.

10 We do know that Mr. Franklin cut his ankle
11 monitor off and went to Ohio. Now, is that because
12 he thought he was being -- because there was no way
13 around it, because Quadree Wilson was out to kill
14 him and he was more scared of Quadree Wilson than
15 probation and parole?

16 The State gave you these little snippets of
17 conversations he had. Now, when I was talking to
18 the investigator, at first, she was like, oh, there
19 are about 50 calls. I think she even said 30 to
20 the Solicitor. Come to find out, she finally
21 admitted there was over 137 calls. They have 137
22 calls. She cherrypicked out different snippets,
23 the things that they want to make you think that he
24 was making admissions. We don't know if it was
25 talking about this or what it was, frankly. There

CLOSING ARGUMENT - MS. BUTCHER

1 was another person on the other side of those
2 conversations. We didn't get a chance to hear from
3 them about the context of those statements. The
4 State didn't even bother to contact the person.
5 She had a phone number and didn't even bother to
6 try.

7 You know what else that was incredibly
8 concerning to me? She had an eyewitness that said
9 a man in a black hoody. What did they do to find
10 that man? They looked at their one small shot from
11 that surveillance camera and said, Oh, I don't see
12 him. Okay, Let's go some other route. That is all
13 they did. I would have knocked on every door,
14 tried to find someone who had seen that, seen
15 something, but that didn't happen.

16 The investigator even admitted that she
17 didn't know what it meant on those phone
18 conversations. What was also very concerning to me
19 was that I had to drag out of the investigator that
20 there was an eyewitness, and that they knew the
21 suspect wore a black hoody and did not match the
22 description of my client. At first, she tells me,
23 I don't remember, until I showed her her interview,
24 and then, suddenly, Yeah. Yeah. She even
25 remembered that she didn't bother to look for him.

CLOSING ARGUMENT - MS. BUTCHER

1 That shouldn't have happened.

2 The other thing -- several things, but
3 another thing that was very surprising to me is why
4 did I have to drag out -- not drag out from the
5 SLED agent, they were very up front, but why did I
6 have to show and give testimony that the bullet
7 from Mr. Wilson's gun could have possibly been the
8 bullet that killed the young lady? I put that in
9 evidence. The State didn't want you to know that.

10 I also had to call the other SLED agents for
11 you to know that Mr. Wilson's DNA was on the
12 trigger of that gun. The State has the ability to
13 show you everything. It needs to show the good and
14 the bad to its citizens before it asks you to make
15 such a very challenging decision as to who is
16 guilty of what crimes.

17 The State tried to hide every piece of
18 evidence in this case. That's sad, and that is
19 pathetic. You need to make an informed decision.
20 You are the judges of the facts in this case -- all
21 of the facts, not just the facts the State wants
22 you to know to make their case. If that were true,
23 there is no need for you all. No need for this
24 courtroom. We just need to be a police state like
25 Russia.

CLOSING ARGUMENT - MS. BUTCHER

1 Mr. Wilson's girlfriend came in and told you
2 that they've been dating since high school. Don't
3 really know what that means to the extent of it.
4 She also let you know that Mr. Wilson carries a
5 gun, and she claims that my client shoved her and
6 she made a police report. That was almost four
7 years ago and nothing happened with that. I don't
8 know if the police didn't believe her or what it
9 was.

10 What did it mean if it is true that my client
11 said Mr. Wilson is next? That he is going to shove
12 him? I don't know. But you don't jump to the
13 conclusion that he's out to kill him. Frankly, if
14 someone regularly carries a gun he's -- especially
15 to a setting up -- sounds like they are beefing
16 with a lot of people, and I'm certain that night it
17 was the man in the black hoody.

18 The only thing they brought you is that my
19 client cut off his ankle monitor. That is
20 reasonable suspicion, I will give you that. But I
21 think it is a far cry to convict someone of
22 something as serious as this. The fact is, if
23 that's all it takes to convict someone in this
24 county, then help Williamsburg County.

25 Thank you.

CLOSING ARGUMENT - MS. BUTCHER

1 MS. ALSTON: Attorney Butcher talked a lot
2 about assumptions, about needing to focus on facts,
3 and facts don't change. And the facts didn't
4 change in this situation. We saw on video that Mr.
5 Franklin was the first car to leave. We saw the
6 individuals duck down and hide behind mailboxes and
7 other vehicles until he was gone.

8 Now, we did not hear any testimony from the
9 stand about an eyewitness. We do know that Mr.
10 Franklin conveniently changed his plans and left
11 the scene. We do know that he cut his ankle
12 monitor off. We know that he was traveling away at
13 a high rate of speed of a hundred miles an hour.

14 What we don't know is if he was grazed or
15 afraid of Mr. Wilson. The hospital was right
16 there. The sheriff's office is open 24/7. We know
17 that he, obviously, wasn't afraid of Quadree. He
18 followed the young lady to her and Quadree's
19 residency to engage in a conversation with him two
20 weeks prior. So we know that Mr. Franklin is
21 aggressive in this situation.

22 We know what Mr. Franklin said about the
23 missing gun. He thought that they had "the gun."
24 He thought they found it to "seal the deal" on him.

25 What we don't know is why the defense was so

CLOSING ARGUMENT - MS. BUTCHER

1 adamant to paint the deceased victim as a bad guy.
2 Why point out that he had a small amount of
3 marijuana in his system? And even the pathologist,
4 the expert in that field, said a cigarette will
5 cause more damage than the tiny bit of marijuana
6 that was in his system. Why harp on the fact that
7 Mr. Wilson's DNA is on his gun? It belongs to him,
8 of course it will be on there. You heard testimony
9 this morning that depending how much is going to
10 remain on there, maybe for a significant period of
11 time, but no determination was ever found that he
12 pulled the trigger.

13 In fact, the firearm expert that the State
14 presented gave evidence that the shell casings,
15 projectiles, bullets, whatever you may call them,
16 recovered from the scene did not and could not
17 match those projectiles that would come from the
18 gun that was next to Mr. Quadree Wilson.

19 Again, the facts of the case that didn't
20 change. Ms. Wilson was an innocent bystander at a
21 setting up near Mr. Quadree Wilson, who we know had
22 a history with Mr. Franklin, who we know that Mr.
23 Franklin already tried once to physically assault.
24 We know that once he accomplished his goal of
25 taking out his opposition, opposer, enemy, whatever

JURY CHARGE

1 you call it, he took that chance to forget all
2 about his girlfriend, forget all about the date
3 night plans, and to go run and hide.

4 We know that because he says that his own
5 self, that he could have hide from the boys, that
6 he could have beat them. We know everything that
7 he says because he tells us in his own words.

8 Again, we know that pride and arrogance was
9 the downfall of these two young lives.

10 THE COURT: Okay. Everybody okay? Anyone
11 need a break? Okay.

12 Now, that you have heard all of the evidence
13 in this the case, as well as the arguments of the
14 State and the defendant, I'm going to now charge
15 you on the law that you should apply to this case.

16 Under our Constitutional and code of laws,
17 you, the jury, are the only ones that can make a
18 finding of fact in this case. I am not permitted
19 to indicate to you how I feel about the case or to
20 the facts of the case. If I had said anything or
21 done anything throughout this trial that you think
22 I have an opinion about the facts, you are to
23 disregard that, because you, and only you, can
24 determine what the facts are in the case.

25 Now, under that same Constitution and same

JURY CHARGE

1 code of laws that makes you the exclusive judges of
2 the facts, it makes me the exclusive judge of the
3 law. So if you have an opinion about what you
4 think the law is, what the law should be, and it
5 differs from what I'm now telling you the law is,
6 under your oath, you are to disregard that opinion
7 and accept the law exactly as I give it to you.

8 The fact that this defendant was arrested,
9 charged, and indicted in this case is not evidence
10 in this case and cannot be considered by you as
11 evidence in this case of guilt, nor does it create
12 any presumption or inference of guilt. The
13 indictment is simply a form, a legal document, that
14 brings these charges to the court.

15 Now, to that indictment, this defendant has
16 entered a plea of "not guilty." That plea casts
17 the burden on the State to prove each and every
18 element of the indictment to you beyond a
19 reasonable doubt. A person charged with committing
20 a criminal offense in South Carolina is never
21 required to prove himself innocent. I instruct you
22 and emphasize to you, the fact that the defendant
23 did not testify in this case cannot be considered
24 by you in your deliberations in any way. He has a
25 Constitutional right to remain silent, and simply

JURY CHARGE

1 exercising that right cannot be considered by you
2 in determining his guilt or innocence. It can't
3 even be discussed or brought up in the jury room.

4 The State has the burden of proof. So in
5 this case, beyond a reasonable doubt, the defendant
6 is not required to prove his innocence. The burden
7 of proof remains on the State to prove these facts
8 beyond a reasonable doubt. It is an important rule
9 of law in this country that a defendant in a
10 criminal trial will always be presumed innocent of
11 the crime for which he is charged and indicted,
12 unless and until that guilt has been proven by
13 evidence that satisfies you of that guilt beyond a
14 reasonable doubt.

15 The presumption of innocence is not a mere
16 legal theory. It is not just a legal phrase. It
17 is a substantial constitutional right to which
18 every defendant is entitled. The presumption of
19 innocence carries through the trial until you reach
20 a verdict of guilt based upon evidence that
21 satisfies you of that guilt beyond a reasonable
22 doubt.

23 Reasonable doubt is the doubt which makes an
24 honest, sincere, conscientious juror in search of
25 the truth hesitate to act. Proof beyond a

JURY CHARGE

1 reasonable doubt must be, therefore, proved by such
2 a convincing character that a reasonable person
3 would not hesitate to rely to act upon it in the
4 most important of his or her own affairs.

5 Proof beyond a reasonable doubt can also be
6 described as proof that leaves you firmly convinced
7 of the defendant's guilt.

8 Now, there are very few things in this world
9 that we know with absolute certainty. In a
10 criminal case, the law does not require doubt that
11 overcomes every possible doubt. If, based on your
12 consideration of evidence, you are firmly convinced
13 that the defendant is guilty of the crime charged,
14 you must find him guilty. If, on the other hand,
15 you think there is a real possibility that he is
16 not guilty, you must give him the benefit of that
17 doubt.

18 In determining what the facts are in a case,
19 you must necessarily pass upon the credibility,
20 which means the believability of the witnesses and
21 the value and weight to be given to their
22 testimony. You, alone, must decide the force and
23 effect and truth of that testimony.

24 In making these decisions, there are many
25 things that you may and should take into

JURY CHARGE

1 consideration: The appearance and manner of a
2 witness on the stand, sometimes referred to as the
3 "demeanor of a witness." Was the witness
4 forthright, or hesitant? Was the witness'
5 testimony consistent, or did it contain
6 discrepancies? What was the ability of the witness
7 to know the facts about what he or she testified?
8 Did the witness have a cause or reason to be bias
9 or prejudice in favor of their testimony? Was the
10 testimony of a witness corroborated or made
11 stronger by other evidence or testimony, or was it
12 made weaker or impeached by other evidence or
13 testimony?

14 The Rules of Evidence do not ordinarily
15 permit a witness to testify to opinions or
16 conclusions. An exception to this rule exists for
17 witnesses we call "expert witnesses." A witness,
18 who by education and experience, has become an
19 expert in some art, science, profession, or calling
20 may state an opinion as to the relevant material
21 matters in which the witness claims to be an
22 expert, and may also state a reason for those
23 opinions.

24 You should consider an expert's opinion
25 received in evidence in this case like any other

JURY CHARGE

1 evidence. You give it the weight you think it
2 deserves. If you decide that the opinion of the
3 expert is not based on sufficient education and
4 experience, or if you conclude the reasons given in
5 support of the opinion are not sound, or the
6 opinion is outweighed by other evidence, you may
7 disregard that testimony in its entirety.

8 An expert witness' testimony is to be given
9 no greater weight than that of any other witness
10 simply because they are an expert, and you are not
11 required to accept the expert's opinion, even
12 though it is not contradicted.

13 As jurors, you have a right to believe a
14 small portion of a witness' testimony, disregard
15 the larger, or vice-versa. You may believe all of
16 the witness' testimony, or none. You may believe
17 the testimony of a single witness against that of
18 many, or the other way around.

19 Now, in criminal trials, criminal intent is
20 the necessary element of each crime. It must be
21 proven to you beyond a reasonable doubt. Criminal
22 intent is always a matter that must be determined
23 by the jury from the circumstances surrounding the
24 situation. There is no way to prove a mathematical
25 intent -- intent to a mathematical certainty.

JURY CHARGE

1 There is no way to dissect a person's brain and
2 determine what he or she had in mind at the time,
3 so the law states that you may infer intent based
4 on the circumstances surrounding the facts of the
5 case, and you must find that there was criminal
6 intent.

7 Criminal intent is a state of mind that
8 operates jointly with an act or omission in the
9 commission of a crime. Criminal intent is a mental
10 state of wrongdoing. So you, the jury, must
11 determine the defendant's intent based on the
12 circumstances shown to have existed at the time.

13 Now, there are two types of evidence that are
14 presented during a trial: Direct evidence, and
15 circumstantial evidence. Direct evidence directly
16 proves the existence of a fact and does not require
17 deduction. Circumstantial evidence is proof of a
18 chain of facts and circumstances indicating the
19 existence of a fact.

20 Crimes may be proven by circumstantial
21 evidence, and the law makes no distinction between
22 the weight or the value to be given to either
23 direct evidence or circumstantial evidence.
24 However, to the extent that the State relies on
25 circumstantial evidence, all of the circumstances

JURY CHARGE

1 must be consistent with each other, and when taken
2 together, point conclusively to the guilt of the
3 accused beyond a reasonable doubt. These
4 circumstances merely portray the defendant's
5 behavior, and if suspicious, the proof has failed.

6 The State has the burden of proving the
7 defendant's guilt beyond a reasonable doubt, and
8 that burden rests with the State, regardless of
9 whether the State provides direct evidence,
10 circumstantial evidence, or a combination of the
11 two.

12 Now, the defendant is charged with murder.
13 The State must prove beyond a reasonable doubt that
14 the defendant killed another person with malice
15 aforethought. Malice is hatred, ill-will, or
16 hostility towards another person. It is the
17 intentional doing of a wrongful act without just
18 cause or excuse, and with the intent to inflict an
19 injury or circumstances causing death.

20 Malice aforethought does not require that
21 malice exists for any particular time before the
22 act is committed, but malice must exist in the mind
23 of the defendant just before or at the time the act
24 is committed; therefore, there must be a
25 combination of previous ill intent and the act.

JURY CHARGE

1 Malice aforethought may be expressed or
2 inferred. These terms "expressed" or "inferred"
3 does not mean different kinds of malice, but merely
4 the manner in which the malice is shown to exist,
5 that is either by direct evidence or by inference
6 from some fact and circumstances which are proved.

7 Expressed malice is shown when a person
8 speaks words which expresses hatred or ill-will for
9 another person or when the person prepares
10 beforehand to do an act which is, for example,
11 lying in wait for a person, or any other acts in
12 preparation showing the existence or showing that
13 the existence of a deed is within the defendant's
14 mind that it would be expressed malice.

15 Malice may be inferred through conduct
16 showing a total disregard for human life. The
17 defendant is also charged with possession of a
18 weapon during the commission of a violent crime. A
19 violent -- the State must prove beyond a reasonable
20 doubt that the defendant was in possession of a
21 firearm or visibly displayed what appeared to be a
22 firearm during the commission of a violent crime.

23 A firearm means a machine gun, automatic
24 rifle, revolver, pistol, or any other weapon which
25 will and is designed or may be readily converted to

JURY CHARGE

1 expel a projectile.

2 In order to find the defendant guilty of
3 possession of a weapon during the commission of a
4 violent crime, you must first find the defendant
5 guilty of committing a violent crime or attempting
6 to commit a violent crime. The State must prove
7 beyond a reasonable doubt that the defendant had a
8 weapon and used it in the commission of committing
9 a violent crime. I instruct you, under the law,
10 the crime of murder is a violent crime.

11 Now, ladies and gentlemen, you are not
12 partisans for the State of South Carolina or this
13 defendant. You do not serve to reward your
14 friends, and punish your enemies. You are selected
15 by the State and this defendant to be a fair and
16 impartial jury. It is your duty through your joint
17 deliberations to determine the facts in this case,
18 giving the defendant the benefit of every
19 reasonable doubt on each and every issue. Then,
20 for the facts you determine to be true, you apply
21 the law that I've given you and reach a verdict in
22 this case. When you've accomplished this, you will
23 have satisfied your duties to this court.

24 Now, Mr. Foreman, I have had my law clerk
25 draw up a possible verdict form in this case. It

JURY CHARGE

1 is simply the caption of the case: State of South
2 Carolina v. Marquise Devonte Franklin. On Count 1:
3 We, the jury, unanimously find the defendant,
4 Marquise Franklin, guilty of murder of Quadree
5 Wilson, or not guilty of murder of Quadree Wilson.

6 No. 2: We, the jury, unanimously find the
7 defendant guilty of the murder of Tysie Wilson, or
8 not guilty of the murder of Tysie Wilson.

9 And No. 3: We, the jury, unanimously find
10 the defendant, Marquise Franklin, guilty of
11 possession of a weapon during the commission of a
12 violent crime, or not guilty of possession of a
13 weapon during the commission of a violent crime.

14 If you find that the defendant is not guilty
15 on Counts 1 and 2, you cannot find him guilty of
16 Count 3, because if he's not guilty of committing a
17 violent crime, he's not guilty of possession of a
18 weapon during a violent crime.

19 Your verdict must be unanimous. All 12 have
20 to agree before you reach a verdict. When all 12
21 of you agree on each one of these items -- one, two
22 and three -- check the appropriate box, sign your
23 name at the bottom, put the date on it and knock on
24 the door, and we'll bring you out and receive your
25 verdict.

JURY CHARGE

1 When you all are deliberating, all 12 must be
2 present. If one had to go to the restroom or is
3 excused, you have to stop talking about the case
4 until that person comes back. As I've said, all of
5 you must agree on your verdict -- all 12 of you.

6 Now, I've got to talk to the lawyers to be
7 sure I haven't left something out. If I have left
8 some law out or something, I need to charge you
9 further, then I'll bring you back out and charge
10 you. If I've covered everything, I will send this
11 verdict form along with all of the evidence into
12 your jury room. When you get this, that will be
13 your indicator to start your deliberations in this
14 case.

15 Now, if you have a question in this case, you
16 must write that question down on a piece of paper
17 and give it to the bailiff. He will send it to me,
18 and I'll bring you back out and try to answer that
19 question. Having said that, I cannot answer any
20 question of fact. If you have a fact question, I
21 can't reopen this case and present more evidence.
22 The parties have presented the evidence to this
23 case, and so they don't get another chance to add
24 more evidence.

25 If you have a legal question, if you have a

JURY CHARGE

1 question about the law that I've charged you on, I
2 can bring you back out and explain that to you. If
3 you have a factual question, I can't. The evidence
4 is done, and this case is closed, and you have to
5 decide the case based on the evidence you have been
6 given.

7 So if you I'll -- my alternate, you need to
8 hang with me. I only needed you if we lost
9 someone. Everyone looks like they'll make it. So
10 if the alternate will hang with me, but everyone
11 else can go to the jury room and I'll bring you
12 back out, or I'll send this and all of the evidence
13 in with you.

14 (The jury exits at 12:06 p.m., and the
15 following is heard out of the presence of the jury.)

16 THE COURT: Any exceptions from the State?

17 MS. ALSTON: None from the State.

18 THE COURT: From the defense?

19 MS. BUTCHER: None, Your Honor.

20 THE COURT: Okay. If you will, get with the
21 court reporter and get all of the evidence
22 together. Be sure that it is all there, because if
23 it doesn't go back, it ain't her fault. Get it
24 together, and I'll give him the verdict form.

25 They cannot load the gun? It is locked down?

VERDICT

1 Okay. Everything good?

2 COURT REPORTER: Yes, sir.

3 (Whereupon, the jury begins deliberations at
4 12:11 p.m., and we are off the record.)

5 THE COURT: We got a verdict. Let's get the
6 attorneys.

7 (A brief pause in the proceedings.)

8 THE COURT: Are you ready for the jury?

9 MS. ALSTON: Yes, Your Honor.

10 MS. BUTCHER: Yes.

11 THE COURT: I lost my bailiff.

12 (A brief pause in the proceedings.)

13 (The jury enters at 1:00 p.m., and the
14 following is heard in the presence of the jury.)

15 THE COURT: Mr. Foreman, I understand you
16 have a verdict?

17 FOREPERSON: We have.

18 THE COURT: It is unanimous?

19 FOREPERSON: Unanimous, Your Honor.

20 THE COURT: Thank you.

21 (A brief pause in the proceedings.)

22 THE COURT: You can publish.

23 THE CLERK: In the case of State of South
24 Carolina versus Marquise Devonte Franklin, we, the
25 jury, unanimously find the defendant guilty of

VERDICT

1 murder of Quadree Wilson.

2 We, the jury, unanimously find the defendant,
3 Marquise Franklin, not guilty of the murder of
4 Tysie Wilson.

5 We, the jury, unanimously find the defendant,
6 Marquise Franklin, guilty of possession of a weapon
7 during the commission of a violent crime.

8 Signed the foreperson.

9 THE COURT: Thank you.

10 Anything from the State?

11 MS. ALSTON: Nothing from the state, Your
12 Honor.

13 THE COURT: Anything from the defense?

14 MS. BUTCHER: No, Your Honor.

15 THE COURT: Ladies and gentlemen, I want to
16 thank you for your service this week. I've been
17 telling you can't talk about this case, and now you
18 can talk about it to anyone you want to. You don't
19 have to talk about it if you don't want to, but you
20 are free to talk about it if you want to.

21 We have no other case this week. We have
22 some pleas and other issues I need to deal with, so
23 you are free to go. The clerk, I assume, she's
24 given you a card. If you need a certificate,
25 she'll provide that.

VERDICT

1 THE COURT: Okay. I'll take your motion
2 under advisement and let you know in ten days.

3 MS. BUTCHER: Additionally, the fact that the
4 State put pictures of the deceased on the jury bar
5 that were not in evidence, I think that is highly
6 prejudicial and could persuade the jury in its
7 decision, and I ask for a mistrial based on that.

8 THE COURT: Okay. How come you didn't point
9 it out when they did it?

10 MS. BUTCHER: Because I really couldn't. I
11 understand that --

12 THE COURT: Okay. I won't grant your motion
13 right now, but I'll take it under consideration and
14 let you know.

15 You want to come forward and tell me
16 anything? Do you want to tell me about his record?

17 MS. ALSTON: Beg the Court's indulgence.

18 THE COURT: Is this a LWOP case?

19 MS. ALSTON: It is, Your Honor. He has been
20 served with notice.

21 THE COURT: You need to put on the record
22 when he was served with the notice. Let me see the
23 notice.

24 Tell me what crimes made him eligible.

25 MS. ALSTON: Your Honor, this was served back

VERDICT

1 on June 26 of 2024. He had two prior convictions
2 for kidnapping. Those are Indictment Nos.
3 2015-GS-45-0446, and he had two previous
4 convictions for burglary in the second degree
5 violent, and those are Indictment Nos.
6 2015-GS-45-01456 and 2016-GS-45-0181.

7 THE COURT: Do you want to address that or
8 anything, Ms. Butcher? You agree that he is
9 eligible for LWOP?

10 MS. BUTCHER: I understand that is most
11 serious, and then this conviction would be as well.

12 THE COURT: Okay. And he was on parole in
13 this case when this case occurred?

14 MS. BUTCHER: He was on parole when this
15 occurred, yes.

16 THE COURT: Okay. Then, clearly, the
17 kidnapping qualifies as a most serious offense, so
18 second most serious offense.

19 The sentence on the murder is you are
20 committed to the State Department of Corrections
21 for your natural life.

22 Possession of a weapon is five years to run
23 concurrent.

24 Thank you.

25 (Whereupon, the trial of the State of South

VERDICT

Carolina versus Marquis D. Franklin concluded.)

CERTIFICATE OF REPORTER

State of South Carolina)

County of Horry)

I, Natalie Dahl, Official Court Reporter 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 Horry County, South Carolina, on the 22nd-25th days of July, 2024.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

October 2, 2024

Natalie Dahl, RPR

Natalie Dahl
Registered Professional Reporter
State of South Carolina Official Court Reporter

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

HENRY D. MCMASTER
Governor



MARK A. KEEL
Chief

January 06, 2021

Jalisa Brown
Williamsburg County Sheriff's Department
200 South Jackson Street
Kingstree, SC 29556

TRACE EVIDENCE
SLED LAB: L20-17530
Your Case No: 2010530
Incident Date: 10/3/2020
[S-Deceased] Quadree Wilson
[V-Deceased] Tysie Wilson

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

ITEMS OF EVIDENCE:

Item: 3 One GSR kit from Quadree Ismail Wilson

Item 3 was analyzed using Scanning Electron Microscopy with Energy Dispersive X-Ray Spectrometry (SEM-EDX) for morphology and elemental composition.

RESULTS:

Particles characteristic of gunshot primer residue were found. In general, particles characteristic of gunshot primer residue are microscopic, molten particles that contain the elements lead, barium, and antimony. Gunshot primer residue can come from being in the vicinity to the discharge of a firearm, to include sustaining a gunshot wound, discharging a firearm, or coming into contact with a surface that has gunshot primer residue on it. It should be noted that the presence or absence of gunshot primer residue on the victim of a gunshot wound cannot determine whether the shooting was the result of a homicide/assault, accident, suicide, or self-defense.



This report contains the conclusions, opinions and interpretations of the analyst whose signature appears below.

Technical records supporting the conclusions in this report are available upon request. Afford sufficient time for production.



Megan M. Fletcher
Forensic Scientist





Department of Pathology and Lab Medicine
185 Ashley Avenue, Suite 309
MSC 908
Charleston, SC 29425-9080

Req.: xAutopsy, For Coroner
Add.:
Loc: AWIL-Williamsburg Co. Coroner
Client: Medical University Hospital Authority

Patient: WILSON, TYSIE
Med Rec: 7003488
DOB: [REDACTED] 2004 (Age: 16)
Sex: F Race: Black

Autopsy Final Report

Date and Time of Autopsy: 10/10/2020 11:20

Accession Number: FA20-954

Hospital/County: Medical University Hospital Authority
Submitting Physician: xAutopsy, For Coroner
Attending Pathologist: Angeline I. Phillips, M.D. (1-4803)
Date/Time of Death: 10/08/2020
Autopsy Reason: Requested by Coroner
Authorized By: Harrison McKnight, Coroner
Autopsy Restrictions: None

Pathologist Assistant: Jeffrey Wagner

(If Injury) How occurred: Subject was shot
Date of Injury: 10/03/2020



Diagnosis

I. GUNSHOT WOUND TO THE HEAD

- Entrance: Right side of the head
- Range: No soot or stippling is on the skin
- Injuries: Disruption of the skin, subcutaneous tissues and muscle on the right side of the head, the skull, dura, and brain; right parietal skull with internal beveling, linear fractures of the right petrous bone and right frontal bones; diffuse subarachnoid hemorrhage; cerebral edema and disruption of the base of the right temporal lobe and the left parietal lobe along the pathway; and hemoaspiration
- Projectile: A moderately deformed gray metal bullet with copper colored jacketing is recovered from the cranial cavity
- Trajectory: Right to left, and upward

Cause of Death

Gunshot wound to the head

Manner of Death

Homicide

Cause History

According to the Williamsburg County Coroner, Mr. Harrison McKnight, the decedent was a 16 year old female who was shot in the head on 10/3/2020. She was in the hospital for a few days and eventually declared brain dead on 10/6/2020. Organ and tissue procurement was performed prior to autopsy. Please see the coroner's report for additional details.

Gross Description

EXTERNAL EXAMINATION

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Location: AWIL-Williamsburg Co. Coroner

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WILSON, TYSIE**FA20-954**

The body is received in a sealed bag and a tag bearing the name "Tysie Wilson" is taped to the outside of the bag.

The body is that of a well-developed, well-nourished, teenage black female, who weighs approximately 100 pounds, is 62 inches in length, and appears compatible with the stated age of 16 years.

The body is identified by the coroner; hospital identification bearing the decedent's name is on the left wrist, a white identification band is around the left ankle and a tag is on the left great toe. The body is received unclothed. A plastic bag with personal effects labeled with the decedent's name accompanies the body and is released with the body.

The body is cold to the touch. Rigor and livor cannot be assessed due to pre-autopsy tissue procurement. The scalp hair is black, curly and fashioned into twists up to 1 inch in length over the crown. The irides are brown; the pupils are bilaterally equal. The corneas are clouded. The sclerae and conjunctivae are unremarkable except for edema of the sclerae. The nose and ears are not unusual. The lips and gums are intact. The teeth are in good condition. The neck is without masses, and the larynx is in the midline. The thorax is symmetrical. The breasts are unremarkable, without palpable masses. The abdomen is not protuberant.

The genitalia are those of a normal adult female. The anus and back are unremarkable except for pre-autopsy tissue procurement. The upper and lower extremities are well-developed, without absence of digits.

The body is received post organ and tissue procurement as evidenced by gauze material over the eyes, sutured incisions on the bilateral arms, chest and abdomen, and bilateral lower extremities with absence of the long bones, vessels, select organs (described below), and absence of the skin and subcutaneous tissue of the back, buttocks and upper thighs posteriorly.

Examination for marks and scars is limited by tissue procurement artifact.

Evidence of emergency resuscitation and / or medical therapy includes endotracheal tube and orogastric tubes entering the mouth and affixed to the head with a strap, intravascular catheter on the back of the left hand and a rectal catheter.

EVIDENCE OF INJURY

GUNSHOT WOUND TO THE HEAD: A round 3/8 x 3/8 inch entrance gunshot wound is to the right side of the head, located 3 1/4 inches posterior to the attachment of the ear and 3 1/4 inches below the top of the head. The wound has an irregular circumferential abrasion border out to 1/8 inch. There is no soot or stippling on the skin.

The projectile disrupts the skin, subcutaneous tissues and muscle on the right side of the head, the skull, dura, and brain. The entrance wound is on the right parietal skull with internal beveling noted and linear fractures of the right petrous bone and right frontal bones. There is diffuse subarachnoid hemorrhage; the brain is markedly edematous, and the base of the right temporal lobe and the left parietal lobe are disrupted along the pathway. Blood is in an aspirated pattern in the lungs.

The recovered projectile is a moderately deformed gray metal bullet with copper colored jacketing, and measures 7/16 x 1/4 inch. A 3/16 inch copper colored fragment is also recovered from the cranial cavity.

The trajectory is from right to left, and upward.

RADIOGRAPHS: X-rays of the head (anterior-posterior and lateral) show a radiopaque projectile intracranially at the midline.

EVIDENCE TRANSFER: The following items are collected, packaged in appropriately labeled containers and transferred to C. Monteith representing the Williamsburg county Sheriff's office at 13:05 hours on 10/14/2020:

- Bullet from head
- Pulled scalp hair
- Blood spot on filter paper
- CD with autopsy photo

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Med Rec: 7923488

Location: AWL-Williamsburg Co. Coroner

WILSON, TYSIE**FA20-954****INTERNAL EXAMINATION**

BODY CAVITIES: No adhesions are in any of the body cavities. The body is received after organ procurement, the sternum is disrupted and the following organs are absent: heart, segments of the aorta, liver and gallbladder, bilateral kidneys and adrenal glands, partial spleen, and the fallopian tubes and ovaries bilaterally. The lungs connected by the main stem bronchi are detached from the trachea and free floating in the upper abdomen. The diaphragm is disrupted and the intestines and stomach are displaced into the thoracic cavity. The appendix is not identified.

HEAD (CENTRAL NERVOUS SYSTEM): See "Evidence of Injury". The brain weighs 1370 grams.

NECK: Examination of the soft tissues of the neck reveals no abnormalities. The hyoid bone and larynx are intact. The lingual mucosa is intact; the underlying firm red-brown musculature is devoid of hemorrhage.

CARDIOVASCULAR SYSTEM: The heart is absent. The remaining segment of the thoracic aorta is unremarkable.

RESPIRATORY SYSTEM: The right and left lungs weigh 280 and 200 grams, respectively. The upper airway is clear of debris and foreign material; the mucosal surfaces are smooth, yellow-tan and unremarkable. The pleural surfaces are smooth, glistening and unremarkable except for the aspirated blood pattern described under "Evidence of Injury". Lobar divisions are of the usual configuration. The pulmonary parenchyma is dark red-purple, exuding slight to moderate amounts of blood and frothy fluid; no focal lesions are noted. The pulmonary arteries are normally developed, patent, and without thrombus or embolus.

LIVER AND BILIARY SYSTEM: The liver and gallbladder are absent.

ALIMENTARY TRACT: A short segment of esophagus is identified; it is lined by gray-white, smooth mucosa. The gastric mucosa is arranged in the usual rugal folds, and the lumen contains scant bilious liquid. The small and large bowels are unremarkable. The appendix is not identified. The pancreas has a normal tan-yellow, lobulated appearance, and the ducts appear clear.

GENITOURINARY TRACT: The right and left kidneys are absent. The urinary bladder is empty; the mucosa is gray-tan and smooth. The uterus and vagina are unremarkable. The fallopian tubes and ovaries are absent. The breast tissue has the usual fibrous and adipose mixture, without abnormality.

RETICULOENDOTHELIAL SYSTEM: The spleen is partially absent and the remnant segment weighs 50 grams and has a smooth capsule covering red-purple, moderately firm parenchyma; the lymphoid follicles are unremarkable. The regional lymph nodes appear normal. Focally, the bone marrow is red-purple and homogeneous, without evidence of focal abnormality.

ENDOCRINE SYSTEM: The pituitary and thyroid glands unremarkable. The bilateral adrenal glands are absent.

MUSCULOSKELETAL SYSTEM: Except for absence and disruption due to tissue procurement, the bony framework, supporting musculature, and soft tissues are not unusual.

AP:ldg:mtr
10/24/2020
10/27/2020
12/03/2020
12/09/2020

Case Summary

A complete autopsy was performed on the body of Tysie Wilson at the Medical University of South Carolina Autopsy Suite on October 10, 2020. The postmortem examination began at 11:20 a.m. The pathologist was Dr. Angelina Phillips. The autopsy technician was Mr. Eric Beckett. The autopsy was authorized by the County Coroner, Mr. Harrison McKnight.

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Med Rec: 7003488

Location: AWIL-Williamsburg Co. Coroner

WILSON, TYSIE

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FA20-864

Significant findings at autopsy included a penetrating gunshot wound to the right side of the head.

Toxicologic analysis of peripheral blood (collected by Organ procurement organization prior to autopsy) performed at SLED Labs revealed no findings of toxicologic significance. Blood ethanol was negative. Results were reviewed by Jennifer M.G. Brown, Forensic Toxicologist.

In light of the historical information and the toxicological and gross autopsy findings, it is the opinion of the pathologist that the decedent died as the result of a gunshot wound to the head. Furthermore, the manner of death is best deemed homicide.

Certification Statement

I certify that I personally conducted the diagnostic evaluation of the above specimen(s) and have rendered the above diagnosis(es).

Angelina I. Phillips, M.D. (1-4803)

(Electronically signed by)

Verified: 12/08/2020 09:11

AP/10/28/2020

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Location: AWL-Williamsburg Co. Coroner


Department of Pathology and Lab Medicine

165 Ashley Avenue, Suite 309

MSC 908

Charleston, SC 29425-9080

Req.: xAutopsy, For Coroner

Add.:

Loc: AWIL-Williamsburg Co. Coroner

Client: Medical University Hospital Authority

Patient: WILSON, QUADREE

Med Rec: 7469134

DOB: [REDACTED] 1996 (Age: 24)

Sex: M Race: Black

Autopsy Final Report

Date and Time of Autopsy: 10/4/2020 11:00

Accession Number: **FA20-933**

Hospital/County: Medical University Hospital Authority

Submitting Physician: xAutopsy, For Coroner

Attending Pathologist: Thomas R. Beaver, M.D. (1-4286)

Date/Time of Death: 10/3/2020 20:00

Autopsy Reason: Requested by Coroner

Authorized By: Harrison McKnight Jr., Coroner

Autopsy Restrictions: None



Pathologist Assistant: Jeffrey Wagner

(If Injury) How occurred: Shot by another

Date of Injury: 10/3/2020 Time: See coroner's report

Place of Injury: See coroner's report At Work: No

Whole organs retained for diagnostic purposes: None

Diagnosis

- I. Multiple gunshot wounds
 - a. Through and through gunshot wound to the head and neck
 - i. Fracture, cervical spine (C3).
 - b. Through and through gunshot wound, right thigh
 - i. Fracture, femur by radiograph
 - c. Through and through gunshot wound, left thigh
 - d. Gunshot wound of entrance, right forearm
 - i. Projectile recovered from the right forearm
 - e. Multiple gunshot wounds of entrance on the torso
 - i. Laceration, right lung
 - ii. Laceration, liver
 - iii. Hemoperitoneum (500 ml)
 - iv. Right hemothorax (600 ml)
- II. Postmortem toxicological analysis of cardiac blood reports: Tetrahydrocannabinol=36 ng/mL, 11-hydroxy-tetrahydrocannabinol=10 ng/mL, 11-carboxy-tetrahydrocannabinol=100 ng/mL

Cause of Death

Multiple gunshot wounds

Manner of Death

Homicide

Case History
Department of Pathology and Laboratory Medicine

Chair: Steven L. Carroll, M.D., Ph.D.

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Med Rec: 7469134

Location: AWIL-Williamsburg Co. Coroner

WILSON, QUADREE**FA20-933**

According to information supplied by the Williamsburg County coroner, the decedent is a 24-year-old male who was shot several times at a housing project. Very little information is available at the time of autopsy. There is no known past medical history. For details and further information refer to the coroner's report.

Gross Description**EXTERNAL EXAMINATION**

The body is submitted in an intact, fully zipped, white plastic body bag. Attached to the zipper by string is a cardboard identification tag bearing identifying information for the decedent. The clothing has been cut away and partially removed from the body except for a pair of red plaid underpants, black shoes and gray socks. The other clothing consists of blue jeans, a black hoodie, and a red T-shirt. The clothing is heavily blood stained. The body is that of a well-developed, well-nourished, adult male, who weighs 148 pounds, is 68 inches in length, and appears compatible with the stated age of 24 years. The body is identified by the Williamsburg County Coroner. The body is cool to the touch. Rigor mortis is fully developed in the muscles of the jaw and extremities. Diffuse, purple livor is faintly present over the posterior surfaces of the body, except in areas exposed to pressure. The scalp hair is brown measuring up to 1.0 centimeters. The irides are brown. The pupils are bilaterally equal. The corneae are clear. The sclerae and conjunctivae are unremarkable. The nose and ears are not unusual. The lips and gums are intact. The decedent's natural teeth are in good repair. The deceased has a mustache and beard composed of dark brown whiskers measuring up to 1.2 cm. The neck is without masses, and the larynx is in the midline. The thorax is symmetrical with an anteroposterior/lateral ratio of about 1:2. The abdomen is scaphoid, firm, and free of palpable masses. The external genitalia are those of a normally developed adult male without evidence of injury. The testes are bilaterally palpable within the scrotum. The anus and back are unremarkable. The upper and lower extremities are symmetrical and well-developed, without an absence of digits.

SCARS AND IDENTIFYING MARKS: The following tattoos are documented photographically. Present on the lateral aspect of the right neck is a tattoo depicting "lips. Present on the flexor aspect of the right forearm is a tattoo consisting of multiple letters.

EVIDENCE OF THERAPY: Cardiac monitor patches (2) are adherent to the chest.

EVIDENCE OF INJURY

The following gunshot wounds are numbered for descriptive purposes only and no implication as to sequence is made. The wounds are documented photographically.

GUNSHOT WOUND #1

Entrance wound: (A) On the right side of the head just posterior to the angle of the mandible, centered 59 inches from the right heel and 3 1/2 inches to the right of midline is an irregularly shaped 1.8 x 1.0 cm gunshot wound. There is an associated superficial irregularly shaped 0.3 x 0.3 cm cutaneous defect posterior the entrance wound. Sooty material is not appreciated. Powder stippling is not identified. There is a focal marginal abrasion measuring up to 0.2 cm.

Path of wound: The bullet passes through the skin, subcutaneous tissues and musculature of the neck. The bullet passes through the cervical spine at the C3 level with nondisplaced fracture of the lateral aspect of the vertebra. No direct damage to the spinal cord is identified. The overall path of the wound is front to back, slightly right to left and slightly downwards.

Exit wound: (K) Present on the posterior superior neck (at the level of the inferior nuchal line), centered 57 inches from the right heel and 1/2 inch to the right of midline is an irregularly shaped 0.9 x 0.5 cm gunshot wound. There is no sooty material. There is no powder stippling. There is no marginal abrasion.

GUNSHOT WOUND #2**Department of Pathology and Laboratory Medicine**

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Med Rec: 7469134

Location: AWIL-Williamsburg Co. Coroner

WILSON, QUADREE**FA20-933**

Entrance wound: (B) Present on the left upper chest, centered 52 1/4 inches from the left heel and 2 inches to the left of midline is an irregularly shaped 1.0 x 0.7 cm gunshot wound. There is an eccentric marginal abrasion measuring up to 0.4 cm. There is no sooty material. There is no powder stippling.

Path of wound: The bullet passes through the skin, subcutaneous tissue and musculature of the anterior chest. The bullet does not enter the left pleural cavity. The bullet passes through the upper lobe of the right lung and the upper margin of the middle lobe creating a hemorrhagic wound tract measuring up to 2.3 cm. The bullet exits the right pleural cavity near the apex. The overall path of the wound is left to right, slightly front to back with little or no change in the vertical dimension.

Exit Wound: (D) Present in the right anterior axillary area, centered 53 inches from the right heel and 6 1/2 inches to the right of midline is an irregularly shaped 1.0 x 0.5 cm gunshot wound. There is no sooty material. There is no powder stippling. There is no marginal abrasion.

GUNSHOT WOUND #3

Entrance wound (C): Present on the left clavicular area, centered 53 1/2 inches from the left heel and 3 1/2 inches to the left of midline is an irregularly shaped 1.2 x 1.0 cm gunshot wound. There is an eccentric marginal abrasion measuring 0.5 cm. There is no sooty material. There is no powder stippling.

Path of wound: The bullet passes through the skin, subcutaneous tissues and musculature of the anterior chest. The bullet does not enter the left pleural cavity. The bullet passes through the left axillary region and into the left upper arm. The bullet does not impact any major neurovascular or osseous structure. The overall path of the wound is front to back, moderately right to left and slightly downwards.

Exit wound: (F) Present on the left lateral upper arm, centered 4 1/2 inches from the top of the shoulder is an irregularly shaped 0.8 x 0.7 cm gunshot wound. There is no sooty material. There is no powder stippling.

GUNSHOT WOUND #4

Entrance wound: (E) Present just below the right costal margin in the anterior axillary line, centered 43 inches from the right heel and 4 inches to the right of midline is a roughly oval shaped 0.8 x 0.7 cm gunshot wound. There is a circumferential marginal abrasion measuring up to 0.2 cm. There is no sooty material. There is no powder stippling.

Path of wound: The bullet passes through the skin, subcutaneous tissues and musculature of the right upper abdomen. The bullet passes through the right hemidiaphragm anteriorly and the lower lobe of the right lung. The bullet continues through the right lobe of the liver creating a hemorrhagic wound tract measuring up to 4.0 cm. The bullet continues posteriorly to impact the spinal column at the L2 level. The bullet then exits the body at the site of exit listed below. The overall path of the wound is front to back, slightly right to left and slightly downwards.

Exit wound (M): Present on the left lower back, centered 41 inches from the left heel and 3 1/2 inches to the left of midline is a roughly circular 0.7 cm in diameter gunshot wound. There is no powder stippling. There is no sooty material. There is focal shoring effect measuring up to 0.2 cm.

GUNSHOT WOUND #5

Entrance wound: (G) Present on the posterior lateral left thigh, centered 27 3/4 inches from the left heel is a roughly circular 0.7 cm gunshot wound. There is a circumferential marginal abrasion measuring up to 0.2 cm. There is no sooty material. There is no powder stippling.

Path of wound: The bullet passes through the skin, subcutaneous tissues and musculature of the left thigh. The bullet does not impact any major neurovascular or osseous structure. The overall path of the wound is left to right, slightly back to front and slightly downwards.

Exit wound: (H) Present on the medial left thigh, centered 25 1/2 inches from the left heel is an irregularly shaped 1.0 x 0.5 cm gunshot wound. There is no sooty material. There is no powder stippling. There is no marginal abrasion.

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Patient: WILSON, QUADREE

Med Rec: 7468134

Location: AWIL-Williamsburg Co. Coroner

WILSON, QUADREE**FA20-933****GUNSHOT WOUND #6**

Entrance wound: (I) Present on the right medial thigh, centered 24 1/2 inches from the right heel is a roughly oval 1.2 x 1.0 cm gunshot wound. There is a focal marginal abrasion measuring up to 0.2 cm. There is no sooty material. There is no powder stippling.

Path of wound: The bullet passes through the skin, subcutaneous tissues and musculature of the right thigh. The bullet impacts the right femur creating a non-displaced fracture appreciated on radiograph. The bullet does not impact any major neurovascular structure. The overall path of the wound is left to right, slightly front to back, and slightly downwards.

Exit wound: (N) Present on the posterolateral right thigh, centered 21 inches from the right heel is an irregularly shaped 1.3 x 0.7 cm gunshot wound. There is no sooty material. There is no powder stippling.

GUNSHOT WOUND #7

Entrance wound: (J) Present on the flexor aspect right anterior forearm, centered 14 inches from the top of the shoulder is a roughly oval 1.0 x 0.7 cm gunshot wound. There is no sooty material or powder stippling. There is a circumferential marginal abrasion measuring up to 0.2 cm. There is an irregularly shaped 2.3 x 1.4 cm superficial abrasion on the ulnar aspect of the right forearm.

Path of wound: The bullet passes through the skin, subcutaneous tissues and musculature of the right forearm. The bullet does not impact any major neurovascular structure. There is no fracture of the radius or ulna. With the body in anatomic position, the overall path of the wound is moderately downwards, slightly left to right and slightly back to front.

Site of recovery: Recovered from the subcutaneous tissues on the right forearm 17 1/4 inches from the right shoulder is a minimally deformed "copper" colored, medium caliber projectile. The bullet is photographed and placed into evidence designated "Bullet from Right F. Arm".

GUNSHOT WOUND #8

Graze wound: (L) Present on the top of the right shoulder, centered 57 inches from the right heel and 6 1/2 inches to the right of midline is a graze type gunshot wound measuring 1.5 x 0.7 cm. There is no sooty material. There is no powder stippling. The wound is limited to the superficial cutaneous tissues.

Other injuries: Present on the dorsum of the right fifth digit is an irregularly shaped superficial cutaneous defect measuring 1.3 x 0.8 cm. There is no associated palpable fracture.

RADIOGRAPHS: Radiographs of the head, chest, abdomen, and extremities are obtained. The radiograph of the right forearm demonstrates a single projectile in the right forearm which are subsequently recovered. No other projectiles are identified.

CLOTHING: As described above.

EVIDENCE TRANSFER: See "Evidence Transfer Form".

INTERNAL EXAMINATION

BODY CAVITIES: The pericardial sac contains no appreciable fluid. The right pleural cavity contains 600 ml of liquid blood admixed with clotted blood. The peritoneal and pelvic cavities contain in aggregate 500 ml of liquid blood admixed with clotted blood. There are scattered collections of extravasated blood in the retroperitoneum. No adhesions are present in any of the body cavities. All body organs are present in normal anatomical positions.

HEAD (CENTRAL NERVOUS SYSTEM): The brain weighs 1340 grams. The dura mater and falx cerebri are intact. The leptomeninges are thin and delicate. The cerebral hemispheres are symmetrical. The structures at the base of the brain, including cranial nerves and blood vessels, are intact and free of abnormality. Sections through the cerebral hemispheres reveal no lesions within the cortex, subcortical white matter, or deep parenchyma of either hemisphere.

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Med Rec: 7469134

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WILSON, QUADREE**FA20-933**

The basal ganglia, thalami, and hippocampi are unremarkable. The cerebral ventricles are of normal caliber. Sections through the brainstem and cerebellum are unremarkable.

NECK: Examination of the soft tissues of the neck, including strap muscles, thyroid gland, and large vessels, reveals no abnormalities. The hyoid bone and larynx are intact. The lingual mucosa is intact; the underlying firm red-brown musculature is devoid of hemorrhage. There are scattered collections of extravasated blood in the superficial musculature of the right lateral posterior neck associated with the previously described gunshot wound.

CARDIOVASCULAR SYSTEM: The heart weighs 340 grams. The pericardial and epicardial surfaces are smooth, glistening and unremarkable. The pericardial sac is free of significant fluid or adhesions. The coronary arteries arise normally, follow the usual distribution and are patent, without evidence of significant atherosclerosis or thrombosis. The chambers and valves bear the usual size-position relationships and are unremarkable. The myocardium is dark red-brown, firm, and unremarkable; the atrial and ventricular septa are intact. The left ventricular thickness = 1.2 cm, right ventricular thickness = 0.3 cm, and the interventricular septum = 1.2 cm. The aorta and its major branches arise normally, follow the usual course and are patent, free of significant atherosclerosis and other abnormality. The venae cavae and their major tributaries return to the heart in the usual distribution and are free of thrombi.

RESPIRATORY SYSTEM: The right and left lungs weigh 200 and 280 grams, respectively. There are through-and-through defects in the right middle lobe and right upper lobe. The pleural surfaces are otherwise unremarkable. Serial sections are spongy and red-brown exuding a scant amount of bloody fluid. The right lung is atelectatic.

LIVER AND BILIARY SYSTEM: The liver weighs 1000 grams. The liver is focally disrupted by a through-and-through gunshot wound in the right lobe. The red-brown capsular surface is otherwise unremarkable. Serial sections are soft and red-brown. The gallbladder contains 3 ml of dark green liquid bile, a portion of which is retained. Stones are not present. The biliary tract appears free of obstruction.

ALIMENTARY TRACT: The esophagus is lined by gray-white, smooth mucosa. The gastric mucosa is arranged in the usual rugal folds, and the lumen contains no appreciable gastric contents. The small intestine and colon are unremarkable. The appendix is present. The pancreas has a normal gray-white, lobulated appearance, and the ducts appear clear.

GENITOURINARY TRACT: The right and left kidneys weigh 110 grams each. The renal capsules are smooth and thin, semi-transparent, and strip with ease from the underlying, smooth, red-brown, firm, cortical surfaces. The cortices are sharply delineated from the medullary pyramids, which are red-purple to tan and unremarkable. The calyces, pelves, and ureters are unremarkable. The relationships at the trigone are unremarkable. The urinary bladder contains no appreciable urine. The mucosa is gray-tan and smooth. The testes, prostate and seminal vesicles are unremarkable.

RETICULOENDOTHELIAL SYSTEM: The spleen weighs 80 grams and has a smooth, intact capsule covering red-purple, moderately firm parenchyma; the lymphoid follicles are unremarkable. The regional lymph nodes appear normal. The bone marrow is red-purple and homogeneous, without evidence of focal abnormality.

ENDOCRINE SYSTEM: The pituitary, thyroid, and adrenal glands are unremarkable.

MUSCULOSKELETAL SYSTEM: Excluding the previously described gunshot wounds, the bony framework, supporting musculature, and soft tissues are not unusual.

CASSETTE SUMMARY: None

TRB:jwm:klg:mtr

10/28/2020

11/6/2020

11/10/2020

Department of Pathology and Laboratory Medicine

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Patient: WILSON, QUADREE

Med Rec: 7469134

Location: AWIL-Williamsburg Co. Coroner

WILSON, QUADREE**FA20-933****12/23/2020****Case Summary**

A complete autopsy was performed on the body of Quadree Wilson at the Medical University of South Carolina Autopsy Suite on 10/4/2020. The postmortem examination began at 10:30 a.m. The prosector was Dr. Thomas R. Beaver. The autopsy technician was Ms. Karen Geroulis. The autopsy was authorized by the Williamsburg County Coroner.

Significant findings at autopsy included multiple gunshot wounds involving the torso and extremities. The wounds resulted in a hemothorax and hemoperitoneum due to disruption of the right lung and liver. A projectile is recovered from the right forearm.

Postmortem toxicological analysis of cardiac blood performed by SLED reports: Tetrahydrocannabinol=36 ng/mL, 11-hydroxy-tetrahydrocannabinol=10 ng/mL, 11-carboxy-tetrahydrocannabinol=100 ng/mL.

In light of the historical, toxicological, and gross autopsy findings, it is the opinion of the pathologist that the decedent died as a result of multiple gunshot wounds. Furthermore, the manner of death is best deemed homicide.

Certification Statement

I certify that I personally conducted the diagnostic evaluation of the above specimen(s) and have rendered the above diagnosis(es).

Thomas R. Beaver, M.D. (1-4286)

(Electronically signed by)

Verified: 12/23/2020 09:07

JM/11/6/2020

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Patient: WILSON, QUADREE

Med Rec: 7469134

Location: AWIL-Williamsburg Co. Coroner

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
	)	
COUNTY OF WILLIAMSBURG	)	THIRD JUDICIAL CIRCUIT
	)	
State of South Carolina,	)	
	)	INDICTMENT NO.: 2021-GS-45-0147
vs.	)	
	)	
Marquise Franklin	)	
	)	AFFIDAVIT OF VALIDITY OF JAIL CALLS
	)	
Defendant(s).	)	

I, Sgt. John O'Meara, Sergeant of Cuyahoga County Sheriff Department, hereby certify that the jail calls provided to Investigator Jalisa Brown of the Williamsburg County Sheriff Office on _____ (date) in regards to the criminal defendant, Marquise D. Franklin, are part of the business records of Cuyahoga County Detention Center.

I hereby certify that all jail calls are kept and stored during the normal course of business for the Cuyahoga Detention Center and Sheriff Department.

I hereby certify that all inmates are advised that the calls are recorded through Securus Technology.

I hereby certify that the inmate, Marquise Franklin, was advised that the calls are recorded.

I hereby certify that calls were not changed or altered, prior to disbursement to Investigator Brown.

Respectfully.



Sgt. John O'Meara
Investigative Sergeant
Cuyahoga County Sheriff Department



Judith Ann Blatnik, MS
Notary Public, State of Ohio
05-11-2026

state of Ohio
County of Cuyahoga
The foregoing instrument was acknowledged before
me this 23rd day of July 2024 by
Judith Ann Blatnik, MS
Judith Ann Blatnik, MS *7-23-2024*

WITNESSES

Jalisa D. Brown Williamsburg County Sheriff

AMENDED

DOCKET NO. 2021-GS-45-0047

The State of South Carolina
County of WILLIAMSBURG

COURT OF GENERAL SESSIONS

July TERM 2024

THE STATE

VS.

MARQUISE DEVONTE FRANKLIN

ARREST WARRANT NUMBER

2020A4510100453 2020A4510100454
2020A4510100455 2020A4510100456

ACTION OF GRAND JURY

TRUE BILL

Date 7-18-24

Foreperson of Grand Jury

Date 7-18-24

VERDICT

Indictment for

Murder/ Murder (2 Counts)

Weapons / Possession of a weapon during a violent

crime

Weapons / Possession of Firearm or Ammunition by
person convicted of violent felony

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

FILED
2024 JUL 18 AM 11:26
SHARON H. JOHNS
CLERK OF COURT
KINGSLEE, S.C.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF WILLIAMSBURG)

AMENDED
 INDICTMENT FOR
 Murder/ Murder (2 Counts)
 Weapons / Possession of a weapon during a violent crime
 Weapons / Possession of Firearm or Ammunition by person
 convicted of violent felony

At a Court of General Sessions, convened on 07/18/2024 the Grand Jurors of
 WILLIAMSBURG County present upon their oath:

COUNT ONE: MURDER

That Marquise Devonte Franklin did in Williamsburg County, on or about October 3, 2020, willfully, feloniously, and intentionally kill the victim, Quadree Wilson, with malice aforethought, either express or implied, by means of shooting him with a firearm, and the victim did die as a proximate result thereof, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

COUNT TWO: MURDER

That Marquise Devonte Franklin did in Williamsburg County, on or about October 3, 2020, willfully, feloniously, and intentionally kill the victim, a juvenile with the initials T.W., with malice aforethought, either express or implied, by means of shooting her with a firearm, and the victim did die as a proximate result thereof, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

**COUNT THREE-POSSESSION OF A WEAPON DURING THE COMMISSION OF A
 VIOLENT CRIME**

That Marquise Devonte Franklin did in Williamsburg County, on or about October 3, 2020, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, to wit; he did possess a pistol while committing the crime of murder, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

**COUNT FOUR: POSSESSION OF A FIREARM BY A PERSON CONVICTED OF A
 VIOLENT FELONY**

That Marquise Devonte Franklin did in Williamsburg County on or about October 3, 2020, violate Section 16-23-500(A) of the Code of Laws of South Carolina (1976), as amended, in that the said defendant unlawfully had in his possession a firearm and knew that he has been convicted of a violent crime, as defined by Section 16-1-60, to wit said defendant had in his possession a firearm that was used in the killing of Quadree Wilson and a juvenile victim, T.W. in Kingstree, SC.

Against the peace and dignity of the State, and contrary to the statute in such case made
 and provided.

Solicitor

Ernest A. Frazier III

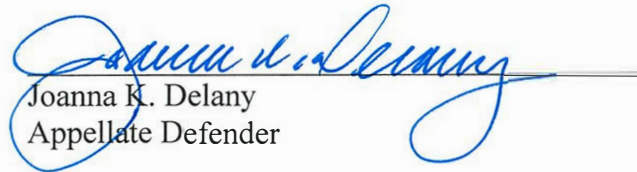
Oct 13 2025

SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 13th day of October, 2025.

RECEIVED

Oct 13 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Williamsburg County

Honorable R. Ferrell Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARQUISE D. FRANKLIN,

APPELLANT

APPELLATE CASE NO. 2024-001277

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon J. Anthony Mabry, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 13th day of October, 2025.



Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT