

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Aiken County

Honorable Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KEMONTEE DEVONTA BLOCKER,

APPELLANT.

APPELLATE CASE NO. 2024-000825

RECORD ON APPEAL

LARA M. CAUDY
Senior Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

DONALD J. ZELENKA
Assistant Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

ATTORNEY FOR APPELLANT

W. JOSEPH MAYE
Assistant Attorney General
1000 Assembly Street, Room 519
Columbia, SC 29201
(803) 734-6305

JOHN W. WEEKS
Solicitor, Second Judicial Circuit
P. O. Drawer 3368
Aiken, SC 29083
(803) 642-1557

ATTORNEYS FOR RESPONDENT

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 64 (GIRLFRIEND PHOTOGRAPH WITH GUN), STATE’S
EXHIBIT NO. 65 (FACEBOOK VIDEOS), AND STATE’S EXHIBIT NO. 69 (BLOCKER
INTERVIEW).**

STATE OF SOUTH CAROLINA) IN THE CIRCUIT COURT NO. 2
)
COUNTY OF AIKEN) DOCKET NOS: 2023GS0202366,
2023GS0202367,
2023GS0202368,
2023GS0202369,
2023GS0202370

State of South Carolina,)
)
Plaintiff,))
)
versus)
)
Kemontee D. Blocker,)
)
Defendant.)

J U R Y T R I A L

DATES AND TIMES: May 13, 2024 - 2:21 p.m. to 4:40 p.m.
May 14, 2024 - 9:23 a.m. to 5:22 p.m.
May 15, 2024 - 9:12 a.m. to 5:23 p.m.
May 16, 2024 - 9:33 a.m. to 3:43 p.m.

LOCATION: South Carolina Circuit Court No. 2
JUDGE: Maite D. Murphy
TRANSCRIBED BY: Jessica N. Antonucci

LEGAL EAGLE

Post Office Box

Greenville, South Carolina 29606

(864) 467-1373 -- depos@legaleagleinc.com

A P P E A R A N C E S

FOR THE PLAINTIFF, STATE OF SOUTH CAROLINA:

ASHLEY A. HAMMACK, ESQUIRE
Second Circuit Solicitor's Office
P.O. Drawer 3368
Aiken, South Carolina 29802

DAVID H. RITTGERS, ESQUIRE
Second Circuit Solicitor's Office
P.O. Drawer 3368
Aiken, South Carolina 29802

FOR THE DEFENDANT, KEMONTEE DEVONTA BLOCKER:

PATRICIA B. STEINER, ESQUIRE
Second Circuit Public Defender
P.O. Drawer 2247
Aiken, South Carolina 29802

DEREK M. BUSH
Second Circuit Public Defender
P.O. Drawer 2247
Aiken, South Carolina 29802

1 Shirer, and my son does too. And I have his awards
2 ceremony for school tomorrow also. I'm not asking
3 for an excuse, but (inaudible).

4 THE COURT: I certainly -- I certainly
5 understand you don't want to miss that, especially
6 at the school. Is there a time that would be better
7 for you, obviously in the summertime maybe, when
8 he's not in school or...

9 JUROR NO. 142: That'd be great.

10 THE COURT: Okay.

11 JUROR NO. 142: Yeah.

12 THE COURT: That's what we'll do, we'll
13 transfer you to the summertime. If you'll just go
14 up there and pick a week (inaudible).

15 JUROR NO. 142: Thank you so much.

16 THE COURT: Thank you. Thank you, ladies and
17 gentlemen, the jury panel is now qualified.
18 Solicitor, you may call your first case.

19 MS. HAMMACK: Thank you, Your Honor. State
20 calls the case of the State of South Carolina versus
21 Kemontee Devonta Blocker; charged in indictments
22 2023GS0202366, with murder; 2023GS0202367, with
23 attempted murder; 2023GS0202368 with armed robbery;
24 2023GS0202369 with possession of a weapon during the

1 commission of a violent crime; and 2023GS0202370
2 with discharging a firearm into an occupied vehicle.

3 THE COURT: Thank you, Solicitor. Ladies and
4 gentlemen of the jury panel, we're about to begin
5 the trial and the jury selection for the State of
6 South Carolina versus Kemontee Devonta Blocker.
7 Before we begin, I'm going to read the indictments
8 to you and this is for the sole purpose to see if
9 you've heard anything about this case, read anything
10 about this case, or have any type of information
11 about this case that we need to discuss. Ladies and
12 gentlemen, please keep in mind that the indictments
13 are solely the charging documents, which bring the
14 case into this Court. The allegations contained in
15 the indictments are not evidence. The State will be
16 responsible for submitting evidence in this case,
17 but the indictments are merely the charging
18 documents. The first indictment is indictment State
19 of South Carolina versus Kemontee Devonta Blocker
20 and it's indictment for murder, and it states that
21 Kemontee Devonta Blocker did along with another in
22 Aiken County on or about April 25th of 2021,
23 feloniously, willfully, and with malice aforethought
24 -- murder Joseph Copeland by means of shooting, all

1 evaluate the testimony of the witnesses. That means
2 it is your duty to pay close attention to these
3 witnesses, to observe the witnesses, to listen to
4 the witnesses, and pay close attention to the
5 attorneys and to the Court. Please don't let your
6 thoughts wander, but give strict attention to the
7 testimony in this case. So after the testimony and
8 after the arguments of Counsel and the charge on the
9 law on the Court, you will be in the position to
10 determine your verdict, and apply the law to those
11 facts, and render a -- your verdict. Ladies and
12 gentlemen, that will be the opening remarks from the
13 Court. Are there any exceptions or objections from
14 either the State or from the Defense?

15 MS. HAMMACK: None from the State, Your Honor.

16 MS. STEINER: No, Your Honor.

17 THE COURT: All right, Solicitor, you may
18 proceed.

19 MR. RITTGERS: Thank you, Your Honor. Ladies
20 and gentlemen of the jury, my name is Dave Rittgers,
21 and once again I'm with the State of South Carolina
22 in the State versus Kemontee Devonta Blocker. Now,
23 the facts that are come into evidence are going to
24 illustrate the following: On the night of April

1 24th to 25th, 2021, which is a Saturday to Sunday
2 night, there are two friends, Micheal Allen and
3 Joseph Jamar Copeland, called JoJo Copeland by his
4 friends and family, Micheal is white, JoJo is black.
5 They have been friends for life since elementary
6 school. At this point in their lives, they're 18
7 and 19 years old respectively, and JoJo was living
8 with Micheal Allen, effectively roommates at this
9 point. They decide that they want to go purchase
10 some marijuana, so using Facebook and a Cash App,
11 JoJo Copeland arranges a purchase of marijuana.
12 Now, this purchase of marijuana takes place not just
13 six blocks from where we're sitting here today,
14 across the street from the Schofield Middle School.
15 And so, they pull up to an apartment complex,
16 directions given by the people that they're buying
17 the drugs from, at the corner of Kershaw and
18 Barnwell, six blocks from where we are now. When
19 they pull up, they pull into a parking spot in front
20 of the apartment buildings. The doors are closed,
21 windows are down in the car. Micheal Allen is
22 driving and JoJo Copeland is in the passenger seat.
23 And you're going to hear from Micheal Allen's --
24 from his testimony, you're going to hear that two,

1 young black men came out and were going to fulfill
2 their part of the sale of the marijuana. So, they
3 walk over to the open passenger-side window and
4 speak with JoJo. The evidence is also going to show
5 that -- that one of the two men, the Defendant, Mr.
6 Blocker, got into the back seat on the passenger
7 side, behind JoJo Copeland, laid down a digital
8 scale, and weighed out the \$60 worth of marijuana
9 that was agreed upon for purchase. Mr. Blocker gets
10 out of the vehicle, and then while this drug deal
11 was going on, there's conversation between JoJo
12 Copeland and two men -- they're selling drugs. Now,
13 JoJo, we'll hear testimony, borrowed a handgun from
14 his girlfriend, because he didn't want to go buy
15 drugs and be unarmed. And during the conversation,
16 the two men, the Defendant and Reggie Jones, engage
17 in a conversation about guns with JoJo Copeland, and
18 they -- and they ask JoJo, "Are you armed" And
19 JoJo unfortunately, reluctantly, does show them the
20 handgun, and they ask to see it 'cause it's got a
21 laser on it. And so, he hands the gun that they
22 brought for personal protection to the two men that
23 he's buying drugs from. At the end of the
24 transaction which is done and accounted for in a

1 Cash App for \$60, Copeland wants his gun back and
2 says to the two gentlemen outside of the vehicle,
3 "Hey, give my gun back" and then his last words,
4 "Give me my shit back." The two gentlemen outside
5 of the car decide they're going to keep the gun, and
6 so they run away from the vehicle, Jones to the
7 right, Blocker straight ahead, but they both shoot
8 into the vehicle. Shots go into the windshield of
9 the vehicle, one of them fatally striking JoJo
10 Copeland in the chest. Now, while this is going on,
11 the friend in the driver's seat, Micheal Allen,
12 pulls a handgun that he has, shoots through the
13 windshield back at the two men who had been shooting
14 into the car, wheels around and speeds away. Takes
15 his best friend JoJo to the Aiken Regional Medical
16 Center, where JoJo was promptly declared deceased.
17 You're going to -- you've heard the witnesses,
18 there's a bunch of law enforcement witnesses,
19 because that vehicle, a Ford Explorer, becomes a
20 crime scene as does the scene where the shootings
21 occurred. So, Aiken Department of Public Safety
22 officers and SLED agency examine both of those
23 locations, they find a total of 31 .9-millimeter
24 shell casings on the ground at the scene of the

1 shooting. They find a couple of shell casings in
2 the car from when Micheal Allen discharged his
3 pistol back through the windshield. They analyze
4 the casings that are left behind, some of the
5 projectiles. There's an autopsy performed on Mr.
6 Copeland. They then gain access to the phone of
7 JoJo Copeland, which was the one, once again, used
8 to arrange the transaction for drugs. And from that
9 we see that he had sent a Cash App transaction of
10 \$60 to a person named Kemontee Blocker. And so,
11 using some words for Facebook traffic, Facebook
12 accounts, and going through some other phones,
13 they're able to digitally follow that transaction,
14 and show that someone named Kemontee Blocker was
15 involved in this transaction -- received those
16 funds. Now ultimately, both of those individuals,
17 Reggie Jones, and the Defendant, Mr. Blocker, are
18 arrested. You're going to hear about all of the
19 forensics that were done in the case. You're going
20 to hear that -- you're going to hear from the words
21 of the Defendant, his statement that he gave to law
22 enforcement. And in that statement, you're going to
23 see that Mr. Blocker initially gives a statement
24 where he says, "He was not there." You're going to

1 see that after he is confronted with the fact that
2 the police have that Cash App transaction, that his
3 story changes, and admits that he was actually
4 present at the scene of the crime and performed the
5 drug transaction. And then after the police tell
6 him, "Hey, we have this drug scale with your
7 fingerprint on it," he admits "Oh, yeah, I had two
8 scales that night, I must have left one behind." So
9 you're going to hear all of those things, those
10 words from the mouth of the Defendant. You are also
11 going to see that in the forensics, while the gun
12 that's -- that fired the fatal shot through the
13 windshield was never recovered by law enforcement,
14 according to testimony of Micheal Allen, you're
15 going to hear that it was the Defendant that ran to
16 the front of the vehicle and fired the fatal shot
17 through there. And the shell casings fired by that
18 gun are consistent with a Glock, and that Mr. Allen,
19 the driver in the car, described that Glock as being
20 distinctive, that it was painted red, it had a laser
21 on it. And you're also going to see that with
22 Facebook records, that the police recovered that
23 there are multiple videos from the Facebook account
24 belonging to the Defendant where he is seen

1 brandishing a red Glock with a laser and he's
2 flashing it around to the camera. So after hearing
3 all of this evidence, the State is going to ask you
4 to find the Defendant guilty on five indictments
5 that are present in this case: Murder, for the death
6 of JoJo Copeland: attempted murder for the shots
7 fired into the car that passed by Micheal Allen:
8 possession of a weapon during a violent crime for
9 using the handgun perpetrated: armed robbery for
10 taking the handgun: and discharging a firearm into a
11 vehicle. Thank you.

12 THE COURT: Counsel?

13 MS. STEINER: I'm not from Aiken, but I love
14 Aiken. I'm originally from Atlanta and I moved here
15 for my job. I love Aiken. I love doing all the fun
16 things that Aiken has to offer, everything in The
17 Alley, all the horse stuff, everything. My husband,
18 he lived in North Augusta for years and years, but
19 when we got married, he came to Aiken too. So one
20 of our favorite things to do is to show our friends
21 that aren't from Augusta or Aiken either, what Aiken
22 has to offer. One of those things steeplechasing
23 (inaudible) steeplechasing (inaudible) it's a
24 wonderful horse town. I love the horses so much,

1 that my house is even near Bruce's Field, love it.
2 There was one time when a couple of my friends that
3 aren't from Aiken either, came over to visit. And
4 like I said, we're walking distance to Bruce's
5 Field. They thought, hey, it's late at night, let's
6 go over to where the stables are and go take a photo
7 of a horse. I let them go do their thing, they went
8 over there. One friend was Cassandra, the other one
9 was Jessica. Cassandra went to take a photo, she's
10 doing her thing, getting her Instagram poses and
11 everything, Jessica decided to go jump on a horse.
12 She jumps on the horse and went out past the
13 stables, and wrecked one of the jumping events,
14 whatever they're called, I'm not sure exactly all
15 the horse terms yet, but one of the things the
16 horses jump over. Cassandra didn't sign up for what
17 Jessica did. Kemontee only signed up to go sell
18 some weed. Kemontee only signed up to go sell some
19 weed, \$60, that's it, quarter of an ounce. This is
20 Kemontee Blocker, these are his family in the back
21 here. They moved to the back 'cause y'all came in,
22 but probably tomorrow they'll be sitting up closer,
23 up here, but there will be a bunch of his family
24 that comes in and out throughout the week. Tell you

JURY TRIAL

1 a little bit about Kemontee. He also was a young,
2 black male in 2021, he was 20 at the time. He only
3 signed up to sell some weed. Judge Murphy already
4 went over a whole bunch of stuff about how the trial
5 might be a little bit different with how much
6 (inaudible) we see on TV, and she explains a whole
7 bunch of her stuff in her instructions, all of that
8 was true. Everything that she says is that truth,
9 you have to listen to what she says. At the end of
10 this trial when everything is all said and done,
11 she's going to give you some more instructions and
12 those instructions -- that's the law. And that's
13 the law that you have to follow when you deliberate.
14 One of the most important things that she's going to
15 tell you is that Kemontee is proven -- is innocent
16 at this point. He has a presumption of innocence.
17 It's the government's job to say that he's guilty
18 beyond a reasonable doubt, it's their burden. They
19 have the burden to prove guilt. We don't have the
20 burden. I don't even have to be talking to you
21 right now. This portion -- I don't have to ask
22 anyone questions. We don't have to do anything. We
23 could sit here and not do anything because it's the
24 State's burden to prove beyond a reasonable doubt.

1 You're going to hear a lot of different kinds of
2 evidence. There's evidence that comes out of
3 people's mouth about what they saw and heard, and
4 that's going to be from Mr. Allen and some other
5 people, and then there's going to be a whole bunch
6 of other police officers. People that all are part
7 of the State's case that are going to come and talk
8 to you as well, there's SLED agents, ATF, everyone,
9 they're all police, SLED's part of the police, the
10 forensic pathologist, (inaudible) report, she's part
11 of the police, they're all part of the police.
12 They're all going to tell you some other things as
13 well. What you have to do is use your common sense.
14 Your common sense gets to stay with you in here and
15 back there. What I'm asking you is at the end of
16 the trial, come back, stand right around in here,
17 I'll ask you to find the only verdict that's
18 possible based upon all of the evidence that's
19 consistent with all of the evidence. The only
20 verdict that makes sense is not guilty. You're
21 going to hear a lot of evidence, and one thing that
22 I want you to keep in mind as we go through all of
23 the evidence tomorrow and the next day, just a
24 little nugget to think about, is why in the world

JURY TRIAL

1 would someone use a Cash App in their own name if
2 they are planning to commit an armed robbery, an
3 attempted murder, a murder, discharging a firearm
4 into a vehicle. Thank you.

5 THE COURT: Thank you, Counsel. Ladies and
6 gentlemen of the jury, I know that you've had a long
7 day, and so we certainly appreciate your patience
8 with us here today. We are going to recess for the
9 evening. Please remember though my previous
10 instruction, that it is very important that you're
11 not to talk to anyone about this case or do any type
12 of independent research about this case, because
13 again you must make your determination of the facts
14 solely from what you hear in this courtroom. If you
15 would return back to your jury room say at 9:00,
16 once we get everyone together shortly thereafter,
17 9:00 we'll begin with the testimony in the trial of
18 this case. Have a nice evening and we'll see you in
19 the morning.

20 (The jury exits the courtroom.)

21 THE COURT: All right, Counsel, anything
22 further before we recess for the evening?

23 MS. HAMMACK: No, Your Honor.

24 THE COURT: All right, we'll see everyone in

1 the morning.

2 (The proceedings were adjourned

3 until 9:00 a.m., May 14, 2024)

4 **May 14, 2024**

5 THE COURT: All right, Counsel, are we ready
6 to proceed?

7 MS. HAMMACK: Yes, Your Honor.

8 THE COURT: Defense ready?

9 MR. BUSH: We are, Your Honor.

10 THE COURT: Perfect, let's have our jury
11 please.

12 MR. BUSH: Judge, before the jury comes in.

13 THE COURT: Yes, sir.

14 MR. BUSH: Do you want us to go ahead and put
15 on the record our --

16 THE COURT: Yes, sir.

17 MR. BUSH: -- agreement regarding evidence?

18 THE COURT: All right, yes, ma'am.

19 MS. HAMMACK: Your Honor, the State has a lot
20 of photos that we intend to introduce and use at
21 trial. We have provided those specific photos to
22 defense. They have reviewed them; they do not have
23 objections to the entrance of those photos into
24 evidence. So the State has prepared a disc of those

1 photos to be able to publish digitally. So, at this
2 time we would move State 1 into evidence.

3 THE COURT: Any objection?

4 MR. BUSH: No objection, Your Honor. We
5 understand that the State's going to lay the proper
6 foundation for those photos through the witnesses
7 that they call and we won't have any objections.

8 THE COURT: Thank you, Counsel. I certainly
9 appreciate y'all streamlining the process for us.

10 MR. BUSH: Thank you, Your Honor.

11 (State's Exhibit 1
12 was introduced into evidence)

13 THE COURT: Let's have our jury. Y'all can
14 have a seat. Good morning, ladies and gentlemen of
15 the jury. Welcome back. Thank you for being timely
16 this morning, we certainly appreciate that.
17 Solicitor, you may call your first witness.

18 MS. HAMMACK: State calls Micheal Allen.

19 THE CLERK: Will you place your left hand on
20 the Bible and raise your right? The testimony you
21 should give the Court and jury in this case will be
22 the truth, the whole truth, and nothing but the
23 truth, so help you God?

24 MR. ALLEN: Yes, ma'am.

1 THE CLERK: All right, you can have a seat in
2 the witness box, and state your full name for the
3 Court, spelling your last.

4 THE COURT: Your witness.

5 MS. HAMMACK: Thank you, Your Honor.

6 MR. ALLEN: My name is Micheal Allen, M-I-C-H-
7 E-A-L, A-L-L-E-N.

8 THE COURT: Mr. Allen, do you mind, maybe
9 scoot up to the microphone a little bit, and speak
10 up so the jury can hear you.

11 MR. ALLEN: My name is Micheal Allen.

12 THE CLERK: I'm not sure it's not on.

13 MR. ALLEN: Do I have to (inaudible)? Hello?

14 UNIDENTIFIED MALE: It's working.

15 MR. ALLEN: Hello?

16 THE COURT: There you go. Thank you.

17 MS. HAMMACK: All right.

18 MR. ALLEN: Go again?

19 THE COURT: Yes, sir.

20 MR. ALLEN: My name is Micheal Allen, it's M-
21 I-C-H-E-A-L, A-L-L-E-N.

22 MICHEAL ALLEN

23 was called as a witness, and having been first duly
24 sworn, testified as follows:

JURY TRIAL

1 DIRECT EXAMINATION:

2 BY MS. HAMMACK:

3 Q. And Micheal, you're pretty soft spoken, so I'm going
4 to stand over here so that everybody can hear what you've
5 got to say, okay?

6 A. Yes, ma'am.

7 Q. Tell me, Micheal, how old are you?

8 A. Twenty-two.

9 Q. And are you from Aiken?

10 A. No, ma'am.

11 Q. Where are you from originally?

12 A. Augusta.

13 Q. Do you live in Aiken now?

14 A. Yes, ma'am.

15 Q. How long have you lived in Aiken?

16 A. About 13 years.

17 Q. And tell me Micheal, do you know Joseph Copeland?

18 A. Yes, ma'am.

19 Q. What do you call Joseph?

20 A. My best friend, my brother, JoJo.

21 Q. So if you were talking to him you'd call him JoJo,
22 not Joseph?

23 A. Yes, ma'am.

24 Q. And tell me, how long did you know Joseph Copeland?

1 A. Since we were in elementary school, back at Aiken
2 Elementary when I moved here; 2013 when I first met him.
3 We just been best friends ever since.

4 Q. And did you go to school with Joe all the way up?

5 A. Yes, ma'am. We might've been separated like a year
6 or two due to school issues, but most -- most of the time
7 we went to school together, yes, ma'am.

8 Q. Well tell me this, Micheal, you said you're 22, was
9 Joe the same age as you?

10 A. No, ma'am.

11 Q. How old was he?

12 A. He was two years younger than me.

13 Q. And you said that he was your best friend?

14 A. Yes, ma'am.

15 Q. Had you ever been to his house?

16 A. Yes, ma'am.

17 Q. Did you ever meet his family?

18 A. Yes, ma'am.

19 Q. Tell me, in 2021, Micheal, did Joe come to stay with
20 you?

21 A. Yes, ma'am.

22 Q. Why did Joe come to stay with you?

23 A. His family was moving out of state and he didn't
24 want to go, so they allowed him to move in with me and my

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1 family.

2 Q. And when Joe moved in with you and your family, was
3 he still in school?

4 A. Yes, ma'am.

5 Q. Do you know what year he was in?

6 A. I believe his senior year.

7 Q. And so, when his family was moving did he stay here
8 and stay in school?

9 A. Yes, ma'am.

10 Q. And were you out of school at that time?

11 A. Yes, ma'am; I had a job.

12 Q. Where were you working?

13 A. A place called Fox Appliance in North Augusta.

14 Q. Tell me, could Joseph drive? Did he have a driver's
15 license?

16 A. He had a learner's permit, so in a sense, yes,
17 ma'am.

18 Q. Well, how did he get places if he just had a permit?

19 A. He usually would ride with me. I was the driver.

20 Q. Did you drive him to school?

21 A. Yes, ma'am, if I could.

22 Q. If he needed a ride or wanted to go somewhere, would
23 you drive him?

24 A. Yes, ma'am.

1 Q. And what were you driving back then?

2 A. A red Ford Explorer, I believe it was a 2002.

3 Q. Okay. Now, I want to talk to you, Micheal,
4 specifically about Saturday, April 24th of 2021.

5 A. Yes, ma'am.

6 Q. Do you remember that day?

7 A. Yes, ma'am.

8 Q. Do you remember what you were doing that day during
9 the daytime?

10 A. During the daytime I was at work.

11 Q. At Fox Appliance?

12 A. Yes, ma'am, I believe so.

13 Q. Did you come into contact with JoJo that day?

14 A. Yes, ma'am.

15 Q. And when did you meet up with JoJo?

16 A. Later that night. I don't remember about what time.

17 Q. Was it after dinner time?

18 A. Probably around dinner time, maybe, is when we first
19 linked up.

20 Q. And was that when he was staying with you?

21 A. Yes, ma'am. He had came to my house.

22 Q. Okay. And tell me, do you know where JoJo had come
23 From, when he came to your house on the 24th?

24 A. I believe he came from his girlfriend's house.

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1 Q. Do you know his girlfriend's name?

2 A. Off the top of my head, no, ma'am.

3 Q. Had you met her before?

4 A. Yes, ma'am.

5 Q. And after Joe came from his girlfriend's to your
6 house about dinner time, what did y'all do?

7 A. At first, we was sitting in the car in the driveway,
8 then we went to the Food Lion parking lot where we were
9 hanging out and smoking, we were smoking Black & Mild and
10 just making music, but then this is where we wanted to go
11 and get some weed to go and smoke, and that's when JoJo
12 started texting and calling people trying to find
13 somewhere we can get some weed.

14 Q. Okay, well let me ask you a couple questions about
15 what you just said. You said that y'all were in the Food
16 Lion parking lot, we got a couple of Food Lions here in
17 Aiken, which Food Lion were y'all at?

18 A. It's on the south side by Pine Log Road.

19 Q. So, are you talking about the Food Lion there at
20 Pine
21 Log and Silver Bluff?

22 A. Yes, ma'am. By the Circle K, I believe --

23 Q. Okay.

24 A. -- gas station.

1 Q. And you said that y'all were talking about music and
2 making music, did y'all have plans to -- to do music
3 professionally?

4 A. Yes, ma'am.

5 Q. And did y'all have names for yourselves for the
6 music industry?

7 A. Yes, ma'am.

8 Q. What were y'all's names?

9 A. JoJo went by GGB Dropper and I went by GGB Big Mike.

10 Q. Okay, so just to clarify and make sure everybody
11 heard: JoJo went by GGB Dropper?

12 A. Yes, ma'am.

13 Q. And you went by GGB Big Mike?

14 A. Yes, ma'am.

15 Q. Micheal, did you use to weigh a little bit more than
16 you do now?

17 A. Yes, ma'am.

18 Q. Did you weigh a little bit more than you do now back
19 in 2021?

20 A. Yes, ma'am.

21 Q. Is that where Big Mike came from?

22 A. Yes, ma'am. I was pushing 300 easily.

23 Q. Now, those music names that y'all had, did y'all use
24 them for any other social media?

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1 A. Yes, ma'am, all of our social medias.

2 Q. Were your Facebook names those names?

3 A. Yes, ma'am.

4 Q. Now tell me Micheal, you said that y'all were
5 sitting in the car at the south side Food Lion talking
6 about music and making music, and then y'all talked about
7 getting some weed.

8 A. Yes, ma'am.

9 Q. Did y'all have a regular person that you went to to
10 buy weed?

11 A. No, ma'am.

12 Q. So if y'all wanted to smoke, what did y'all do to
13 find weed?

14 A. Probably Snapchat, find someone on Snapchat.

15 Q. And who did the searching for somebody to find weed
16 this night?

17 A. JoJo.

18 Q. Do you know how -- what JoJo used to look for
19 somebody to buy weed from?

20 A. I'm not sure. He was on his phone, it could've been
21 like FaceTiming people, texting, or calling. It could've
22 been social medias. I'm not sure.

23 Q. But he was using his phone to look for somebody?

24 A. Yes, ma'am.

1 Q. And ultimately while y'all were sitting there, did
2 JoJo find a place to find weed?

3 A. Yes, ma'am.

4 Q. Did y'all meet somebody at the Food Lion parking
5 lot?

6 A. No, ma'am.

7 Q. What'd y'all do?

8 A. We went to a place that he referred to as the
9 Bricks. So I wasn't familiar with. So he had told me go
10 to our old middle school.

11 Q. What's your old school?

12 A. Schofield Middle School.

13 Q. Schofield Middle School, is that here in Aiken
14 County?

15 A. Yes, ma'am.

16 Q. And where is Schofield Middle School from the Food
17 Lion?

18 A. Opposite side of Aiken.

19 Q. So he told you to go to a place called the Bricks,
20 and you weren't familiar with the Bricks?

21 A. I was, but I wasn't familiar with the name.

22 Q. Okay.

23 A. I didn't -- I didn't refer to it as the Bricks, or
24 know it as the Bricks. I would've -- I would've called

1 it the apartments across the street from our middle
2 school.

3 Q. Okay. So, when JoJo was saying the Bricks what you
4 understood that to mean was the apartments across the
5 street from y'all's middle school?

6 A. Yes, ma'am.

7 Q. And that was Schofield Middle School?

8 A. Yes, ma'am.

9 Q. So, did you know how to get there once he explained
10 what the Bricks were?

11 A. Yes, ma'am.

12 Q. And tell me what y'all did.

13 A. We -- well, I drove towards Schofield, then once we
14 got closer, he pointed out what the Bricks was and I
15 recognized it. And then, we pulled into a parking spot
16 and he got on his phone letting people know we were
17 there.

18 Q. All right, before we go further I want to make sure
19 that everybody knows that we're talking about the same
20 place when we're talking about the Bricks and Schofield.

21 A. Yes, ma'am.

22 Q. So, I'm going to take what's already been entered
23 into evidence as State's 1. And I'm going to have you
24 explain where we're looking at street-wise and location-

1 wise, okay?

2 A. Yes, ma'am.

3 Q. And Micheal, I'm going to have you step down so you
4 can point on this screen --

5 A. Yes, ma'am.

6 Q. -- so that the jury can see what you're talking
7 about, okay? Now, Micheal, what is this a picture of?

8 A. Schofield Middle School.

9 Q. Now, you're going to have to talk really loud 'cause
10 you don't have a microphone in front of you, and they
11 still got to be able to hear you, okay?

12 A. Yes, ma'am.

13 Q. You're speaking to them, and everybody's got to hear
14 you, all right?

15 A. Yes, ma'am.

16 Q. So, you said, "We're looking at an overview of the
17 Area around Schofield Middle School?"

18 A. Yes, ma'am.

19 Q. And are you familiar with this area?

20 A. Yes, ma'am.

21 Q. Did you go to Schofield Middle School?

22 A. Yes, ma'am.

23 Q. Can you show the jury where on this picture
24 Schofield Middle School is?

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1 A. This building there.

2 MS. HAMMACK: And Your Honor, let the record
3 reflect that the witness is pointing to the lower
4 left-hand corner of the screen to the green-roofed
5 buildings.

6 THE COURT: Thank you.

7 BY MS. HAMMACK:

8 Q. Now, Micheal, can you show the jury what you're
9 talking about, when you talk about the Bricks?

10 A. To my knowledge, it's all these apartments here.

11 MS. HAMMACK: And Your Honor, let the record
12 reflect that the witness is pointing to the area of
13 buildings between Sumter Street and Kershaw Street
14 directly in the middle of the screen.

15 THE COURT: Yes, ma'am.

16 BY MS. HAMMACK:

17 Q. Now, Micheal, tell me when y'all came to the Bricks
18 on the evening of Saturday, April 24th, 2021, where did
19 you drive? And talk loud for me.

20 A. What route did I take?

21 Q. Once you got to this area.

22 A. I believe I may have came through this way, then
23 pulled over here, and pulled into one of these parking --
24 oh, my fault, I believe I drove up this road here, turned

1 onto this, and pulled into one of the parking spots here,
2 one of the Bricks.

3 Q. And all of these roads are these divided one-way
4 roads?

5 A. Yes, ma'am.

6 Q. Okay. And so, you -- sorry, go ahead.

7 A. You can't drive this way on this road, you can only
8 go here, and this road you can only go there, this road
9 you can only go this way, that one you can only go this
10 way.

11 Q. And so, when you pulled in front of the Bricks, you
12 turned right into a parking spot in front of the
13 apartment building?

14 A. Yes, ma'am.

15 Q. And do you remember about where -- I'm not going to
16 ask you a specific parking spot, but if here's the
17 building in general, do you remember generally where you
18 parked?

19 A. I want to say maybe around the middle section.

20 Q. Okay. Tell me this, Micheal, did you know who y'all
21 were going to meet at the Bricks?

22 A. No, ma'am.

23 Q. Okay. And when you parked, did y'all get out of the
24 car?

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1 A. No, ma'am, we remained in the vehicle the whole
2 time.

3 Q. And when y'all remained in the vehicle, did y'all do
4 anything to let anybody know that y'all were there?

5 A. No, ma'am, besides pulling up and I turned my -- I
6 believe I turned the headlights off (inaudible) I don't
7 think I wanted the headlights shining in people's homes,
8 so I believe I might have had the headlights off.

9 Q. And when you say that you were worried about the
10 headlights shining in people's homes, about what time was
11 this?

12 A. I have no idea.

13 Q. But was it dark?

14 A. Oh, yes, ma'am.

15 Q. Dark enough to use headlights?

16 A. Yes, ma'am.

17 Q. Tell me, are there street lights over there by the
18 apartment buildings?

19 A. I don't recall.

20 Q. Okay. Well, let's do this, I'm going to have you
21 sit down to answer more questions, just so we can get
22 back to that microphone, okay?

23 A. Yes, ma'am.

24 Q. Micheal, you said that y'all pulled in and parked

1 right in front of the apartment building; who drove over
2 there?

3 A. I did.

4 Q. And where was JoJo sitting in the car?

5 A. Front passenger seat.

6 Q. How long did y'all sit there before you ran into
7 anybody else?

8 A. Maybe a few minutes, like, we weren't there long.

9 Q. And after a few minutes what happened?

10 A. Two people came up to the car and at this point this
11 is when I recognized whose it is, and they come up to the
12 car, one stands at the mirror, and one goes to the -- the
13 back passenger side of the car.

14 Q. Let me stop you there just a second. You said two
15 people came up to the car, do you know where they came
16 from?

17 MS. STEINER: Your Honor, I'm having a little
18 bit of trouble hearing Mr. Allen, could you have him
19 speak into the microphone a little bit more.

20 THE COURT: Yes, Mr. Allen, if you could
21 please speak up.

22 THE WITNESS: Yes, ma'am.

23 BY MS. HAMMACK:

24 Q. Do you remember where they came from, when they came

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1 to the car?

2 A. Not exactly. I recall they -- they came up from the
3 passenger side, they didn't walk up on my side of the
4 car.

5 Q. And tell us, the two people, what did they look
6 like?

7 A. Like a description?

8 Q. Sure. I mean, were they boys, girls, children,
9 grown-ups?

10 A. It was two men, you know, I'd say about our age,
11 walking up to the car.

12 Q. Were they -- what race were they?

13 A. They were both black.

14 Q. Do you remember what they were wearing?

15 A. No, ma'am.

16 Q. You said that when y'all went to the Bricks, that
17 you didn't know who y'all were going to meet. Did you
18 know either of these two people?

19 A. Yes, ma'am. I knew of them. I didn't know know
20 them, but I knew of them.

21 Q. Did you recognize their faces?

22 A. Yes, ma'am.

23 Q. Did you know their names?

24 A. No, ma'am, not at the time.

1 Q. So these were people that you had seen before and
2 you recognized, but not people that you were friends
3 with?

4 A. No, ma'am. I had just seen them around.

5 Q. Okay. And when they came up you, "Said both of them
6 came to the passenger side of the car?"

7 A. Yes, ma'am.

8 Q. Tell me about that.

9 A. One approached like the front passenger window, then
10 one approached the back passenger-door, attempted to open
11 the door but the door was locked. I did unlock the door,
12 but they hadn't opened the door yet 'cause they had said
13 they forgot the -- the weed, I believe.

14 Q. When these two guys came to the car, did JoJo appear
15 to know them?

16 A. Yes, ma'am.

17 Q. So by the way JoJo was acting and the way these guys
18 were acting, did you feel like these were the guys y'all
19 were supposed to be meeting?

20 A. Yes, ma'am.

21 Q. Now, you said that one of them said, "They forgot
22 the weed," what happened at that point?

23 A. The one that came to the back door turned around and
24 walked off to go get the weed. I didn't pay much

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1 attention to which direction he might have went. And I
2 -- like I said it was dark as well. And then they came
3 back and had the weed, and then that's when they opened
4 the back door, the back door had been unlocked, put the
5 weed and the scale in the back seat, and started weighing
6 it. I don't remember how much weed we bought, it was a
7 small amount.

8 Q. Micheal, I'm going to ask you a silly question, but
9 it may be one that not everybody knows, when you go to
10 buy weed, why would somebody selling weed have a scale?

11 A. To make sure you're getting what you're buying.

12 Q. So you buy a certain amount --

13 A. Yes, ma'am.

14 Q. -- of weed?

15 A. Yes, ma'am.

16 Q. So, just like going to the grocery store and buying
17 meat?

18 A. Yes, ma'am.

19 Q. Okay. So, tell me, do you know where this scale
20 came

21 from?

22 A. I believe the individual who came to the back
23 passenger-door placed it in there.

24 Q. You didn't bring your own scale --

1 A. No, ma'am.

2 Q. -- to buy weed?

3 A. No, ma'am.

4 Q. Just like at the grocery store, the meat man's got
5 their own scale?

6 A. Yes, ma'am.

7 Q. Okay. Now you mentioned that one of them came up to
8 the passenger window.

9 A. Yes, ma'am.

10 Q. Do you know if Joe's window was up or down?

11 A. It was down.

12 Q. Okay. And while one of the guy's was weighing the
13 weed on the scale, what was the other one doing?

14 A. Not much, standing there, may have been talking. I
15 don't recall if there was a full-blown conversation going
16 on while they was weighing the weed up. I believe they
17 was just standing there just waiting.

18 Q. What were you doing?

19 A. Sitting in the driver's seat kind of turned
20 sideways, so I be -- and he's pointed towards the two
21 people.

22 Q. So, were you sitting so that you could see both the
23 person at Joe's window and the person at the back seat?

24 A. Yes, ma'am.

1 Q. And the person at the back seat, when he opened the
2 car door, did your dome light come on?

3 A. Yes, ma'am.

4 Q. Now tell me, after the person in the back seat
5 weighed out this weed, what happened after that?

6 A. They went to the Cash App transaction.

7 Q. What is Cash App?

8 A. It's an app where -- I don't know, like, maybe the
9 -- the exact definition, but I know, like, a person -- I
10 could use it, connect it to my bank, then send some money
11 to you and you could get my money, and you could also
12 send me money through it.

13 Q. And you do that through an app on your phone?

14 A. Yes, ma'am.

15 Q. Okay. So nobody had cash?

16 A. No, ma'am.

17 Q. Nobody had a check?

18 A. No, ma'am.

19 Q. Nobody had a debit card?

20 A. Not to my knowledge. That -- that's --

21 Q. Nobody was using a debit card to buy weed?

22 A. No, ma'am.

23 Q. Okay. So, tell me who used Cash App to buy this
24 weed?

1 A. JoJo.

2 Q. And did he do that on his phone?

3 A. Yes, ma'am.

4 Q. And how did he -- tell me, did he put in the
5 information to send money to somebody?

6 A. I believe he handed the phone over, and they did it,
7 and then it asked for a passcode, they handed it back, he
8 typed in the passcode, and I think it went through.

9 Q. So, he handed his phone over to one of these two
10 guys for them to choose where this money went?

11 A. Yes, ma'am.

12 Q. So, as far as your understanding of how the Cash App
13 works, you have to direct this money to a particular
14 person?

15 A. Yes, ma'am.

16 Q. Do you remember who he handed his phone to to do
17 that Cash App?

18 A. The name?

19 Q. Well, the -- as far as on that night, which person?

20 A. The person that walked up and opened the back door.

21 Q. Now, while this Cash App was going on, is there any
22 conversation going on?

23 A. During the Cash App, I believe it was quiet. Like
24 it was just -- I don't -- they may have been speaking,

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1 but it wasn't again like a full-blown conversations
2 going on, it was just more weighing the weed up, put the
3 weed to the center console, did the Cash App transaction,
4 and that's when things changed.

5 Q. What do you mean by "that's when things changed?"

6 A. It went from just the weed and the Cash App to
7 questions about guns.

8 Q. Who started asking questions about guns?

9 A. The individual who opened up the back passenger
10 door, and the individual who did the Cash App
11 transaction.

12 Q. So, the guys y'all met with, started talking about
13 guns?

14 A. Yes, ma'am.

15 Q. Did y'all talk to them about guns?

16 A. I did not. And at first JoJo looked at me kind of
17 -- see, like, where I'm gauging, what I'm thinking, and I
18 just did a quick shake of the head no, like -- like, none
19 of that matter, and we got what we came for, let's go.

20 Q. Were y'all able to go?

21 A. No, ma'am.

22 Q. The guys that y'all met with that started talking
23 about guns, could you see if they had any guns?

24 A. At that time, I believe, no, ma'am. I don't think

1 any gun had been shown yet, or even mentioned until this
2 point.

3 Q. You say until this point, did that change?

4 A. Yes, ma'am.

5 Q. Tell me how that changed.

6 A. The same individual who did the Cash App transaction
7 and opened the back passenger-door, had made some
8 insults, I suppose you could say -- saying that -- are we
9 allowed to use foul language?

10 Q. You can -- you can quote him exactly.

11 A. I can quote?

12 MS. HAMMACK: He's asking if he can use foul
13 language.

14 THE COURT: You can quote exactly -- if you're
15 going to say let's say -- the "F" word, just say "F"
16 word rather than the actual word.

17 THE WITNESS: Yes, ma'am.

18 THE WITNESS:

19 A. The individual said that, "Y'all must be the "P"
20 word," said, "If y'all don't got guns," or something of
21 that nature, along those lines.

22 Q. And when he said that at that point did you see
23 either of them having guns?

24 A. At that point I don't recall. I don't recall if

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1 they had pulled theirs out -- well, I know -- I know at
2 the point JoJo -- well, yeah, yeah they had theirs out,
3 they had pulled one out, 'cause they had showed it, yes,
4 ma'am. 'Cause they started talking about the beam on the
5 gun.

6 Q. And when you say "the beam on the gun," what are you
7 talking about?

8 A. The -- the guns, they -- they had -- there was two
9 guns and both of them had lasers, like a red -- well,
10 like a little laser attached to the bottom of the gun and
11 it shoots out, like, points where the gun's pointing.

12 Q. And that laser helps you sight where to aim and
13 where to shoot?

14 A. Yes, ma'am.

15 Q. Okay. Now you said "two guns," did both of those
16 people have guns?

17 A. I don't believe so. I believe it's just the
18 individual that opened the back door, had the weed, and
19 did the Cash App transaction; I believe had the firearm
20 that was out.

21 Q. And tell me what that gun looked like.

22 A. I believe it was red.

23 Q. Red?

24 A. Yes, ma'am.

1 Q. And you said it had a beam or a laser?

2 A. Yes, ma'am.

3 Q. Did you know -- tell me, was it completely red or
4 partially red?

5 A. I think it was partially red, I think. It's -- it's
6 hard to remember.

7 Q. And I don't want you to guess. But it stood out to
8 you that it was a red gun?

9 A. It was -- it was that or it was someone said it was
10 red. But I remember the -- something of red with the
11 gun -- something about the gun being red, I remember
12 that.

13 Q. So the guy that got in the backseat and weighed the
14 weed, you said, "Had a red gun with a beam" and then you
15 said, "there was second gun," what was that second gun?

16 A. The second gun was one of JoJo's guns. He, I guess,
17 got fed up with being called -- called out or whatever
18 you may want to call it, and he pulled his gun out, and
19 was like, "You know, yeah, man you know I got that thing
20 with me." And that's when I don't remember who asked to
21 see it first, because they noticed the laser on it, and
22 they wanted to compare the lasers on both guns, but I
23 remember the individual that did the Cash App transaction
24 was -- tried to get his gun, and JoJo was like "no." And

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1 he was like, "Oh, you must be scared, here," and he
2 handed him his gun, and then JoJo handed him his so they
3 swapped guns.

4 Q. So, at this point nobody's pointing guns at anybody,
5 you're just showing guns; is that right?

6 A. Yes, ma'am.

7 Q. So, at this point -- and you said, "JoJo's guns,"
8 was this actually JoJo's gun?

9 A. No, ma'am.

10 Q. Where did JoJo get this gun?

11 A. From his girlfriend.

12 Q. So, this was his girlfriend's gun?

13 A. At the time, yes, ma'am.

14 Q. And had JoJo borrowed his girlfriend's gun before?

15 A. Yes, ma'am.

16 Q. So, it wasn't weird for him to be carrying her gun?

17 A. No, ma'am.

18 Q. Did y'all ever go shoot these guns?

19 A. Yes, ma'am.

20 Q. Where would y'all go to shoot these guns?

21 A. There was a road that I had found driving to my
22 grandma's house, little dirt road that I had pulled off
23 on one day, just to see what it was, and there was a
24 bunch of abandoned shooting targets and all that taped to

1 trees and nailed to trees, so me and JoJo started going
2 there to practice.

3 Q. So, you were familiar with what JoJo's gun looked
4 like or JoJo's girlfriend's gun looked like?

5 A. Yes, ma'am.

6 Q. So you said that JoJo handed his gun over to the
7 guy, and the guy handed his gun over, did they just swap
8 guns and keep them, or what happened?

9 A. No, ma'am. At some point again, I don't know
10 exactly how the guns managed to swap back around or not
11 even swap back around, at some point somehow, JoJo's gun
12 ended up in the hands of the individual who was standing
13 next to the mirror.

14 Q. Okay.

15 A. And then, the person who did the Cash App
16 transaction had his gun back.

17 Q. And that's the red gun with the beam?

18 A. Yes, ma'am.

19 Q. So, after all this gun swapping, and looking at
20 guns, and comparing lasers, somehow the two guys outside
21 the car end up with all the guns?

22 A. Not all the guns, but, yes, ma'am.

23 Q. And when you say not all the guns, what do you mean
24 by not all the guns?

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1 A. I still had my gun on me, that I never pulled out,
2 or showed, or flashed in any way to let anyone know that
3 I had one.

4 Q. So, you had a gun that you were not showing off to
5 everybody?

6 A. Yes, ma'am.

7 Q. Where'd you get that gun?

8 A. The same place.

9 Q. Where's that?

10 A. JoJo's girlfriend.

11 Q. So, y'all had borrowed her guns, you had one, where
12 did you have it?

13 A. It was under my thigh.

14 Q. Under your thigh, did anybody know you had it?

15 A. Well, JoJo.

16 Q. Okay, but as far as the people outside the car, did
17 you ever pull it out and show it to them?

18 A. No, ma'am.

19 Q. So other than the gun under your thigh, at some
20 point, we reach a point where the rest of the guns are
21 outside the car in the hands of these other two people?

22 A. Yes, ma'am.

23 Q. What happened then?

24 A. That's when I had looked over at JoJo, and, like,

1 recognized that he didn't have his gun, they had his gun,
2 and they also had their gun. So I told JoJo, "Hey, get
3 your gun back, you know, like we got to go, like there's
4 no point for us being here." So he looked at them and
5 said -- asked for his gun back -- asked them to give his
6 gun back.

7 Q. Micheal, at this point when y'all are trying to get
8 JoJo's gun back, how long has it been since y'all
9 finished buying the weed?

10 A. Could've been anywhere from maybe five to 10
11 minutes. Like, it was -- we was sitting there for
12 a while.

13 Q. But you've got -- I mean, y'all got the weed, you've
14 paid for the weed, anything else having to do with weed
15 at this point?

16 A. No, ma'am, the weed's been done, settled, squared
17 away with, like, we had it in the vehicle, they had been
18 paid for, and now we just wasting time.

19 Q. So, you tell JoJo to get his gun back, and he tells
20 them to give his gun back, did they give it back?

21 A. No.

22 Q. What happened?

23 A. That's when the gun shots started going off. Now, I
24 can't see who shot first for sure. I just know the gun

JURY TRIAL

1 shots started going off. I grabbed my gun from under my
2 thigh. I seen the suspect, the individual that was by
3 the mirror running away and pointing the gun backwards or
4 pointing his arm backwards at the very least.

5 Q. And I want you to come down and show the jury on
6 this screen, where you saw him running with his arm
7 pointed backwards shooting.

8 A. So, the suspect that was at the door, the front
9 passenger at the mirror, ran diagonally on the sidewalk,
10 cutting through the grass here, running away with his
11 back showing, but holding his arm backwards towards the
12 vehicle.

13 MS. HAMMACK: And Your Honor, let the record
14 reflect that the witness is pointing again at those
15 apartment buildings in the center of the screen, and
16 indicating that the person ran to the right towards
17 Kershaw Street, down the sidewalk, and into the
18 grass.

19 MS. STEINER: Your Honor, I believe, Mr. Allen
20 accidentally turned off his microphone, there's the
21 button right there.

22 THE WITNESS: Sorry about that.

23 BY MS. HAMMACK:

24 Q. So, you say the gunshots started and you don't know

1 who started shooting first -- was more than one person
2 shooting?

3 A. I believe so, yes, ma'am.

4 Q. Who else was shooting?

5 A. I believe the individual who did the Cash App
6 transaction had went to the front of the car, and started
7 -- walked backwards fumbling with items in his hand and
8 then pulling out a gun, like, "upping the gun." And when
9 I noticed the gun in his hand --

10 Q. Let me stop you one second, you said, "upping the
11 gun," can you tell them what you mean by "upping the
12 gun?"

13 A. Pulling it up to aim at the vehicle.

14 Q. And so, this person, the one that did the Cash App,
15 is actually right in front of the vehicle facing the
16 vehicle?

17 A. Well, it's maybe 10 feet, like, he's not right on
18 the car, he's backing up away from the vehicle, like, but
19 at a walking not hurrying -- just fumbling things in his
20 hand. And that's when I turned the -- started firing
21 shots at him 'cause I seen the firearm.

22 Q. Okay. And did you fire any shots?

23 A. Yes, ma'am.

24 Q. Do you know how many shots you fired?

JURY TRIAL

1 A. Maybe like eight shots.

2 Q. And as this is happening, is he also shooting at
3 y'all?

4 A. Yes, ma'am.

5 Q. Did you hear or see anything else, while he was
6 shooting at y'all?

7 A. Besides JoJo?

8 Q. Well, including JoJo.

9 A. That's -- well, no, ma'am. I had just lost focus of
10 the first individual, 'cause they just continued running
11 off, and went out of my sight. I noticed the second one
12 still walking backwards, pointing at the front of the
13 car. So, I start shooting, and then, like, maybe three
14 or four shots in, that's when I hear a loud gasp of air,
15 and I look over and I see JoJo. I couldn't tell where he
16 had been hit, but he definitely had been hit. He went
17 into a seizure, like, his legs locked out, his arms
18 locked out, his head snapped back, and just started going
19 into a seizure. That's when I grabbed his arm, stopped
20 shooting, put it in reverse, stomped on it, didn't check
21 behind me, I was just hoping I didn't hit anything.
22 Threw it into drive, pulled out my phone, holding his
23 hand telling him to stay with me, like, "Breathe, Bro."
24 I looked at my phone to Google the nearest hospital, and

1 drove to the hospital.

2 Q. I'm going to have you sit back down for me, Micheal.
3 As you're holding JoJo's hand and Googling the nearest
4 hospital and driving, what's JoJo doing?

5 A. He's unconscious at this point. He had went into
6 the seizure and I'm backing the car up, but, like, as I'm
7 pulling off to drive off, the seizure stops, he just,
8 it's like he was holding my -- my arm. I don't know if
9 it's, you know, the seizure having just gripping, 'cause
10 I gripped his hand, so I don't know if the seizure just
11 had him gripping, but I felt his grip let go, and I seen
12 his head just dip back in the seat and that's when I
13 grabbed his wrist to try to feel for a pulse. I didn't
14 feel nothing. Tried to feel his neck. I didn't feel
15 nothing. That's when I started yelling, and crying,
16 driving to the hospital to --

17 Q. Which hospital did you go to?

18 A. I don't remember the name. I know it's -- it's in
19 Aiken and it's on the south side of Aiken. Is it Aiken
20 Regional? Aiken -- is it like that? Aiken Regional?

21 Q. Well, I can't tell you, but did you go to a hospital
22 in Aiken?

23 A. Yes, ma'am.

24 Q. Okay. This is kind of an odd question, Micheal, but

JURY TRIAL

1 why didn't you just stay in the parking spot and call for
2 an ambulance?

3 A. Like, that's a waste of time. Like, we had just got
4 shot, you know, so I'm not going to sit around and call
5 for a ambulance at the scene of where the shooting just
6 happened. And then when I'm already in the car, engine
7 running, all I got to do is just put it in reverse, put
8 in drive, straight to the hospital, that's -- that's it.

9 Q. And did you go straight to the hospital?

10 A. Yes, but I stopped right at the entrance of the
11 hospital and grabbed my gun, the other gun that was in
12 the car, and JoJo's bag that had ammo and clips in it and
13 I threw it out the window into the -- some bushes and --

14 Q. Why did you throw the gun and -- the guns and ammo
15 into the bushes?

16 A. Scared, not thinking, just worried.

17 Q. And so, you did that right there by the hospital?
18 Did you drive into the hospital?

19 A. Yes, ma'am.

20 Q. Well let me ask you this, did you get out of the car
21 to throw the guns?

22 A. Yes, ma'am. I opened the door, the driver door, to
23 throw them out, and then closed the driver door, and
24 drove off.

1 Q. But you didn't, like, get out and go walking through
2 the woods?

3 A. No, ma'am.

4 Q. You didn't stop and, like, bury them somewhere?

5 A. No, ma'am.

6 Q. Or like --

7 A. No.

8 Q. -- hide them behind a log or cover them with leaves?

9 A. I just threw them in the nearest bush. I just seen
10 a bush, and I threw it straight into the entrance, and I
11 went into the -- to where the ambulances go, and I just
12 hopped out, grabbed him off the passenger seat, carried
13 him to the door, and was banging on it. No one was
14 answering, there was a lady in there, and she was -- she
15 looked at me, and then looked away, and it had made me
16 mad, so I went to go put him down so I could bang on the
17 door harder, sat him down, started banging on the door
18 harder, and then another lady, I seen her further down
19 the hallway noticed, and she came sprinting all the way
20 to the door.

21 Q. And when that lady came to the door right there
22 where the ambulances are, what did she do?

23 A. She had asked what happened, took her glasses off,
24 handed them to me, and then started to try to do CPR on

JURY TRIAL

1 him. Started yelling orders at people to get -- I think
2 a stretcher, get some more help to help put him on the
3 stretcher -- helped -- she went to work.

4 Q. And what did you do?

5 A. Kind of just stood there in, like, shock still I
6 guess. Just trying to think, trying to remain calm and
7 think about what my options are, what do I need to do.
8 And the security guard there, he didn't -- he wasn't
9 aware of the situation. He had just realized my car had
10 been parked in the ambulance spot and he had told me,
11 "Hey, you can't park your car there." So I had got in my
12 car to go move it, which I had thought was strange. I was
13 expecting police everywhere. I was expecting me to not
14 be able to touch that car, but it didn't happen instantly
15 fast like that. I was able to park the car, walk back up
16 to the hospital, and then, that's when cops were
17 everywhere.

18 Q. Did you park the car just somewhere in the hospital
19 parking lot?

20 A. First parking spot I seen open, I just parked it.

21 Q. When you went back up to the hospital after parking
22 the car, did you go in the hospital?

23 A. Yes, ma'am.

24 Q. Did they let you go back with JoJo?

1 A. No, ma'am.

2 Q. So, what did you do?

3 A. I sat in the waiting area where the police had
4 showed up, and then just sat me in a corner, and then,
5 like, formed a wall basically, just blocking me in. No
6 one could see me, see who I am, see anything so....

7 Q. And did you ultimately tell the police what
8 happened?

9 A. Originally I did not. Originally I had withheld as
10 much as I could -- wasn't sure what I was doing. I
11 wanted to speak to people first before I just started
12 talking. And after I had spoke to Joe's family and I had
13 spoke to my family, that's when I had went in to the
14 office, I don't even remember no name of the office or
15 whatnot, but I remember where it's at, I could get there.
16 And we did the interview or interrogation, whatever it
17 might be called, I'm not sure. It felt like an
18 interrogation.

19 Q. Was that going into the next morning or the same --

20 A. The next --

21 Q. -- morning after all this happened?

22 A. The morning after, yes, ma'am. They had called me
23 up there to go and speak about what happened. 'Cause at
24 that night, the only thing I had told them was we were

JURY TRIAL

1 sitting in the parking spot and two individuals ran up on
2 the car, and started shooting the car, and that I didn't
3 know who they were, that I couldn't see anything, and
4 then I opened up and spoke later on after I spoke with
5 the families.

6 Q. Why did you originally not tell the police about the
7 weed?

8 A. I mean, trying to stay out of trouble. Like, I
9 mean -- I know we ain't supposed to have it, so trying
10 not to -- I was trying not to get in trouble myself.

11 Q. Did you tell the police where you put yours and
12 JoJo's guns?

13 A. Yes, ma'am. I told them that as soon as I walked in
14 there, I walked in there with a plan. I already knew --
15 I like to be prepared. So -- and I like to think things
16 through. So, I went with what I thought was the best
17 choice in my situation was to go in there -- I know that
18 they know I shot back. I know that they -- they have my
19 car. They know the little bullet -- I know they know
20 everything. They might not know now, but they gonna
21 know. So, I just went in there and I was like, "Look
22 this is what I did. This is where I threw the guns.
23 This is what happened." And here we are.

24 Q. Now Micheal, after you went in and told them

1 everything, did you end up meeting with them a second
2 time a couple days later?

3 A. I don't remember. I might have, but I don't
4 remember.

5 Q. Do you remember them showing you some pictures?

6 A. Oh, yes, ma'am.

7 Q. Micheal, I'm going to show you what's been pre-
8 marked as State's Exhibits 2 and 3. Do you recognize
9 those?

10 A. Yes, ma'am.

11 Q. And what are those?

12 A. That's the sheet of paper they gave me to --

13 Q. Keep talking loud for me.

14 A. It's the paper they selected for me to pick who I
15 could identify from that night.

16 Q. And specifically what's been pre-marked as State's
17 Exhibit 2, does that have instructions for you on how to
18 look at these photographs?

19 A. Yes, ma'am.

20 Q. And did they read those instructions to you?

21 A. Yes, ma'am.

22 Q. Is that your handwriting where you signed on April
23 27th, 2021?

24 A. Yes, ma'am.

1 Q. And did you take a look at State's Exhibit 3 --
2 what's been pre-marked as State's Exhibit 3, do you
3 remember that?

4 A. Yes, ma'am.

5 Q. And what is that?

6 A. It's six photos of similar-looking people.

7 Q. And did the police ask you to look at that and see
8 if you recognized anybody?

9 A. Yes, ma'am.

10 Q. And did you recognize anybody in what's been pre-
11 marked as State's Exhibit 3?

12 A. Yes, ma'am.

13 Q. Who did you recognize?

14 A. Number four.

15 Q. And did you mark anything on that paper to show that
16 you recognized number four?

17 A. Yes, ma'am.

18 Q. Is that your handwriting and your initials by number
19 four?

20 A. Yes, ma'am.

21 Q. And when you say you recognize number four, in
22 what's been pre-marked as State's Exhibit 3, who was
23 number four to you?

24 A. As in name?

1 Q. Well, why did you pick that number?

2 A. That's the individual that was there that night.

3 That's the individual that had the Cash App transaction,
4 the one that sold us the weed, the one that left the
5 scale, it's the same person.

6 Q. That person, number four, did that person have a gun
7 that night?

8 A. Yes, ma'am.

9 Q. Which gun?

10 A. I believe it's the red Glock -- or the red gun,
11 whatever it may have been.

12 Q. And did that person shoot at the car that night?

13 A. Yes, ma'am.

14 Q. Which one was that person?

15 A. The name?

16 Q. Well, in relationship to the car. You didn't know
17 any names that night?

18 A. No, ma'am.

19 Q. Okay, well then, let's not use names.

20 A. Okay.

21 Q. That night, where was that person when they were
22 shooting?

23 A. In front of the car.

24 Q. Now, I'm going to show you what's been pre-marked as

JURY TRIAL

1 State's Exhibits 4 and 5, do you recognize those?

2 A. Yes, ma'am.

3 Q. And what are those?

4 A. The same thing, just photos of the other suspect,
5 whatever you may want to refer to them as.

6 Q. So on State's Exhibit -- what's been pre-marked as
7 State's Exhibit 4, is that your handwriting again on this
8 lineup form?

9 A. Yes, ma'am.

10 Q. And in what's been pre-marked as State's Exhibit 5,
11 what is that?

12 A. The same thing as before, just a different
13 individual.

14 Q. And did you pick any of the six photos in what's
15 been pre-marked as State's Exhibit 5?

16 A. Yes, ma'am.

17 Q. Which one did you pick?

18 A. Number three.

19 Q. And are those your initials by number three?

20 A. Yes, ma'am.

21 Q. And why did you pick number three?

22 A. That's the other individual who was there, that
23 stayed at the mirror for a majority of the time, and then
24 flew away, running backwards with his arm pointed at the

1 car.

2 Q. Micheal, give me just a second, okay? I've got just
3 a couple of questions for you, going back to why y'all
4 went over to the Bricks in the first place to buy weed.

5 A. Yes, ma'am.

6 Q. Do you remember how much weed y'all were buying?

7 A. I don't recall. It was something small, like, maybe
8 three grams. I know it wasn't a large amount.

9 Q. So, if it wasn't a large amount -- if it was
10 something small, how much would y'all pay for that?

11 A. Maybe like \$30.

12 Q. And when you talked about weighing up the weed, and
13 knowing how much you're buying, and the scale, did you
14 ever find a scale in your car?

15 A. Yes, ma'am.

16 Q. When did you find a scale in your car?

17 A. After the police or whoever it was that searched the
18 car, gave it back to me. I went to go look at the car,
19 and that's when I had noticed it sitting in the
20 floorboard or the back seat, I don't recall. It was in
21 the back, but I don't remember if it was in the back
22 floorboard, or if it was in the back seat.

23 Q. Was that that next morning when you finally left the
24 hospital?

JURY TRIAL

1 A. I don't recall.

2 Q. When you saw the scale in the back seat, did you
3 know whose it was?

4 A. I believed yeah, 'cause I didn't own a scale, so my
5 only thoughts was it had to have been from that night,
6 'cause I didn't -- I never owned one, never went and
7 bought one. Most of the time, like you said, individuals
8 have them, so you don't even need one.

9 Q. So, when you saw this scale and you had an idea of
10 where it came from, what did you do?

11 A. Called the detective.

12 Q. Did you touch it?

13 A. I may have. I don't recall. But I believe I
14 wouldn't have, just knowing, like, the state of what it
15 could be. So, I had called the detective and I know that
16 it remained in the car, if it was touched, it wasn't
17 pulled out of the car, it stayed in the car.

18 Q. And did you let the police take it out of the car?

19 A. Yes, ma'am.

20 Q. Did the police give you that car back right away?

21 A. It wasn't immediately, I don't believe so. I
22 believe it was a few days, and then the car was given
23 back to me.

24 Q. Micheal, I don't have any more questions for you at

1 this point. Please answer any questions that the Defense
2 may have for you, okay?

3 A. Yes, ma'am.

4 THE COURT: Cross-examination?

5 MS. STEINER: Your Honor, may we please take a
6 quick comfort break?

7 THE COURT: Sure, of course. All right,
8 ladies and gentlemen, we're going to take about a
9 10-minute break. If you would please go to your
10 jury room. Please do not discuss the testimony
11 amongst yourselves or with anyone else, and we'll be
12 right back with you.

13 (Off the record.)

14 (Recess.)

15 (On the record.)

16 THE COURT: All right, Counselor, everyone
17 ready to proceed? No, I'm -- that's before I bring
18 the jury in?

19 MS. HAMMACK: Yes, Your Honor. Yes, Honor.

20 MS. STEINER: Yes, Your Honor.

21 THE COURT: All right, let's have our jury,
22 please. You may be seated. Welcome back, ladies
23 and gentlemen of the jury, we're ready to proceed.
24 Cross-examination?

JURY TRIAL

1 MS. STEINER: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MS. STEINER:

4 Q. Good morning, Mr. Allen.

5 A. Good morning.

6 Q. Is it alright if I call you Mike?

7 A. Yes, ma'am.

8 Q. You didn't expect any of this to happen, right?

9 A. No, ma'am.

10 Q. You just wanted to take JoJo to get some weed, go
11 Home, and then go to sleep?

12 A. Relatively, yes, ma'am.

13 Q. Just want to clarify a few things. Y'all had three
14 guns on that night?

15 A. Yes, ma'am.

16 Q. One gun was yours?

17 A. Yes, ma'am.

18 Q. And that's the all black one?

19 A. I think they -- both of them black, ain't it?

20 THE COURT: Can you repeat that?

21 THE WITNESS:

22 A. Both of them are black, I believe, both guns.

23 Q. Was there a black gun and a tan gun?

24 A. Oh, yeah, you're right. You're right. One was tan,

1 I apologize.

2 Q. So, the gun that was yours that was the black gun,
3 correct?

4 A. Yes, ma'am.

5 Q. There was a box for that gun in your car?

6 A. Yes, ma'am.

7 Q. And that was, like, behind the back seat kind of in
8 between the second and third row folded down, or do you
9 remember where it was?

10 A. Relatively in the back somewhere, yes, ma'am.

11 Q. Okay. That's the one that JoJo and his girlfriend
12 helped you get?

13 A. Yes, ma'am.

14 Q. And in your car, you also had some bullets for that
15 gun, right?

16 A. Yes, ma'am.

17 Q. And then, there was a second gun that was JoJo's?

18 A. Yes, ma'am.

19 Q. And that was -- I think you called it "the MP42"
20 when you talked to police?

21 A. M&P40, I think.

22 Q. Okay. But it's a .40 caliber gun?

23 A. Yes, ma'am.

24 Q. And then, there's a third gun, and that's the tan

JURY TRIAL

1 gun?

2 A. Yes, ma'am.

3 Q. And that's the one that JoJo stole from his
4 girlfriend?

5 A. The tan one, yes, ma'am.

6 Q. All right, you're left-handed, correct?

7 A. Yes, ma'am.

8 Q. Sorry for the delay.

9 A. You're good.

10 Q. When you met with law enforcement originally, you
11 told them about two different guys, right?

12 A. Yes, ma'am.

13 Q. You told them about a guy that JoJo knew by name?

14 A. Yes, ma'am.

15 Q. And that was maybe a Reggie or a Richie?

16 A. Yes, ma'am.

17 Q. And then, there was a second guy that looked
18 familiar to you?

19 A. Yes, ma'am.

20 Q. And then just to help make this clear, what was pre-
21 marked as State's Exhibit 5, it's number three, that's
22 the one that's Reggie or Richie, right?

23 A. Yes, ma'am.

24 Q. And then on what's been pre-marked as State's

1 Exhibit 3, that's the one that looked familiar, number
2 four?

3 A. Yes, ma'am.

4 Q. Okay. So the guy that looked familiar is number
5 four on State's Exhibit 3, right?

6 A. Yes, ma'am.

7 Q. And the guy that was referred to as Reggie or Richie
8 as number three on State's Exhibit 5?

9 A. Yes, ma'am.

10 Q. All right. All right, so instead of confusing
11 everyone with numbers and all that stuff, the guy that
12 you recognized, he's essentially the guy that served you,
13 right?

14 THE COURT: Can you repeat the question? I'm
15 sorry, I didn't hear it.

16 BY MS. STEINER:

17 Q. The man that you recognized --

18 A. Yes, ma'am.

19 Q. -- he's the one that essentially served the weed to
20 you?

21 A. The man that I recognized on that sheet of paper,
22 the number four?

23 Q. Yeah, the number four.

24 A. Yes, ma'am.

JURY TRIAL

1 Q. He's the one that served you?

2 A. Yes, ma'am.

3 Q. He is the one that was dealing with the Cash App?

4 A. Yes, ma'am.

5 Q. And the scale?

6 A. Yes, ma'am.

7 Q. And then the other guy, number three, that's the one
8 that's Reggie or Richie?

9 A. Yes, ma'am.

10 Q. You talked to a whole bunch of law enforcement
11 between the 24th and 25th, right?

12 A. Yes, ma'am.

13 Q. You talked to at least two Public Safety officers at
14 the hospital, right?

15 A. Yes, ma'am.

16 Q. And then, you talked to Detective Hunter outside?

17 A. I don't remember names, but I talked to a detective
18 outside, yes, ma'am.

19 Q. You talked to a lady detective outside, do you
20 remember that?

21 A. I remember -- I think there was two there, it was a
22 man and a woman, I believe.

23 Q. Okay. That was going to be my next question.

24 A. Yes, ma'am.

1 Q. You talked to a lady detective and you talked to a
2 man detective?

3 A. Yes, ma'am.

4 Q. I was going to point him out, but he's not in the
5 courtroom right now -- the man detective, right?

6 A. I don't believe so, no.

7 Q. Okay. Then later when you went to the Public Safety
8 Building, where they kind of did that interview --

9 A. Yes, ma'am.

10 Q. You talked to Detective Eagerton, who's that guy in
11 the blue tie right there, right?

12 A. Yes, ma'am.

13 Q. Okay. And then there was another detective that was
14 also in the room too, do you remember that?

15 A. Yes, ma'am.

16 Q. He kind of came in and out a bunch?

17 A. Yes, ma'am.

18 Q. Then you went back again, and that's when they
19 showed you those photo lineups?

20 A. Yes, ma'am.

21 Q. And that was a couple days later?

22 A. I don't remember.

23 Q. All right.

24 A. It was all three years ago, so...

JURY TRIAL

1 Q. Right.

2 A. Yeah, it was a long time.

3 Q. And when you went back that second time -- when they
4 showed you photos, do you remember if it was the same guy
5 that you talked to at the hospital that showed you the
6 photos?

7 A. I don't recall.

8 Q. Okay.

9 A. I don't recall.

10 Q. But the guy that showed you the photos, did he look
11 familiar?

12 A. I also don't recall. I don't --

13 Q. It was three years ago.

14 A. -- if you showed him to me, yes, ma'am.

15 Q. That's understandable. It's okay to not remember.
16 Thank you for saying that you don't remember, when you
17 don't remember.

18 A. Yes, ma'am.

19 Q. When you went back a couple days later to look at
20 the photos, you also talked to Detective Eagerton again
21 too?

22 A. Jon?

23 Q. Yeah, Jon.

24 A. Yes, ma'am.

1 Q. Yeah, okay.

2 A. Yes, ma'am.

3 Q. Out of all those police people that you talked to,
4 no one asked you to do a written statement; is that
5 correct?

6 A. I don't know what that is, so I'm --

7 Q. Did you write anything down?

8 A. I know I signed some things. I'm not sure if I
9 wrote anything down.

10 Q. You never wrote like paragraphs about what happened?

11 A. Oh, no, ma'am.

12 Q. No, not --

13 A. No, ma'am.

14 Q. Okay.

15 A. You wouldn't want -- you wouldn't be able to read
16 it, so...

17 Q. Understandable. But all the people, the police
18 officers that you talked to, including the detectives,
19 they asked you a whole bunch of -- of questions, right?

20 A. Yes, ma'am.

21 Q. And they let you answer the questions?

22 A. Yes, ma'am.

23 Q. No one cut you off?

24 A. No, ma'am.

JURY TRIAL

1 Q. No one tried to make you say a different answer?

2 A. No, ma'am.

3 Q. They asked you if there was anything else that you
4 wanted to say, or any questions that you had?

5 A. Yes, ma'am.

6 Q. They gave you all the time that you needed to tell
7 your story?

8 A. Yes, ma'am.

9 Q. That if you needed to tell them anything else, could
10 you have called them back, and told them anything else?

11 A. Yes, ma'am, as I did with the scale.

12 Q. Right.

13 A. Yes, ma'am.

14 Q. When you talked to Detective Eagerton later on in
15 that afternoon after everything happened, you talked to
16 him for well over an hour, right?

17 A. A while, yeah, I don't remember exactly how long,
18 but I thought it was never going to end.

19 Q. And when you talked to him, he told you that it was
20 super important to tell him everything?

21 A. Everything, yes, ma'am.

22 Q. The good, the bad, and the ugly?

23 A. All of it.

24 Q. And you said you would?

1 A. Yes, ma'am.

2 Q. When you talked to all these police people, you were
3 never under arrest?

4 A. Not to my knowledge. I was never put in no cuffs.
5 I was never read my rights, no, ma'am.

6 Q. Those were my next questions, so thank you.

7 A. You's welcome.

8 Q. And no one ever told you that you weren't allowed to
9 leave at any point?

10 A. Not that I recall.

11 Q. Now, fast forward two, three years, you also talked
12 to people here?

13 A. Yes, ma'am. It was later on, but, yes, ma'am.

14 Q. I'm sorry, what'd you say?

15 A. It was later on, but, yes, ma'am.

16 Q. Right. So, closer to around now?

17 A. Yes, ma'am.

18 Q. You talked to Ms. Hammack?

19 A. Yes, ma'am.

20 Q. You talked to Mr. Rittgers?

21 A. Yes, ma'am.

22 Q. Did you talk to Investigator Walker?

23 A. Yes, ma'am.

24 Q. Did you talk to anyone else from the Solicitor's

1 office?

2 A. I don't know who's from the office you referred to,
3 but, like, is there more people here that are present
4 that I've spoken to?

5 Q. Yeah.

6 A. Oh, yes, ma'am.

7 Q. Okay. Do you remember how many times you've spoken
8 to people with the State about your case?

9 A. Like how many times have I been called or brought up
10 here?

11 Q. Yeah.

12 A. Maybe like four or five times.

13 Q. Okay.

14 A. It hasn't been, like, every single day thing or a
15 once-a-week thing, like, but they reach out to me.

16 Q. Just every once in a while?

17 A. Yes, ma'am.

18 Q. And a lot more frequently as it got closer?

19 A. Oh, yes, ma'am.

20 Q. Okay. When you met with them, did they let you
21 watch any of your previous interviews?

22 A. Recently, yes, ma'am.

23 Q. Okay. They let you watch the one from the 25th with
24 Detective --

1 A. That's the night when I -- walked in myself?

2 Q. When you went to -- when you went to Public Safety,
3 they let you watch that video?

4 A. Yes, ma'am.

5 Q. And then when you went back and had the photo
6 Lineups, did they let you watch that video?

7 A. Yes, ma'am.

8 Q. Okay. During the times that you've spoke with the
9 police and those two interviews at Public Safety, you
10 said, "As soon as the money was done the dude with the
11 gun stepped in the car and started shooting;" is that
12 right?

13 A. Is that what --

14 Q. Is that what you said before?

15 A. I don't recall.

16 Q. When you met with the police at Public Safety, do
17 you remember referring to Reggie, the guy that you think
18 was called Reggie or Richie?

19 A. Yes, ma'am. I remember trying to remember his name,
20 and seeing different types of names, like you were
21 stating earlier.

22 Q. And you called him "the shooter?"

23 A. The shooter?

24 Q. Uh-huh (affirmative).

1 A. If it's on the video, yes, ma'am. I don't -- it was
2 three years ago. I don't remember everything I said,
3 like every single detail. But I'm trying. I'm trying my
4 best.

5 Q. Do you remember saying that, "Reggie was the one
6 that started it?"

7 A. No, ma'am.

8 Q. Beg the Court's indulgence.

9 THE COURT: Yes, ma'am.

10 BY MS. STEINER:

11 Q. Back in 2021 when you spoke with the police, do you
12 recall stating that, "Reggie was the one that started
13 it?"

14 A. Do --

15 MS. HAMMACK: Objection, asked and answered.

16 THE COURT: I'll allow it. You can ask it.

17 THE WITNESS: I can answer it?

18 THE COURT: If you can answer it, yes, sir.

19 THE WITNESS:

20 A. Oh, it's -- I don't recall. I don't recall.

21 Q. Back in April of 2021, when you spoke to the police,
22 do you recall if you said that, "Reggie was the one that
23 you believe shot your brother?"

24 A. Do I recall saying this? No, ma'am. I don't -- I

1 don't recall.

2 Q. Back in 2021 you said, "Reggie or Richie was at
3 least the one that shot first."

4 A. I don't recall, but as I stated, if it's in the
5 video then that's what I said.

6 Q. Back in 2021 you said that, "JoJo said, yo, bro,
7 come on Reggie, give me my shit back, bro."

8 A. Along those lines, yes, ma'am.

9 Q. And he said, "Reggie, give me my shit back, bro."

10 A. Yes, ma'am.

11 Q. Back in 2021, you said that you, "First felt unsafe
12 when JoJo pulled out his gun?"

13 A. Like, I don't recall if I said all that. But I --
14 it definitely changed the -- the situation 'cause I had
15 said, like -- "Shook my head no to the whole gun
16 situation, like, we don't even need to speak about that,
17 like, it's irrelevant," so, yeah, I mean the situation
18 changed I felt, at least 'cause the guns got brought out.

19 Q. Back in 2021 when you met with Detective Eagerton,
20 he drew out a diagram for you; is that correct?

21 A. Of the vehicle and the area?

22 Q. Uh-huh (affirmative).

23 A. Yes, ma'am.

24 Q. Okay. And then in that diagram, you said which

1 direction people went?

2 A. Yes, ma'am.

3 Q. Back in 2021, you said that, "The person standing by
4 the mirror was the guy that served you?"

5 A. I don't recall.

6 Q. Back in 2021, you said, "As soon as the money went
7 Through, they started shooting?"

8 A. Relatively, yes, ma'am.

9 Q. Back in 2021 you said that, "Before Reggie hit the
10 sidewalk, he started shooting?"

11 A. I don't recall everything I said, but this is what I
12 believed to be true, yes, ma'am -- is he was running and
13 pointing his firearm backwards, like, at us at the
14 vehicle.

15 Q. Back in 2021 when you were looking at that diagram
16 that Detective Eagerton drew out -- Jon, drew out, when
17 he asked you where the server -- which direction he went,
18 you said that, "It was way too fast, and you focused more
19 on Reggie as he started shooting first?"

20 A. If that's what I said -- it could just -- like I
21 said earlier, I don't recall who necessarily shot first.
22 I -- gun shots going off, and I just started reacting to
23 who I believed was shooting at me.

24 Q. Beg the Court's indulgence. Back in 2021 when you

1 were talking to Jon, that diagram --

2 A. Yes, ma'am.

3 Q. You said that, "Reggie went off to the right."

4 A. Yes, ma'am.

5 Q. And you said that, "The guy that served you went
6 around the car to the front -- to the left?"

7 A. Like the front of the vehicle? Yes, ma'am.

8 Q. Yeah. Went around the car to the left?

9 A. Like to my side of the car?

10 Q. Yes.

11 A. No, ma'am, he was in front of the vehicle, like, I
12 guess you could say my side, as in he was further to the
13 driver's side of the front. Like, if you're talking from
14 left to right, but further back, like, he's not right up
15 on the car.

16 Q. Okay. Back in 2021 with Detective Eagerton, you
17 told him, "That the guy that served you looked spooked
18 like he didn't know what the hell just happened?"

19 A. As in -- I would say that as in -- 'cause he was
20 fumbling with things in his hand, yes, ma'am.

21 MS. STEINER: No further questions.

22 THE COURT: Any redirect?

23 MS. HAMMACK: Yes, Your Honor. Micheal, we
24 talked earlier about what was pre-marked as State's

1 Exhibit 2, 3, 4, and 5, and Ms. Steiner asked you
2 about those as well. At this time, we would move
3 State's 2, 3, 4, and 5, into evidence.

4 MS. STEINER: No objection.

5 THE COURT: All right, they're in.

6 (State's Exhibits 2, 3, 4, and 5
7 were introduced into evidence)

8 REDIRECT EXAMINATION

9 BY MS. HAMMACK:

10 Q. Micheal, Ms. Steiner asked you a whole bunch of
11 questions just then about specific words that were said
12 in 2021 versus words you've said now.

13 A. Yes, ma'am.

14 Q. You indicated that it's been three years, but I want
15 to ask you a couple more of those questions.

16 A. Yes, ma'am.

17 Q. Back in 2021 when you talked with Detective
18 Eagerton, you told him, "That both of those guys shot
19 didn't you?"

20 A. I believe so, if that's what the video shows, yes,
21 ma'am.

22 Q. Is that what happened?

23 A. That's what I believed to have happened, yes, ma'am
24 -- is both individuals shooting.

1 Q. And do you remember telling Detective Eagerton that
2 you were scared?

3 A. Yes, ma'am.

4 Q. And that you were shocked?

5 A. Yeah, I thought I had been shot, when the shooting
6 happened. I had reached for my stomach 'cause I had a
7 sharp pain in my stomach, as soon as the gunshot went
8 off. So, I had thought I got hit, so I had grabbed my
9 stomach, and was holding my stomach and didn't look down
10 'cause I ain't -- you know, if I did get hit, I don't
11 want to look at it, like, I don't want to see it, so I
12 never looked. But yeah, I was scared, yes, ma'am.

13 Q. Now, Ms. Steiner asked you if you recalled JoJo
14 saying, "Reggie, give me my shit back."

15 A. Yes, ma'am.

16 Q. Do you remember that?

17 A. Yes, ma'am.

18 Q. Did JoJo say that because Reggie had JoJo's gun?

19 A. Yes, ma'am.

20 Q. And what gun was that?

21 A. That would've been the .40 with the -- the laser on
22 it.

23 Q. So, the gun in Reggie's hand was a .40 caliber with
24 a laser?

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1 A. Yes, ma'am.

2 Q. And then the gun that the other guy had, was that
3 red Glock?

4 A. I believe so, yes, ma'am.

5 Q. That .40 caliber gun of JoJo's, did y'all get it
6 back?

7 A. No, ma'am.

8 Q. When was the last time you saw it?

9 A. That night.

10 Q. Have you seen it since?

11 A. No, ma'am.

12 Q. I don't have any further questions for you.

13 A. Yes, ma'am.

14 THE COURT: You may step down, sir, thank you.

15 THE WITNESS: Thank you.

16 THE COURT: You may call your next witness.

17 MR. RITTGERS: Thank you, Your Honor. The
18 State calls Mark Blades.

19 THE CLERK: Place your left hand on the Bible,
20 and raise your right. The testimony you should give
21 the Court in this case should be the truth, the
22 whole truth, and nothing but the truth, so help you
23 God?

24 MR. BLADES: Yes, ma'am.

1 THE CLERK: Have a seat in the witness box and
2 state your full name for the Court, spelling your
3 last name.

4 MR. BLADES: My name is Mark Blades, B-L-A-D-
5 E-S.

6 THE COURT: Your witness.

7 MR. RITTGERS: All right.

8 MARK BLADES

9 was called as a witness, and having been first duly
10 sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. RITTGERS:

13 Q. Where do you work?

14 A. I work for Aiken Department of Public Safety.

15 Q. How long have you been doing that?

16 A. Seven years.

17 Q. Okay. And so were you on duty the night of April
18 24th, '22?

19 A. Yes. Yes, sir.

20 Q. Okay. And you were involved in this case?

21 A. Yes.

22 Q. What was your first involvement in this case?

23 A. We had a "shots fired" call in the area of those
24 apartments. We rode the area. We didn't see anything

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1 out of the ordinary.

2 Q. All right. And so, did you stay there?

3 A. No.

4 Q. How long do you think you were on that scene?

5 A. I would say a minute or two, maybe five.

6 Q. And then, how did you become involved later in this
7 case?

8 A. We had a call that there was a person at the
9 hospital with a gunshot wound.

10 Q. So, what did you do?

11 A. We went over to the hospital.

12 Q. What happened next?

13 A. I arrived at the hospital. I saw Sergeant Palmer,
14 and she was with the gentleman that was just on the
15 witness stand, and she asked me to stand with him.

16 Q. And where were you when you were standing with him?

17 A. In the emergency room in the -- or in the emergency
18 room, waiting room.

19 Q. How long do you think you stood there?

20 A. I'd say we were probably there five, 10 minutes
21 maybe.

22 Q. All right. And where did you go back when you were
23 there?

24 A. Detective Hunter got on scene and she wanted to

1 speak with Mr. Allen, so we walked outside to where her
2 car was.

3 Q. You (inaudible) went along with Mr. Allen?

4 A. Yes, sir.

5 Q. I believe you were standing there -- let me back up
6 a second, when you were in the ER, did you take a
7 statement from Mr. Allen?

8 A. No, sir. I mean, we made small talk, but I didn't
9 ask him anything, like --

10 Q. So, you didn't write a statement or anything?

11 A. No, sir.

12 Q. Okay. All right, so you went back outside to -- so
13 you went outside with Detective Hunter, what happened
14 there?

15 A. She started speaking with Mr. Allen, and then
16 realized that the vehicle where the whole crime had taken
17 place was parked right near where Detective Eleanor was.

18 Q. In the parking lot?

19 A. Uh-huh (affirmative).

20 Q. What did you do with relation to the vehicle?

21 A. I made sure that the vehicle stayed in the state
22 that it was in, when we walked up on it.

23 Q. So you basically secured it?

24 A. Yes, sir.

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1 Q. All right, so from the point that you arrived to --
2 you're at the vehicle -- and just to be clear, what kind
3 of vehicle was it?

4 A. It was a red Ford Explorer.

5 Q. And so from the point that you arrived there until
6 it's moved into custody and evidence, did anybody touch
7 the vehicle?

8 A. No, sir.

9 Q. So no one opened the doors and messed with the
10 contents of it?

11 A. The tow-truck driver drove it up on the flatbed, but
12 that was it.

13 Q. Okay, and after that, where did the vehicle go?

14 A. It went to our secured area, yes, sir.

15 Q. And nobody touched the interior contents?

16 A. No, sir.

17 Q. I have no further questions for you, the Defense may
18 have some.

19 A. Okay.

20 THE COURT: Cross-examination?

21 CROSS-EXAMINATION

22 BY MS. STEINER:

23 Q. Good morning. Just one quick question.

24 A. Yes, ma'am.

1 Q. When you were with Mr. Allen and Detective Hunter,
2 Mr. Allen never mentioned that he shot a gun that night?

3 A. No, sir -- or, no, ma'am.

4 Q. All right. Thank you.

5 A. Uh-huh (affirmative).

6 Q. No further questions.

7 THE COURT: Anything on redirect?

8 MR. RITTGERS: No, Your Honor.

9 THE COURT: You may step down, sir. Thank
10 you.

11 MR. BLADES: Thank you.

12 THE COURT: You may call your next witness.

13 MS. HAMMACK: The State calls Maggie Pauli.

14 CLERK: Place your left hand on the Bible, and
15 raise your right. The testimony you should give the
16 Court in this case will be the truth, the whole
17 truth, and nothing but the truth, so help you God?

18 MS. PAULI: I swear.

19 CLERK: Have a seat in the witness stand,
20 stating your full name, spelling your last.

21 MS. PAULI: My name is Margaret Pauli, P-A-U-
22 L-I.

23 THE COURT: Your witness.

24 MARGARET PAULI

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1 was called as a witness, and having been first duly
2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. HAMMACK:

5 Q. Agent Pauli, what do you do for a living?

6 A. I am currently an investigator for the child
7 fatality unit for the State of South Carolina at SLED.

8 Q. And what is SLED?

9 A. SLED is a state agency that assists local law
10 enforcement agencies in a myriad of different ways, from
11 crime scene investigations to child fatality
12 investigations. We have helicopters and dog teams, so we
13 come out to assist when a crime occurs.

14 Q. And how long have you been with the child fatality
15 unit?

16 A. About three months.

17 Q. Were you with SLED before you were with the child
18 fatality unit?

19 A. I was. I worked in the crime scene unit for seven
20 years.

21 Q. And before you began working for the crime scene
22 unit, did you have to go through any training or
23 education, in order to qualify you to do that job?

24 A. So, there is in-house training that happens for the

1 crime scene unit, it takes about a year and a half to two
2 years to be trained in all of the different disciplines,
3 from blood spatter analysis to firearms, and different
4 defects, and shoe print evidence. Additionally, you are a
5 sworn law enforcement entity, so you go through the
6 Police Academy, the South Carolina Criminal Justice
7 Academy, which for me was a 12-week program. Before
8 that, I got my master's degree in forensic science from
9 George Mason University, and an undergraduate degree from
10 the University of Montana in forensic anthropology, where
11 my focus was the human bones and the human skeletal
12 system.

13 Q. And after going through both getting your degrees
14 and then the criminal justice academy, and then your two-
15 year training to go with the crime scene unit, what types
16 of tasks were involved in that position for you?

17 A. So we in the crime scene unit, we get called to all
18 kinds of different cases, but primarily, we work
19 homicides, suicides, officer-involved shootings, deaths
20 that occur on college campuses, and within prisons. So,
21 our bread and butter is really major crimes.

22 Q. Now, you mentioned that your training kind of
23 encompasses more than just going to a crime scene and
24 looking at things. And specifically you talked about

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1 defects, when you say defects what significance is that
2 to you when you're examining a crime scene?

3 A. So shooting incident reconstruction and the ability
4 to understand defects, or what is commonly known as a
5 bullet hole, is being able to examine a scene where a
6 shooting has occurred, and observe how a bullet has
7 struck a surface, and what that means. So, whether the
8 bullet was travelling from inside a building to outside
9 the building, outside the building inside the building,
10 in this case a vehicle. And looking for the common signs
11 that explain possible direction of travel, and whether or
12 not you would be able to collect evidence that is
13 remaining from those gun shots.

14 Q. And have you received specific training and
15 education on examining defects from bullets, and
16 direction of travel, and things of that nature?

17 A. Yes. I had gone through a week-long course
18 specifically talking about shooting incident
19 reconstruction; it was about a 40-hour course, in
20 addition to all of the in-house training.

21 Q. You say in addition to all of the in-house training,
22 in your seven years with the crime scene unit, did you
23 have to go through continuing education?

24 A. Yes, ma'am.

1 Q. On all of these topics?

2 A. Yes, ma'am, absolutely. I worked over 350 homicide
3 investigations in my tenure with the crime scene unit. A
4 majority of those involved some kind of shooting incident
5 reconstruction.

6 Q. And when you first came into the crime scene unit,
7 did you just jump right in and work your own scenes, or
8 did you work with a partner, or with another agent?

9 A. No, so you're trained, that training process that I
10 talked about, that takes around two years, is with a
11 senior signed-off agent and you work with them. You hit
12 the ground running going to scenes as a trainee, but
13 every step of the way you are guided and taught by your
14 training agent. And then once you're signed off, you
15 typically are issued a partner, we always work in two-man
16 teams, so hopefully nothing gets missed, and so that
17 you're not out there for five or six days.

18 Q. And I think you may have actually mentioned this in
19 one of your previous answers, but in your tenure with the
20 crime scene unit, approximately how many scenes do you
21 think you worked?

22 A. It was over 350.

23 Q. And while you were there, did you ultimately start
24 training new agents in that field?

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1 A. Yes, I have two signed-off agents, that currently
2 work in the crime scene unit that I trained.

3 Q. Now, Agent Pauli, during the course of your career,
4 have you testified in court before?

5 A. I have.

6 Q. Approximately how many times have you testified in
7 court?

8 A. I believe this is my lucky 10th number.

9 Q. And when you had previously testified in court, did
10 you testify to both crime scene analysis and shooting
11 reconstructions?

12 A. Yes.

13 Q. And have you been qualified as an expert?

14 A. I have.

15 Q. What have you been qualified as an expert in?

16 A. In crime scene in -- as a -- as a whole.

17 Q. Crime scene analysis as a whole?

18 A. Yes, crime scene analysis, thank you.

19 Q. And in being qualified as an expert in crime scene
20 analysis, did that include discussions of ballistics and
21 their effects on a crime scene?

22 A. It did, yes.

23 Q. Approximately, how many times have you been
24 qualified as an expert?

1 A. Five.

2 MS. HAMMACK: Your Honor, at this time, we
3 would present Agent Maggie Pauli as an expert in
4 crime scene analysis to include ballistics.

5 THE COURT: Any voir dire?

6 MS. STEINER: Just very briefly, a few
7 questions.

8 PROFFERED CROSS-EXAMINATION

9 BY MS. STEINER:

10 Q. You don't work in the ballistics department of SLED,
11 right?

12 A. No, I am not in the firearms department.

13 Q. So back in 2021, you were just doing the crime
14 scenes?

15 A. Yes, so my understanding would simply be direction
16 of travel, and understanding how to interpret a scene or
17 a vehicle what I am seeing, not the handguns or bullet
18 striations, anything like that.

19 MS. STEINER: No objection to her being an
20 expert for crime scene analysis, but if she gets
21 into ballistics, then I would have an objection.

22 THE COURT: Yes, ma'am, of course her
23 testimony would be limited to her expertise, which
24 she just stated, not striations, and as she just

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1 discussed. So, I do find that that she has
2 requisite training and experience to be qualified as
3 an expert under 702. You may proceed.

4 MS. HAMMACK: Thank you, Your Honor.

5 BY MS. HAMMACK:

6 Q. Now, Agent Pauli, were you working for the crime
7 scene unit in April of 2021?

8 A. I was.

9 Q. And as you -- you mentioned this a little bit about
10 SLED as a whole, but in working for the crime scene unit,
11 are you investigating your own cases?

12 A. Can you be more --

13 Q. Do you do arrests?

14 A. We have the arresting power; however, it is very
15 infrequent that we would make arrests. We tend to work
16 in tandem with the local law enforcement agencies, so
17 Aiken Public Safety or a local police department.

18 Q. So when you get called to a local police department,
19 you're not looking for your own particular suspect to
20 your own crime that you're going to charge; is that
21 correct?

22 A. Correct.

23 Q. So in this case, did you get asked to assist another
24 local agency?

1 A. I did, yes.

2 Q. What agency asked you to assist?

3 A. The Aiken County Public Safety.

4 Q. And tell me specifically, what were you asked to do?

5 A. So, Aiken Department of Public Safety had a shooting
6 incident that had occurred the night before we were
7 called, and when we were contacted, we were asked to come
8 process a vehicle that was involved in that shooting
9 incident, and that vehicle had been towed to the Aiken
10 Department of Public Safety's impound lot, where they
11 securely hold vehicles. And so, we were specifically
12 asked to do forensic processing on that vehicle.

13 Q. And what does it mean to do forensic processing on a
14 vehicle?

15 A. So, it can mean a variety of different things. In
16 this case, they were -- they knew who had been inside the
17 vehicle, but they were unsure at that time of who had
18 been involved in the crime, and had potentially touched
19 the outside of the vehicle -- done a phone application
20 money transfer that I believe was Cash App, so there was
21 a cell phone that they wanted looked at. So, we do
22 things like take photographs of the vehicle, and then
23 look for latent prints or fingerprints on the vehicle and
24 then if we see latent prints, then collecting those, and

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1 then looking at defects or bullet strikes, bullet holes
2 in the vehicle. DNA, we would swab vehicles for touch
3 DNA. If there's blood in the vehicle, examining that.

4 Q. And you said that you came -- or that y'all were
5 asked the next day to come and assist with that vehicle?

6 A. Yes, ma'am.

7 Q. When you arrived did, you work as a team with
8 someone else?

9 A. Yes, my partner, Nicholas Sprouse, was there with
10 me.

11 Q. And when y'all arrived here in Aiken, tell the jury
12 what did the vehicle look like when you first saw it.

13 A. So, it was a red four-door vehicle. And it had what
14 I refer to as crime scene seal tape, but it had tape
15 along the exterior doors, meaning that the door had been
16 closed, someone had placed tape over where the door
17 closes, and then signed and dated it, which told me that
18 the vehicle had not been gone into or out of. So, it
19 showed that it was sealed. And then within the impound
20 lot, there was yellow crime scene tape that had been put
21 up around the vehicle, so that people weren't brushing up
22 against it accidentally or touching it. So, everybody
23 knew that that vehicle was evidence.

24 Q. And why is that important to you?

1 A. So, evidence is -- can be transient, it can be
2 something that people touch or move inadvertently. It
3 can be something that people don't -- don't realize that
4 they're interfering with, and so that told me that the --
5 the local law enforcement had taken every precaution to
6 try and keep the scene as clean as possible, as pristine
7 as possible, so that the investigations that we were
8 doing, and the processing that we were doing on that
9 vehicle, should be as pristine as it could be.

10 Q. Agent Pauli, do you have a general set of steps that
11 you follow every time you process a vehicle?

12 A. We do. So, we do exterior photographs. So you're
13 going to take 360 photographs of the vehicle, observing
14 any damage that you see, any defects that you see, any
15 blood that you might see. And then if DNA is requested,
16 which in this case it was, we would swab the exterior-
17 door handles. So in this case, we took swabs from all
18 four exterior-door handles, and then you would open up
19 the vehicle once your DNA processing has been done, to
20 take interior photographs. Kind of case-by-case
21 dependent if the agency also wants latent prints or
22 fingerprints looked for, which in this case they did.
23 Sometimes before moving into the inside of the vehicle,
24 we would do an examination using an alternate light

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1 source, in this case it was a flashlight, but if you --
2 if you lean the flashlight against the side of a vehicle,
3 you can often see ridge detail. We are trained to look
4 for whether or not that ridge detail is of a high enough
5 quality to collect. So if we find something that we
6 think might be collectible, we would then use black
7 powder to dust that vehicle in the areas that we see
8 potential ridge detail. We then take photographs of that
9 ridge detail, and then use basically a very strong tape
10 to lift that now-dusted print off to bring it back for
11 examination.

12 Q. And so, do you do all of that on the outside of the
13 car before you work and start looking at the inside of
14 the car?

15 A. Correct, yes.

16 Q. When you're processing a vehicle, do you ever take
17 anything into evidence, or do you ever take anything from
18 a vehicle?

19 A. Sure. So, as I mentioned DNA swabs, those would be
20 collected and retained by us. If you take a latent
21 print, lifts from that, those are retained by us. If we
22 find cartridge cases or bullets, those would be retained
23 by us. And then electronic devices, such as cell phones
24 or personal documents, medical records, or vehicle

1 registration, driver's licenses, anything that is of
2 forensic value that the local agency would like brought
3 back to the forensic lab and processed, we bring all of
4 that back with us, and then package it at the lab, enter
5 it into evidence, and then disseminate it to the
6 appropriate departments.

7 Q. Now you mention disseminated to the appropriate
8 departments, are you the person that then goes and
9 analyzes all of these items that you've collected?

10 A. Thankfully, no. So, we would have a DNA department
11 that the swabs would go to, a firearms department that
12 the bullets would go to, the cartridge cases would go to,
13 a latent print department that the fingerprints would go
14 to.

15 Q. So in this case, did you follow that same general
16 set of steps in processing this vehicle?

17 A. We did, yes.

18 Q. And before you started photographing, and lifting,
19 and using the flashlight to look for fingerprints, did
20 you just walk around the car first?

21 A. Yes, we would do an examination of the outside of
22 the car and talk about it.

23 Q. And what types of things would you be looking for
24 and talking about, before you started touching anything?

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1 A. So, we get initial information which is basically
2 once you arrive on scene you're told, "Okay, this is
3 where we got the car, and this is kind of what we think
4 had happened" and so we're looking to see if the evidence
5 that we see matches up with the story that we've been
6 given, or whether or not we think that there's maybe
7 missing information or incorrect information that has
8 been provided. So, it's an ongoing discussion between
9 myself and my partner, and the -- the local investigation
10 that's leading the case.

11 Q. Now, you mentioned you're examining in the context
12 of the story you've been told, do you have a particular
13 end goal or end result that you're trying to achieve, or
14 are you collecting and observing whatever exists?

15 A. Whatever exists, good, bad, and ugly. We're there
16 to document it as we see it, collect the evidence that is
17 there, discuss what evidence might not be there that we
18 were looking for. But basically, we get on the scene,
19 and it is what it is, and so our job is just to fact
20 find, and do it as honestly as possible.

21 Q. Now in this case, you indicated that when you first
22 saw the vehicle, that it had been secured on the doors
23 with evidence tape -- there was crime scene tape around
24 it, what else did you observe that was significant to you

1 about the vehicle as you were just looking at it?

2 A. So, there were several defects in the front of the
3 vehicle. Defects to the -- a defect to the hood, front
4 hood of the vehicle, and then in the windshield, and then
5 on the -- the weather stripping, that would kind of lead
6 into the A-pillar on the passenger side. So, very
7 clearly from -- from stepping out, this vehicle was
8 involved in a shooting incident.

9 Q. And before you started analyzing both those defects
10 and any other things you may have seen on the vehicle,
11 did you take those photos of the exterior of the vehicle
12 first?

13 A. We did, yes.

14 Q. And after taking photos -- well, let me ask you
15 this, do you take photos of parts of the vehicle, or do
16 you take just -- explain your process in photographing
17 the outside of the vehicle.

18 A. Absolutely. So, the photography portion of a
19 vehicle is very similar to a house, where you would start
20 walking in a 360, and doing your -- your overall photos,
21 and then, if there are items of interest such as bullet
22 holes, defects, you would kind of start to zoom in and
23 get closer on those, to show them in relationship to
24 where you are looking at the car. It's similar to once

1 you move into the vehicle, but it's -- it's a series of
2 you have your exterior photos, kind of your mid-range or
3 your comparison-level photos, and then once it's
4 something like a defect or a cartridge case, you're going
5 to take a close-up zoomed in photo, that's very clear --
6 of this is what I'm looking at. So, it kind of is a -- a
7 broad lens that moves into a narrow scope of this is what
8 we saw, this is what we want you to pay attention to, and
9 you do that over, and over, and over again until
10 everything has been documented, and you always take
11 pictures before you touch anything, pick up anything,
12 move anything, because once you -- you interfere with it,
13 it changes it.

14 Q. And is that what you did in this case?

15 A. It is.

16 Q. And after documenting and photographing outside the
17 vehicle, did you touch or collect anything from the
18 outside of the vehicle?

19 A. We did. We collected swabs from the exterior-door
20 handles. We collected two lifts. There was a really
21 nice palm print with some finger ridge detail on the
22 back, the rear passenger-side window, exterior window, so
23 we had dusted that area and lifted that. I believe that
24 that's all we collected from the exterior of the vehicle.

1 Q. Now, when you talk about the -- those lifts, is that
2 what you were explaining earlier with the flashlight, and
3 the black powder, and the sticky tape?

4 A. Correct.

5 Q. And when you talk about swabs, tell the jury what
6 you mean when you took swabs from the vehicle?

7 A. So we have sterile swabs, they come prepackaged, and
8 basically they're Q-Tips with really long sticks. And
9 so, we'll -- we always wear gloves on scene, and so we'll
10 remove the swabs from the sterile packaging. We put
11 deionized water, which is just sterile water, so it won't
12 affect any DNA testing, on one of the swabs, and so you
13 have a dry swab and wet swab. Then you swab all over the
14 area that you're trying to collect DNA from. We would
15 look on the outside of a door handle before swabbing it,
16 to make sure there aren't any possible fingerprints, but
17 other than that, it's a pretty simple process of just
18 swabbing the whole area to try and get as much potential
19 touch DNA evidence as possible. You let those swabs dry
20 for a brief period of time, and then you re-put them back
21 in the sterile packaging, and then put them in a coin
22 envelope with a description, "This is the location that
23 we collected these swabs from; this is the type of car
24 that it is; this is the date; this is the time and this

1 is -- and the initials of whoever did it."

2 Q. Agent Pauli, I am handing you an envelope containing
3 other envelopes, do you recognize that?

4 A. Yes.

5 Q. What is that?

6 A. So this is going to be the packaging that we would
7 submit the evidence that we are sending out to the
8 different departments, once we're at the lab. So, this
9 heat-sealed pouch with the barcode is the lab number and
10 the package number, and the description on here is what
11 items are in this packaging, the agency that we work for,
12 the date that it was, which in this case was May 4th of
13 2021, and then the sealing official, which is me.

14 Q. And when you look at that packaging, can you tell
15 what case that it's from or what that package contains?

16 A. So, some information has been covered up with
17 stickers, but in the -- in the upper corner -- oh, which
18 you can see from the back -- so in the upper corner, it
19 tells me that this was a DNA touch packaging, so this is
20 packaging that was sent to the DNA department. So items
21 one through four -- there should be four swabs in this,
22 which would -- my guess would be the swabs that we took
23 from the door handles, because that's the only DNA that
24 we collected from this case.

1 Q. Now Agent Pauli, if you will, will you open that
2 packaging and remove the envelopes from inside?

3 A. I can. I'm trying to find a spot that I will do the
4 least damage.

5 THE COURT: Do you need scissors?

6 THE WITNESS: I have some, thank you. Thank
7 you.

8 BY MS. HAMMACK:

9 Q. And Agent Pauli, very quickly, I'm going to pre-
10 mark each of these items, and then ask you if you
11 recognize them. All right, I am now handing you back the
12 manila envelopes that you removed from that packing and
13 they have been pre-marked as State's Exhibit 6, 7, 8, and
14 9. Will you take a look at those, and tell me if you
15 recognize them?

16 A. Absolutely. Yes, I recognize these as the DNA swabs
17 that were collected from the exterior-door handles of the
18 vehicle.

19 Q. And did you collect those swabs from the exterior-
20 door handles of the vehicle?

21 A. I collected two of these four swabs, two of them
22 were collected by my partner, Nicholas Sprouse, but in my
23 presence.

24 Q. So, you collected two and then the two that your

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1 partner collected; you watched him collect?

2 A. Correct.

3 Q. And did he follow the same procedures that you
4 described?

5 A. He did, yes.

6 Q. And tell me how you recognize that that's what's in
7 those envelopes?

8 A. So, there is underneath the barcode a description of
9 what evidence is in the packaging, and again as I stated
10 the date, the time it was collected, and then the
11 initials of the person who collected it. And so the
12 difference in handwriting and initials, is how I know who
13 collected it, and then I sealed them all at the lab,
14 which is why my initials are on the barcodes.

15 Q. And after you sealed them that way, what did you do
16 with each of those items?

17 A. They would've been submitted to the DNA department.

18 Q. And that is after those --

19 A. I'm so sorry.

20 THE COURT: Ms. Pauli, do you need a water?

21 THE WITNESS: Thank you. I'm not usually so
22 overwhelmed by testimony, I apologize.

23 MS. HAMMACK: Your Honor, do you just want to
24 take a quick recess while she (inaudible) comfort

1 break?

2 THE WITNESS: I would love that.

3 THE COURT: Yeah, we'll take a quick break.

4 THE WITNESS: I'm so sorry.

5 THE COURT: I think I may have some cough
6 drops, let's see.

7 THE WITNESS: I have some in my pocket.

8 THE COURT: Okay. We'll take a brief recess.
9 Ladies and gentlemen, we're going to take a very
10 brief break. If you'd please go to your jury room,
11 and please remember not to discuss the case amongst
12 yourselves.

13 (Off the record.)

14 (Recess.)

15 (On the record.)

16 THE COURT: Parties ready to proceed?

17 MS. HAMMACK: Yes, Your Honor.

18 MR. BUSH: Your Honor, Ms. Steiner stepped
19 out, and I think to use the restroom, and she'll be
20 coming back in in a moment.

21 THE COURT: Yes, sir. Y'all please be seated.

22 All right, let's have our jury, please. Please be
23 seated. All right, Counselor, you may proceed.

24 MS. HAMMACK: Thank you, Your Honor.

1 BY MS. HAMMMACK:

2 Q. Agent Pauli, after you submitted what's been pre-
3 marked as State's Exhibit 6, 7, 8, and 9 to SLED to be
4 sent to the specific department for analysis, did you do
5 any further work with these items?

6 A. I did not.

7 Q. Agent Pauli, I'm handing you another manila
8 envelope, can you take a look at this envelope, and see
9 if you recognize it?

10 A. Yes. So, this would be the latent prints or the
11 fingerprint lifts that we have collected. We package
12 them in manila envelopes like this, and again it would be
13 sealed, and then a date, and my initials.

14 Q. And are those the latent lifts that you described
15 taking off of this red four-door car that you examined in
16 this case?

17 A. Correct.

18 Q. Do you mind opening that envelope for me? Agent
19 Pauli, I'm showing what's been pre-marked as State's
20 Exhibits 10 and 11, do you recognize those?

21 A. I do, yes.

22 Q. And what are those?

23 A. So these are going to be the lifts that I was
24 Describing, having used the very strong tape. So, this

1 is a partial -- what we assumed was a partial palm
2 print, and some partial fingerprints.

3 Q. And those are the lifts that you took off the car
4 you examined in this case?

5 A. Correct.

6 Q. And after you took those lifts, what did you do with
7 those?

8 A. So, these would've been brought back to the forensic
9 lab and then they would've been submitted to the latent
10 print department.

11 Q. Do you make any determination as to whether those
12 are identifiable prints?

13 A. Other than on scene deducing whether or not they are
14 worth collecting, which just means that they look like
15 they may have enough viable points for our latent print
16 examiners to look at -- which I determined on scene that
17 they were collectible, which is why we dusted them and
18 lifted them. Once they're at the lab, no, I'm -- I'm
19 done with them.

20 Q. And once you took these items to the lab and
21 submitted them for further analysis, did you have
22 anything else to do with those items?

23 A. I did not.

24 Q. Now, Agent Pauli, after you did your analysis of the

1 outside of the vehicle, and collected potential evidence
2 from the outside of the vehicle, did you then turn your
3 attention to the inside of this vehicle?

4 A. We did, yes.

5 Q. What was the first thing you did with the inside of
6 the vehicle in this case?

7 A. So again we would have taken overall photographs,
8 working our way into the mid-range and close-up photos as
9 we went. But, definitely photographs first, and just
10 examining with our eyes what we saw, and having a
11 conversation about what evidence we could see, and what
12 we might need to do for processing.

13 Q. I'm going to bring your attention to our screen
14 here, and I'm going to have you step down to help explain
15 to the jury what they're seeing, this is off of State's
16 1. Agent Pauli, in this first picture, can you explain
17 to the jury what you documented?

18 A. So, this is the red 2002 Ford, and it is -- this is
19 the crime scene tape that I was talking about that was
20 around the perimeter of the vehicle, and then you can see
21 the red tape along where the doors would open, so that's
22 the seal tape that was initialed and dated.

23 Q. Let's look at the next photo.

24 A. So this is looking at the Ford from the front, and

1 this is what I was talking about where we could
2 immediately see that this vehicle had been involved in a
3 shooting incident with the defects to the hood and to the
4 windshield.

5 Q. And the location where this vehicle is here, is that
6 where you processed the vehicle?

7 A. Yes, this is in their impound lot where we
8 processed.

9 Q. Looking at the next photograph, what are you
10 documenting here?

11 A. So this is going to be kind of that mid-range photo
12 I'm talking about, where I'm moving in towards this
13 defect, which I believe was defect A, which is a shot or
14 a bullet that passed through the hood of the vehicle.

15 Q. And in looking at that particular shot, were you
16 able to determine direction of travel, based on the way
17 it affected the hood of the car?

18 A. So, there are some things that we look for that tell
19 us direction of travel. In this instance, there is a
20 pinch point, right here in the vehicle where this paint
21 was removed. Also, the way that the metal bends
22 backwards, indicated to us that the bullet would've
23 traveled from outside the vehicle towards the front of
24 the vehicle, towards where the passengers would've been.

1 We also opened the hood of the vehicle up, and could
2 corroborate that with additional defects that were within
3 the engine block, continuing the travel of the bullet.

4 Q. Looking at the next photograph, what are you
5 documenting here?

6 A. So, this is the same thing, except for that it's in
7 the windshield; so defects in glass look different as you
8 can see than defects in metal. And so, here we're
9 looking at the cracks and striations that the bullet
10 would have caused, and then particularly focusing on the
11 way that the glass looks, because glass reacts
12 differently whether you're shooting from inside going out
13 or outside going in. The glass is going to kind of blow
14 out from the exit side, and so, which is something that
15 you can very delicately feel with your hands, but also
16 see on the vehicle. And so this kind of smoother outside
17 glass was telling us direction of travel from outside
18 moving in.

19 Q. And when you were examining these defects in
20 addition to documenting them, did you do that delicate
21 touch to help determine direction of travel, and how the
22 glass was blown out?

23 A. Yes, we did. And actually I -- I think I have to
24 stand corrected on myself, the more I'm looking at this I

1 think this is actually the -- the blowback that we would
2 see, it doesn't look as smooth as it should. I think I'm
3 thinking of a defect that's over on the side. So, I
4 think this one is moving from inside the vehicle out,
5 this kind of white rim should -- should be on the exit
6 side.

7 Q. Well, as we're looking at these photos, did you take
8 general photos, and then go back and take secondary
9 photos of the same items?

10 A. Correct. So general photos -- photos like this
11 which are more close up that don't have a scale, then we
12 would've used scale tape to make a -- a scale for
13 measurements, and we've written what defect it was, and
14 then who was taking the measurements, and the day, and
15 the time.

16 Q. And when you say what defect it was, do you label or
17 name the defects so you can distinguish one from another?

18 A. Yes.

19 Q. So, usually we start with A and work our way through
20 the alphabet, for bad cases you get up into the triple --
21 triple Zs, but fortunately this vehicle -- on the outside
22 of the vehicle went from defect A to defect F, and then
23 inside the vehicle was defect G and H.

24 Q. Looking at the next photograph, what were you

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1 documenting here? And again, are these -- these are your
2 general photos to begin with?

3 A. Yes. So, again, this is just kind of the same kind
4 of photo as the last one, but on more of the passenger
5 side of the vehicle, and just focusing on these three
6 defects in the glass there, and there's one right here in
7 the weather stripping.

8 Q. Moving to your next photo, okay, it's a little
9 difficult to see, but at the top left-third of the
10 photograph, what are you documenting from that side of
11 the vehicle?

12 A. So, this is a photo from the interior of the vehicle
13 out, which is an attempt to just show you from the
14 driver's seat, where this defect was kind of at in the
15 windshield, because windshields are concave, and so it
16 can kind of be hard to -- to accurately get an idea about
17 -- without looking from the driver or the passenger seat.

18 Q. Moving to the next photograph, what are you
19 documenting here?

20 A. So, this is going to be a defect that's in the
21 driver's seat headrest, so that little marcation right
22 there.

23 Q. And when you call that a defect, what do you mean?

24 A. So, again a defect is the same as a bullet hole.

1 So, this is just a location that we suspect a defect
2 struck through the headrest of the vehicle.

3 Q. Going to the next photograph, what are you
4 documenting here?

5 A. So, this was suspected blood that was observed on
6 the armrest, and on the passenger seat of the vehicle.

7 Q. And when you observed the suspected blood, what do
8 you do when you see that?

9 A. So we document the suspected blood with digital
10 photographs, the same as we do with everything. But
11 then, we will also take sterile swabs similar to how we
12 do the DNA on the door handles: Sterile swabs of the
13 suspected blood to bring it back for our DNA department
14 to say if it is blood, and then whose blood it is.

15 Q. And did you do that in this case?

16 A. We did, yes.

17 Q. Moving to your next photograph. What are you
18 documenting here?

19 A. So this is a view of the middle row of this vehicle,
20 and so in the middle seat, again, you can see a defect,
21 and then there is a cartridge case on top of a black
22 sweater or sweatshirt there, so this is just kind of a
23 glimpse into that middle row.

24 Q. And when you use the term defect in this picture, is

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1 that another term for a bullet hole in that seat?

2 A. Yes. So, any time I use the word defect in this
3 instance or because it's a shooting, I do mean bullet
4 hole or bullet strike.

5 Q. Moving on to your next photograph, what is that?

6 A. So that's going to be the same bullet hole area that
7 I was talking about earlier, it's just a closer up, so
8 this is still the middle row of the vehicle -- middle
9 seat, and then that's the -- the area that we would have
10 scaled and labeled.

11 Q. And your photograph -- and I believe that may be a
12 duplicate, let's move on. What are you documenting in
13 this one?

14 A. So, this is -- so the previous photograph was kind
15 of a bird's eye view of the center console area -- this
16 is now the passenger side, and so it's more depicting
17 where the suspected blood was. So, we've got some
18 suspected blood all the way up -- up here onto the seat,
19 and then some down here, and then on the center console.
20 So, without knowing anything about this case, that
21 information tells me that someone was potentially
22 bleeding on -- on the left side of their body, if sitting
23 into the passenger seat as you normally would.

24 Q. And you said without knowing anything about this

1 case, earlier you mentioned you get some brief facts
2 about what may have happened. But, you don't -- when
3 you're examining the evidence, you don't know what you're
4 trying to match, for lack of a better word.

5 A. No, we -- and we often don't know names of anyone
6 involved. We don't know -- as I had stated, there were
7 no suspects at this time, so -- so, there is no intent
8 behind anything that we find, it's simply what we observe
9 and document it as we see it, and then do whatever
10 forensic processing we can to it at the time.

11 Q. Looking at your next photograph, what are you
12 documenting here?

13 A. So this is the passenger seat, so this is going to
14 be a side view again with that suspected blood. This is
15 going to be your center console, and then this is the
16 floorboard area, and then we have some suspected drugs in
17 a blue bag there.

18 Q. And is that the front passenger seat?

19 A. That is going to be the front passenger seat, yes.

20 Q. Looking at your next photograph, what is that?

21 A. That's going to be a close-up of your drug evidence,
22 your suspected drug evidence.

23 Q. And do you -- in 2021, did you collect that?

24 A. We did, yes.

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1 Q. Moving on to the next photograph, what are you
2 examining here?

3 A. So, this is going to be a picture of what looks like
4 some suspected drug evidence, very small and minute in
5 detail, but just kind of an overview of the seat, with
6 just some extra suspected drug evidence.

7 Q. And that extra suspected drug evidence, is that in
8 the back passenger seat?

9 A. Yeah, so that looks like we're -- we're in the
10 middle row, this would be the passenger side-middle row.

11 Q. And at the very top-left corner of that photo, is
12 there anything else that you noted in this picture?

13 A. So, this right here looks to be firearms evidence,
14 the cartridge case that I kind of pointed out earlier
15 that was sitting on top of that black sweatshirt/sweater.

16 MS. HAMMACK: And, Your Honor, let the record
17 reflect that the witness was pointing to the very
18 top-left corner of the file.

19 THE COURT: Yes, ma'am.

20 BY MS. HAMMACK:

21 Q. Looking at your next photograph, can you tell the
22 jury what that's a close-up of?

23 A. So, this is going to be that same middle-row
24 passenger seat. Again, this is just a close-up of some

1 suspected drug evidence debris.

2 Q. And are you a drug analyst?

3 A. I am not.

4 Q. Do you make any determination as to drugs or
5 anything like that?

6 A. I do not.

7 Q. Looking at your next photograph, what are you
8 documenting here?

9 A. So, this is also, I believe, a suspected bullet
10 defect with some blood or suspected blood evidence.

11 Q. And which seat is that?

12 A. That's going to be your middle row passenger-side
13 seat.

14 Q. Moving to the next photograph, is that a close-up of
15 the same?

16 A. It is.

17 Q. In your next photo what do we see here?

18 A. The same middle row with your suspected cartridge
19 case, and your suspected blood -- or drug evidence.

20 Q. Do you need a second?

21 A. No, I'm fine.

22 Q. Moving to your next photograph, tell the jury what
23 they're seeing here.

24 A. So, this is going to be a close-up of that cartridge

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1 case that was up in this corner, and then this is going
2 to be additional firearms evidence right here. But so --
3 this cartridge case is what we're really focusing on in
4 that picture.

5 Q. And after you photographed both the cartridge case
6 and that other firearms evidence, did you do anything
7 with those items?

8 A. We would've collected them.

9 Q. And when you collect those items, do you wear
10 anything protective both to protect you and the evidence?

11 A. Gloves, always.

12 Q. And did you do that in this case?

13 A. We did, yes.

14 Q. Looking at your next photograph, what is that?

15 A. So, that is going to be an additional cartridge
16 case. We found two in this vehicle, so one would've been
17 on top of this black piece of clothing, and then this one
18 is in that passenger seat, which would've been located
19 when we moved the black clothing.

20 Q. Looking at your next photograph, what have you
21 documented here?

22 A. So this is a bullet hole through a piece of paper,
23 excuse me, which I think we mostly were just documenting
24 the flight path of the bullet. So showing that it went

1 through several different substrates or several different
2 things before we collected it.

3 Q. And is there any identifying information on that
4 piece of paper?

5 A. I mean, it's an algebra assignment. From the way
6 that the paper is bent, and kind of the way that the
7 lines appear on this paper, I would say that the
8 direction of travel is that the bullet is moving from on
9 this side of the paper towards the seat of the vehicle.

10 Q. So, from the -- moving from the front of the vehicle
11 headed to the back of the vehicle?

12 A. Towards the back, correct.

13 Q. Okay. Let's look at your next photo, Agent Pauli,
14 what is that?

15 A. That is a defect or a bullet hole, which correlates
16 to that piece of paper. So, again, just showing the
17 direction of travel that it went through several
18 different things.

19 Q. Let's look at your next photo. Tell the jury where
20 we're looking here.

21 A. Okay, so in this vehicle there are three rows of
22 seating. That third row, back row, is laying flat and on
23 top of it -- this is a like a wooden speaker, and so this
24 is just to kind of show, (A) just the trunk area, that's

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1 specifically a speaker that was in there.

2 Q. And your next photograph, what is that on the floor
3 of that third row?

4 A. So this is firearms evidence. This is a projectile
5 fragment or a copper fragment, which basically is just a
6 piece of the bullet that has come off as it's hitting
7 different things and striking different things, then our
8 firearms examiners can utilize that to sometimes give
9 them more information about type of gun or type of
10 bullets, so we also collect those.

11 MS. HAMMACK: And, Your Honor, let the record
12 reflect that the witness was pointing directly to
13 the center of the photograph, when she identified
14 that firearms evidence.

15 THE COURT: Yes, ma'am.

16 BY MS. HAMMACK:

17 Q. And after locating that, did you do anything with
18 that firearms evidence?

19 A. We collected it.

20 Q. Okay. Moving to your next photograph, what are you
21 documenting here?

22 A. So this is going to be the same kind of thing, this
23 is going to be a projectile -- projectile fragments and
24 we would've documented it with photographs, and then

1 collected it.

2 Q. And your next photo, is that a close-up of the
3 fragment you just described?

4 A. It is.

5 Q. And which seat is that?

6 A. So, this is middle row on the driver's side.

7 Q. Looking at your next photograph, what are you
8 documenting here?

9 A. So this is also right here -- is a bullet strike or
10 a bullet hole, and then down here is that correlating
11 bullet hole.

12 Q. And in examining those, are you able to determine
13 direction of travel from that surface?

14 A. So, for this one we knew based on the piece of paper
15 that was directly correlated in front of it, direction of
16 travel was from outside -- or front of the vehicle, at
17 least moving backwards. This is not a super clear photo
18 close-up of that, but if it was moving from the back of
19 the vehicle moving forward, I would expect to see kind of
20 more blowout or more frangible, like, as something as a
21 bullet moves through a substrate, it tends to kind of
22 explode out as it's moving out, so the entrance point
23 will kind of be smoother, sometimes smaller, and then the
24 exit part will -- will look more destructive.

1 Q. Moving to your next photograph, you mentioned taking
2 the general photos, is this when you start moving in and
3 taking your more specific photos?

4 A. Correct. So, this is going to be the yellow scale
5 tape that is used for the overall measurement of the
6 front hood and the front windshield of the vehicle, and
7 then the smaller white measurements or scales are for the
8 individual defects, so you're going to see one, two,
9 three, four, five, six there.

10 Q. Moving to your next photograph, explain to the jury
11 what you've marked, and how you've marked it.

12 A. So this is a picture that we have already seen of
13 the hood of the vehicle, this is that same bullet hole.
14 But, we displaced what we call an L-scale and tape along
15 that vehicle, so that we can measure the length and width
16 of the defect if we need to. We assign a label to it, so
17 in this case this would be defect A, and then we'd give
18 it an orientation, so the trunk is in this direction, and
19 the driver's -- or the passenger side is in this
20 direction. And then we also put additional information,
21 such as -- I was labeling these so my initials are on
22 them, the date that we were doing it, the time, and then
23 if there's anything, you know, if you have an elaborate
24 house, you might have multiple bedrooms -- so be more

1 specific, in this case fortunately one -- one hood of the
2 vehicle.

3 Q. And all of that data that you were just describing,
4 you actually write that on the tape next to the bullet
5 hole?

6 A. We do.

7 Q. And you said that you labeled that one defect A?

8 A. Yes.

9 Q. Okay. Moving to your next photo, what is that?

10 A. So, this is going to be again that defect or bullet
11 hole that I had corrected myself, on and that's going to
12 be right in front of the passenger -- or I'm sorry, the
13 driver's seat. We also saw the picture from the driver's
14 seat looking out at this one. And in this case -- so I
15 have defect B here, but I also put and circled that this
16 was an exit, so that we know the orientation, and the
17 other one, I'm sure I have orientation as well, but I
18 couldn't read it on the tape, but -- so that way I know
19 that I felt and looked at in detail, and know that it's
20 -- this one was traveling from inside the vehicle outside
21 the vehicle.

22 Q. Looking at your next photograph, is that just a
23 close-up of defect B?

24 A. It is. So, this is just a better understanding of

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1 what we write on the tape, and which defect it is, and
2 the fact that it is an exit.

3 Q. Looking at your next photograph, which defects are
4 listed in this photograph?

5 A. So this is going to be defect C, which the glare on
6 this windshield does make it hard to tell, but defect C
7 is also going to be an exit. This kind of whiter ring
8 and unsmooth surface -- it is a lot easier to tell in
9 person when you're feeling it, but -- but this one would
10 have been an exit, and then this kind of smoother,
11 glossier side on defect D -- said that this would've been
12 an entrance, and then that scale tape that you can see on
13 the dashboard of the vehicle, is going to be a
14 correlating bullet hole, so that's going to be D1. So,
15 it travelled from outside the vehicle, through the glass,
16 into the dashboard. And then this is defect E, which is
17 on the passenger side of that windshield, and this would
18 again, from the smoother surface, is going to be moving
19 from outside the vehicle inside the vehicle, and then
20 very hard to actually see the hole, but it would be right
21 there based on the scale tape we've got our defect F,
22 which starts in the weather stripping, and moves into
23 this A-pillar.

24 Q. So, that defect F also came from outside the vehicle

1 into the vehicle?

2 A. Yes. So of my defects that I showed you earlier,
3 there were only two that are moving inside the vehicle
4 out, which would've been B, which is over here, and C
5 which is right here.

6 Q. Looking at your next photograph, which defect is
7 that?

8 A. So this is a close-up of defect D, which again we're
9 just showing you that it moved from outside inside, and
10 then correlates -- which you see the scale tape in the
11 background.

12 Q. And that -- the correlation to D1 --

13 A. Yes.

14 Q. -- which is the bullet hole in the dash?

15 A. Correct.

16 Q. Okay. Moving to your next -- excuse me, next
17 Photograph -- it's catching. Is that defect E?

18 A. Yes.

19 Q. And what can you tell us about defect E again?

20 A. So, defect E is going to be moving from outside the
21 vehicle into the vehicle, and this one is very close to
22 the passenger-side door, so the front A-pillar on the
23 windshield.

24 Q. Moving to your next photograph, what do we see here?

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1 A. This is a close-up of defect F, which is in that
2 weather stripping again -- we're moving from outside into
3 inside the vehicle.

4 Q. And what weather stripping is right there on the
5 edge of the passenger seat?

6 A. Yes. So your -- the previous defect that we talked
7 About, is going to be kind of right here, and this is
8 right in that weather stripping.

9 Q. Moving to your next photograph.

10 A. I'm sorry.

11 Q. You're fine. What part of the car is this?

12 A. Okay, so when you open the front passenger-door that
13 weather stripping runs right along what we call the A-
14 pillar of the vehicle, and so this is defect F1, which is
15 going to directly correlate with defect F, and this is
16 where we can see that it would've struck the interior
17 side of the A-pillar. So we're moving from outside the
18 car, through the weather stripping, strikes the inside of
19 the A-pillar, but doesn't actually exit. So, it tells us
20 that that projectile or that bullet is still somewhere
21 within the actual framing of the vehicle.

22 Q. And your next photograph, is that -- well, you tell
23 the jury what that is.

24 A. Okay. So, this is similar to the photo that we had

1 seen from the driver's seat, this is going to be from the
2 passenger seat. So, you're going to have -- this would
3 be your defect D, because it correlates directly to your
4 defect D1, which is in the dashboard, which would then
5 make this your defect C, and this is your defect E.

6 Q. And the next photograph, is that just a close-up of
7 D1?

8 A. It is. It's very -- well, as you're getting more
9 narrow into that space between the windshield and the
10 dashboard, it is hard to get a big, old camera up in
11 there, so that is as best a close-up as we could do.

12 Q. And in your examination of how the bullet affected
13 that dash, is that consistent with your examination of
14 the windshield, that this was a bullet travelling from
15 outside the vehicle in?

16 A. Correct.

17 Q. Moving to your next photograph, what defects have
18 you labeled here?

19 A. So, these are going to be defect G, which to orient
20 you we're in the middle row again, this is the middle
21 seat, and it's all of the clothing and debris has been
22 cleared out, and so we're going to have defect G and
23 defect H.

24 Q. And were you able to determine direction of travel

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1 for defects G and H?

2 A. Yes, so both defects G and defects H, the bullet was
3 moving from the front part of the vehicle towards the
4 back part of the vehicle. We cut into defect G, and were
5 able to recover a bullet, which is kind of the ultimate
6 reward for telling you that your directionality analysis
7 is correct.

8 Q. Moving on to your next photograph, what are you
9 doing here?

10 A. So, we're in the -- the back portion of the vehicle.
11 This is that speaker that I had told you about. And
12 right here is a bullet, that we had kind of dug out of
13 this speaker, because it had travelled through defect H,
14 through the seat, into the back of the speaker.

15 MS. HAMMACK: And Your Honor, let the record
16 reflect that the witness is gesturing to the bottom-
17 left part of the photograph.

18 BY MS. HAMMACK:

19 Q. Moving on to the next picture, explain to the jury
20 what this close-up shows.

21 A. Well this is a close-up of that bullet, which you
22 can see it has some of this material from the speaker
23 around it, that you can see kind of the rim there or the
24 edge -- bottom edge of the bullet.

1 Q. And after you photographed this bullet, did you do
2 anything with it?

3 A. We collected it.

4 Q. Did you take it back to SLED for further analysis?

5 A. We did. We would've transferred it to the firearms
6 department.

7 Q. Did you do any further analysis of that bullet?

8 A. I did not. Once I brought it back to the lab and
9 packaged it, and sent it, that was all I did.

10 Q. Moving on to the next photograph. You mentioned
11 earlier when you were talking about that defect in the
12 hood of the car, that you were able to find some more
13 evidence, tell the jury what they see here.

14 A. So, this is if you're facing the vehicle this way
15 and you open the trunk -- or the hood up -- this is
16 looking at what that defect did, once it -- so this is
17 the hood, and the bullet travelled down. You're now
18 looking at that bottom side of the defect -- which as I
19 explained, your exit portion of a bullet usually looks
20 more destructive, and so, it would've travelled along
21 with the hood closed, it would've moved in towards the
22 engine.

23 Q. Thank you, Agent Pauli, I don't have any -- take a
24 seat just for a moment.

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1 A. Absolutely.

2 Q. Now Agent Pauli, when you're examining these
3 defects, these bullet holes, and you're looking at
4 direction of travel, can you determine anything with
5 relationship to timing?

6 A. No. Well, it -- it is sometimes -- in glass in a
7 vehicle you can tell which bullet would've hit the glass
8 first, and then second, and then third based on the
9 spiderwebbing that happened. There is a way to tell
10 that. Sometimes, there is a way to tell that an area was
11 hit first, because there's minimal damage, and then the
12 second one would've cut through the damage. But as far
13 as, like, it happened at 9:00 p.m. versus 9:00 a.m., no.

14 Q. Were you able to make any determinations as to the
15 timing in this case?

16 A. I don't believe so.

17 Q. Agent Pauli, I'm showing you what's been pre-marked
18 as State's Exhibit 12. Will you take a look at that, and
19 tell me if you recognize it?

20 A. Yes. Yes, so this is the set of swabs that we
21 would've collected from the suspected blood on the center
22 console.

23 Q. And how do you know that that's the blood that you
24 collected in this case? Or the suspected blood that you

1 collected in this case?

2 A. So, based on the correlating lab numbers, the dates,
3 and then the department that we sent it to, which is the
4 DNA alternate known standard department, which basically
5 means that we sent it to figure out whose blood it
6 belongs to.

7 Q. And did you do that analysis?

8 A. I did not.

9 Q. Agent Pauli, do you still have those scissors?

10 A. I do.

11 Q. I'm going to hand you some packaging, and if you
12 could look at it, and tell me if you recognize that
13 packaging.

14 A. I do.

15 Q. And what is that packaging?

16 A. So, this is the packaging for the firearms evidence
17 that was collected. So, the two cartridge cases in
18 addition to the two bullets, and then the smaller
19 fragments that we found.

20 Q. And do you mind opening that packaging for me?

21 A. Sure.

22 Q. Agent Pauli, I want to begin with what's marked as
23 State's Exhibit 13 as one of the smaller envelopes you
24 just pulled from that packaging. Can you tell the jury

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1 what that is?

2 A. So, this is a cartridge case which houses the
3 bullet, and this is a 6N3, 6N3 .9-millimeter Luger. This
4 was the cartridge case that we found on top of the black
5 clothing in that middle seat.

6 Q. And specifically that you collected and placed into
7 evidence for further analysis?

8 A. Correct.

9 Q. And is that how you package items, once you collect
10 them?

11 A. So, this has been processed by the firearms
12 Department, so this clear, white packaging is not mine,
13 but the manila envelope is mine. So the cartridge case
14 would've been collected and placed in the manila envelope
15 on scene, it would've been sealed at the back on scene,
16 and then transferred back to the lab, where we would've
17 placed the barcode, and then sent it in one of these heat
18 sealed pouches to the firearms department.

19 Q. And are you able to verify based on this packaging,
20 your handwriting, and notation that you were the one that
21 collected it, and when you collected it?

22 A. I am able to verify that I packaged it. My partner,
23 Nicholas Sprouse, is the one who collected this, but in
24 my presence, I was there and observed it, and so my

1 initials are on the -- on here, as well as the person who
2 submitted it.

3 Q. As well as the date?

4 A. Yes.

5 Q. Now, I'm showing you what's been marked as State's
6 Exhibit 14. Will you look at that, and tell me if you
7 can identify it?

8 A. Yes. So, this is a 6N3 .9-millimeter Luger
9 cartridge case. This is the one that was collected from
10 the passenger seat in that middle row, once the clothing
11 was removed.

12 Q. And again based on the markings on that packaging,
13 you're able to verify that that was evidence that you
14 collected on April 25th, 2021, from the car in question
15 in this case?

16 A. Correct.

17 Q. I'm showing you what's been marked as State's
18 Exhibit 15. Do you recognize that?

19 A. Yes. So, this would be the copper jacket that I had
20 talked about, or the fragmented piece of firearms
21 evidence. This was collected from the -- the center seat
22 area, which we saw the photograph of -- again, in that
23 middle row. And my initials, and the date, and time are
24 on it.

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1 Q. I'm showing you what's been marked as State's

2 Exhibit 16. Do you recognize that?

3 A. Yes. So this is the small projectile fragment or
4 bullet fragment that was collected from that trunk area,
5 and my initials are on it, as well as the date and time.

6 Q. What's been marked as State's Exhibit 17, do you
7 recognize that?

8 A. Yes, so this is the bullet that we collected from
9 inside the -- that middle row seat at defect G, so we cut
10 into that area, and this is the bullet that we removed.

11 Q. And lastly State's Exhibit 18, or what's been marked
12 as State's Exhibit 18, do you recognize that?

13 A. So, this is the bullet that was collected from the
14 -- the wooden speaker. It's a little cleaned up, so it
15 does not have all of that gauzy material on it, but the
16 -- the rim that I was talking about, I recognize from
17 that same rear cargo area.

18 Q. And each of these items, Agent Pauli, you and your
19 partner photographed, collected, and packaged for further
20 analysis at SLED?

21 A. Correct.

22 Q. And did those items remain in your custody until
23 they could be put in a secure locker at SLED?

24 A. Correct. So, we would've brought them back from the

1 scene with us. They would've stayed in a secure locker,
2 until we could properly package them, and then take them
3 to the evidence custodians, who would then give them to
4 the appropriate departments.

5 Q. Agent Pauli, after you collect all of the items that
6 you located in the vehicle, did you do anything further
7 with the vehicle in this case?

8 A. So once we collect the items of evidence that we see
9 and all of our photographs are done, all of our
10 processing is done, we usually do what's called a final
11 walk-through, and that's when we discuss with the lead
12 detective or the lead investigator from the local agency,
13 and talk about what was observed, what was processed,
14 what was collected, and then ask if there's anything
15 additional that they want done, or if there's been any
16 information obtained, or new facts that have come to
17 light since we started this process. Sometimes a crime
18 scene will last a really long time, so that can
19 absolutely happen. In this case, a cell phone had been
20 collected from the vehicle by the Aiken Department of
21 Public Safety prior to us arriving on scene, so I didn't
22 see it collected, and they wanted some forensics run on
23 that cell phone, and so that phone was transferred to me
24 through a chain of custody form at the vehicle bay, and I

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1 brought that back with me as well.

2 Q. Approximately, how long did it take you to process
3 this vehicle?

4 A. So, we arrived at 11:26 in the morning, and I
5 believe -- Your Honor, may I reference my notes?

6 THE COURT: Yes, ma'am.

7 THE WITNESS:

8 A. Thank you. I believe that we left at 2:36 p.m., so
9 about three hours.

10 Q. And Agent Pauli, in total, how many defects did you
11 observe -- defects or bullet holes rather, did you
12 observe

13 on this vehicle?

14 A. So, on the outside, we went A, B, C, D, E, F -- do
15 you want correlating defects or just the main? So like,
16 --

17 Q. Correlating defects being D1 and F1?

18 A. Correct. D1, F1, G, H, and then there was the
19 defect in the driver's headrest that we unfortunately did
20 not scale. We noticed it and took pictures, but we
21 didn't scale it -- so 11, I believe.

22 Q. And of those 11 defects, were you able to determine
23 direction of travel on all of them?

24 A. We were.

1 Q. And of those 11 defects how many of those involved
2 the direction of travel coming from outside the vehicle
3 into the vehicle or moving front to back?

4 A. Nine of the 11.

5 Q. Give me just a moment, Agent. Agent Pauli, I don't
6 have any further questions for you. Please answer any
7 questions that the Defense Counsel may have.

8 THE COURT: Cross-examination?

9 MS. STEINER: Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MS. STEINER:

12 Q. Good afternoon, Special Agent.

13 A. Hello.

14 Q. You happened to be the first SLED agent that we've
15 had on the stand today, so I just want to talk a little
16 bit about SLED overall.

17 A. Absolutely.

18 Q. SLED is the South Carolina Law Enforcement agency,
19 right?

20 A. Correct.

21 Q. And SLED, for lack of a better term, is the State
22 Police?

23 A. Absolutely, yes.

24 Q. So, it's kind of similar to how the FBI is, the

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1 Federal Police, or the GBI in Georgia?

2 A. That is correct, yes.

3 Q. And then SLED is called in to help with
4 investigations?

5 A. Correct, we are an assisting agency.

6 Q. So, assisting, you aid -- you help when you -- you
7 go where you're called?

8 A. Correct.

9 Q. In this case, someone from Aiken Department of
10 Public Safety called SLED and you came?

11 A. Correct.

12 Q. And they -- when they called SLED, they said, "We
13 need someone to come and do this crime scene analysis;"
14 is that correct?

15 A. That is correct.

16 Q. And they specifically said, "That we wanted you to
17 process this SUV?"

18 A. That is correct, yes.

19 Q. So, before you and Special Agent Sprouse came -- I'm
20 assuming from Columbia?

21 A. Yes.

22 Q. You knew that you were going to process an SUV?

23 A. We were told that it was a vehicle that needed to be
24 Processed, that had been involved in a shooting. As far

1 as description of vehicle, I'm not sure.

2 Q. Now I kind of just want to know this and I don't
3 know the answer to this, when y'all get all your forensic
4 stuff all counted up, is that already in your state car,
5 or do you get to go, like, some secret cave, and get all
6 your things?

7 A. The bat cave. So, we have trucks that have multiple
8 compartments that lock and seal, and a lot of our
9 forensics evidence is already there, so that we can
10 mobilize quickly. If we get information -- for example,
11 if there is a shooting, and they call, and they say we
12 have 75 guns that you're going to need to collect, we
13 don't carry that level of equipment or packaging in our
14 trucks, so we would then go to the laboratory first to
15 properly be ready to process the scene, and then go. So
16 our extra supplies and materials -- chemicals are kept at
17 the lab, but the -- the truck is our -- our mobile
18 working unit and so it's stocked at all times, that's a
19 detailed part of the job is making sure -- similar to an
20 ambulance -- making sure that you're stocked with what
21 you need.

22 Q. All right. And when you came to Aiken, you have all
23 the supplies that you could -- think that you could
24 possibly need?

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1 A. Correct.

2 Q. All right, you went over this a little bit before,
3 but I just want to clarify. When you came to Aiken, the
4 Explorer was already in the Aiken Department of Public
5 Safety, essentially the garage?

6 A. That is correct, yes, with that yellow crime scene
7 tape around it.

8 Q. Okay. And you weren't called to go out to the
9 hospital?

10 A. No, ma'am.

11 Q. And you weren't called to go to some incident
12 location?

13 A. No, ma'am.

14 Q. And you don't know the specifics of how the car got
15 from wherever it was before to APS?

16 A. We were told that it had been towed to the
17 Department of Public Safety, but as far as a time line
18 for that, no.

19 Q. And you don't work there?

20 A. No.

21 Q. And you were aware that Aiken Department of Public
22 Safety had previously done a search through the vehicle,
23 right?

24 A. Because the cell phone had been removed from the

1 Vehicle, we were -- we were told that evidence had been
2 taken prior to us arriving there, yes.

3 Q. Essentially they opened up the passenger-door, got
4 the cell phone, and that was it?

5 A. That was my understanding, yes.

6 Q. Okay. And they put a new piece of evidence tape
7 over?

8 A. Correct.

9 Q. And you already testified to this and I just want to
10 go over it again, you said that you documented
11 everything, right?

12 A. To the best of our ability, yes.

13 Q. You took photos of the outside?

14 A. Of the outside and inside of the vehicle, yes.

15 Q. And you took photos of individual items?

16 A. Correct.

17 Q. And you took photos (inaudible)?

18 A. Yes.

19 Q. You took a bunch of photos, and not all of them were
20 what we went over; is that correct?

21 A. That is correct. There were, I believe 335 photos
22 in total for this case.

23 Q. You swabbed for some DNA as well?

24 A. Yes, we did.

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1 Q. You took it from the door handles?

2 A. We did.

3 Q. And from the center console of the front seat?

4 A. Yes, in between the driver and front passenger seat.

5 Q. And you lifted some latent prints?

6 A. We did.

7 Q. And you scaled all these different defects?

8 A. Correct.

9 Q. Now, when you labeled the defects -- when you scaled
10 them, you basically just went from right to left?

11 A. That is correct. If you're -- if you're standing at
12 the front of the vehicle, looking at the driver's side on
13 your right, we marked them from right to left.

14 Q. And you made -- you already kind of referenced notes
15 along the way?

16 A. Yes.

17 Q. Extensive notes?

18 A. Yes.

19 Q. Very, very extensive notes?

20 A. We try.

21 Q. And then, you also wrote a summary of everything; is
22 that correct as well?

23 A. That is correct.

24 Q. The Ford Explorer -- you mentioned this before, I

1 just want to go over it again. It has three rows of
2 seats?

3 A. Yes.

4 Q. Then the third row, the back row, in the cargo area,
5 that was folded down?

6 A. It was, yes.

7 Q. Now, I want to talk about some of the items that you
8 found inside the vehicle. And the very back row where in
9 between the middle row and the third row, you found a gun
10 box?

11 A. Yes.

12 Q. And you also found -- so you got the gun box, and
13 then you photographed it, correct?

14 A. Yes.

15 Q. And then, you opened it up and photographed it some
16 more?

17 A. Yes.

18 Q. Okay. And inside the gun box, there was also a
19 receipt?

20 A. I do not remember the receipt.

21 Q. Okay. But --

22 A. There sure could have been. But, if there was one,
23 we would've taken a picture of it.

24 Q. Okay. And that was found in between the second and

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1 third rows?

2 A. Correct.

3 Q. You also found a book bag in that same location,
4 right?

5 A. There was a book bag, yes.

6 Q. It was kind of that white thing that was tucked down
7 in...

8 A. I -- the color I'm not remembering, but I do
9 remember us going through a book bag.

10 Q. Okay. Inside that book bag there was some things,
11 right?

12 A. Yes.

13 Q. And you took all the stuff out, and then you
14 photographed all of it?

15 A. We would've laid it all out, yes.

16 Q. And inside the stuff in the bag, there was
17 ammunition?

18 A. Correct.

19 Q. It was .9-millimeter ammunition?

20 A. Yes.

21 Q. You also found a gun cleaning kit?

22 A. Yes, a very nice gun cleaning kit.

23 Q. I agree with that.

24 A. Yes.

1 Q. It was nice. And you also found a receipt for tires
2 that were purchased the day prior?

3 A. I do apologize, I have no memory of receipts for
4 this case.

5 Q. All right, that's fine. You also found some
6 (inaudible) gloves in the center console in the front
7 seat?

8 A. Yes.

9 Q. Them sticking in the front seat on the blue
10 passenger side -- or the passenger side -- we talked
11 about that blue baggie?

12 A. Yes --

13 Q. Before, already.

14 A. -- the suspected drug evidence?

15 Q. Yes, the weed.

16 A. Yes.

17 Q. Okay. And that was just a little bit of weed, it
18 wasn't -- that wasn't a big Ziplock bag or anything?

19 A. No, ma'am.

20 Q. Okay. Looks like it's probably about eight grams?

21 A. In my non-expert opinion, yes.

22 Q. You collected several jacket fragments of the
23 bullets, correct?

24 A. Yes.

1 Q. And you collected only two projectiles that were
2 what would be commonly thought of what the bullets would
3 be; is that right?

4 A. Correct, correct, yes.

5 Q. All right. So that main thing in the projectile
6 that would go through things...

7 A. Correct.

8 Q. You only found two of those?

9 A. That is correct.

10 Q. One from defect G?

11 A. Yes.

12 Q. And one from defect H?

13 A. Correct.

14 Q. Let's talk a little bit more about defect G. That
15 was in the middle row, correct?

16 A. Yes, middle row, middle seat.

17 Q. All right. And the middle row of the middle seat,
18 that was towards the top left side?

19 A. Again, if you're facing -- yeah, if your orientation
20 is facing the vehicle with the driver's side on your
21 right and the passenger side on your left, it was in the
22 upper left-hand corner.

23 Q. Towards the passenger side?

24 A. Yes.

1 Q. And then y'all opened up the middle seat of the
2 middle row?

3 A. Yes.

4 Q. And that's how you recovered that projectile?

5 A. Yes.

6 Q. Now, let's talk about defect H. That's also in the
7 middle seat of the middle row?

8 A. Yes.

9 Q. And that was towards -- it's the bottom third or so
10 of the middle seat of the middle row?

11 A. Yeah, so defect H is what correlated with that piece
12 of paper, so it was kind of lower towards the -- on the
13 middle seat, lower towards the driver's side.

14 Q. So, lower towards the driver's side in the middle
15 seat of the middle row?

16 A. Correct.

17 Q. Now, I think you can kind of see in one of the
18 photos, there was also a hole that was on the back side
19 of the middle seat from the middle row.

20 A. I'm sorry?

21 Q. Let me repeat that. There was a defect on the back
22 side of the seat where the projectile -- that eventually
23 came from defect -- H came through the seat?

24 A. Yes, on the -- on the back because it would've

1 traveled through that seat into the speaker that was in
2 the trunk, so we would've seen an exit on the back side
3 of that seat.

4 Q. And you didn't scale that defect?

5 A. We did not.

6 Q. You didn't give it a letter or anything?

7 A. We did not.

8 Q. And that's the one that eventually went into the
9 speaker?

10 A. Correct.

11 Q. And you didn't scale that bullet hole either?

12 A. We did not, no. My -- my guess would be because of
13 the -- the material and the wood chipping, that it
14 would've been hard for it to stick to -- but no, we did
15 not.

16 Q. And you didn't scale it prior to taking out -- was
17 -- was it covered in that fabric before?

18 A. When we removed it from the -- the wood it had that
19 -- those little fibers on it. My assumption is that it
20 would've gotten those fibers on it when it went through
21 the back of the speaker. So, it would've already been
22 there when we collected it.

23 Q. But you didn't scale what would be the defect on the
24 back of the speaker?

1 A. We did not.

2 Q. (Inaudible).

3 A. No, we did not.

4 Q. And you didn't name that with a letter or anything?

5 A. We did not.

6 Q. All right, now I want to move to some of the other
7 defects from the windshield. So defect B, your overall
8 analysis is that's an exit hole?

9 A. Correct.

10 Q. And that was fired from within the car?

11 A. Correct.

12 Q. And then defect C is also an exit hole?

13 A. Correct.

14 Q. Fired from within the car?

15 A. Yes, ma'am.

16 Q. Okay. Defect D, that's an entrance into the
17 windshield?

18 A. Correct.

19 Q. And defect D and D1 are basically the same defect?

20 A. They correlate, yes.

21 Q. And then defect E, that entrance hole into the
22 windshield, correct?

23 A. Correct.

24 Q. And that's from fired outside the vehicle?

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1 A. Correct.

2 Q. Defect A, that's the one that's on the hood?

3 A. That is correct.

4 Q. And it was fired from outside the car?

5 A. Correct.

6 Q. And y'all didn't tear apart the whole engine to find
7 the projectile?

8 A. We did not.

9 Q. Defect F, that's the one that was in that weather
10 stripping; is that right?

11 A. Correct.

12 Q. And that went into the A-pillar?

13 A. Correct.

14 Q. And y'all didn't tear the car apart to find that one
15 either?

16 A. We did not.

17 Q. There are a couple things that you didn't collect.
18 You didn't collect the scale; is that right?

19 A. Correct.

20 Q. You didn't collect a swab of that suspected blood on
21 the middle seat, passenger seat?

22 A. Correct.

23 Q. Middle row passenger seat?

24 A. Correct.

1 Q. Okay. And you didn't scale that defect?

2 A. We did not.

3 Q. And you didn't scale the defect from the driver's
4 headrest?

5 A. Correct.

6 Q. On the front row driver's headrest?

7 A. The driver's seat, yes.

8 Q. Beg the Court's indulgence. For that defect that
9 was in the driver's seat.

10 A. In the headrest?

11 Q. Yeah, in the headrest.

12 A. Yes, ma'am.

13 Q. That did not have a correlating exit hole out of the
14 back of the headrest?

15 A. It did not, no.

16 Q. Okay. All right, thank you, no further questions.

17 THE COURT: Any redirect?

18 MS. HAMMACK: No, Your Honor.

19 THE COURT: You may step down Agent Pauli,
20 thank you.

21 AGENT PAULI: Okay, thank you for your
22 indulgence. I do sincerely apologize.

23 THE COURT: Not a problem, it happens to all
24 of us. Ladies and gentlemen, it's about 1:00, so

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1 it's a perfect time for us to take our lunch break.
2 If you would return back to your jury room at 2:00,
3 then we'll resume with the trial of the case.
4 Please remember my instruction not to discuss this
5 case with anyone, or allow anyone to discuss the
6 case with you. Have a nice lunch, and we'll see you
7 in an hour.

8 (Off the record.)

9 (Recess.)

10 (On the record.)

11 THE COURT: Parties ready to proceed?

12 MS. HAMMACK: Yes, Your Honor.

13 MS. STEINER: Yes, Your Honor.

14 THE COURT: All right, let's have our jury
15 please. Please have a seat. Welcome back ladies
16 and gentlemen of the jury. I hope that you had a
17 nice lunch. We are now ready to proceed. You may
18 call your next witness.

19 MR. RITTGERS: The State calls Emily Palmer.

20 THE CLERK: The testimony you should give the
21 Court and jury in this case should be the truth, the
22 whole truth, and nothing but the truth, so help you
23 God?

24 MS. PALMER: Yes.

1 THE CLERK: Have a seat in the witness box.
2 State your full name, spelling your last for the
3 Court.

4 MS. PALMER: Emily Palmer, Palmer spelled P-A-
5 L-M-E-R.

6 THE COURT: Your witness.

7 EMILY PALMER
8 was called as a witness, and having been first duly
9 sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. RITTGERS:

12 Q. Ms. Palmer, where do you work?

13 A. Aiken Department of Public Safety.

14 Q. And how long have you worked there?

15 A. Seven years tomorrow.

16 Q. What were you doing on the evening of April 24th
17 going into the 25th of 2021?

18 A. I was working in patrol. We had responded to a
19 "shots fired call" initially.

20 Q. And you went to that call?

21 A. I did.

22 Q. Was it at the -- the Barnwell and Kershaw location?

23 A. That's correct.

24 Q. Did you see anything there when you stopped there?

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1 A. Nothing that stood out that was out of the ordinary
2 on our first approach of the area.

3 Q. So, you didn't stick around and analyze the scene or
4 anything?

5 A. No, sir.

6 Q. All right. What was your next involvement in this
7 case?

8 A. We received another call that there was a victim
9 that was being treated in the ER at Aiken Regional.

10 Q. And so, did you go there?

11 A. And we responded to that location.

12 Q. What did you do once you got to the hospital?

13 A. We went in through the ambulance bay, and I observed
14 a black male being worked on by ER staff.

15 Q. Was anyone else present?

16 A. I had -- was training another officer, Officer
17 Benokee, and there was a lot of medical staff that was
18 there attending to the patient.

19 Q. Did you encounter Mr. Allen there?

20 A. I did.

21 Q. What kind of interaction did you have?

22 A. I had a very brief interaction with him. I think it
23 was just like a minimal facts-type of conversation with
24 him, and then I believe I handed him off to Corporal

1 Blades.

2 Q. But, you didn't take any kind of formal statement?

3 A. No.

4 Q. All right. Did you secure any evidence there?

5 A. When the staff removed the victim's clothes, they
6 transferred them to myself, and then once those were
7 secured in a brown paper bag, they were transferred to
8 Detective Hunter outside.

9 Q. Did you put any kind of seal on the bag?

10 A. No, I folded them over so that way, like, I didn't
11 have -- I don't carry tape -- evidence tape with me, but
12 that way -- you know, I made sure nothing fell out or
13 anything like that.

14 Q. All right. It went directly from you to Detective
15 Hunter?

16 A. That's correct.

17 Q. Were you present when the vehicle was secured in the
18 parking lot?

19 A. I was aware of it. We initially put out a BOLO
20 'cause we knew it was a red car that had pulled up in the
21 ambulance bay. And then I was made aware that it was out
22 front near the ambulance bay, and I knew that we had an
23 officer that had secured it, so it was being preserved.

24 Q. And then, what was -- did you follow along to the

JURY TRIAL

1 crime scene afterward?

2 A. We did. Once we were done at the hospital, we went
3 out to the scene.

4 Q. What did you do there?

5 A. Assisted in any way I could with processing the
6 scene, assisting investigations, scene security, stuff
7 like that.

8 Q. Thank you, I don't have any other questions, but the
9 Defense may have some.

10 THE COURT: Cross-examination?

11 MR. BUSH: Thank you, Your Honor. May it
12 please the Court.

13 THE COURT: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. BUSH:

16 Q. Sergeant Palmer, hey, afternoon to you.

17 A. Afternoon.

18 Q. Happy early anniversary. Sorry we didn't get you to
19 testify on your anniversary tomorrow. Happy early
20 anniversary.

21 A. Thank you.

22 Q. You told Mr. Rittgers here that when you arrived to
23 the hospital, you had sort of a minimal fact conversation
24 with Mr. Micheal Allen over here?

1 A. That's correct.

2 Q. The information that you gained from that minimal
3 facts conversation -- you take that information, right,
4 and then you pass it on to the detectives in the case,
5 right?

6 A. Yes.

7 Q. So, the detectives are working on that information
8 that you gather during that minimal facts conversation,
9 correct?

10 A. Correct.

11 Q. And never once during that conversation with Mr.
12 Allen that night at the hospital, did he mention to you
13 that he fired a firearm, correct?

14 A. Not to my knowledge.

15 Q. And never once during that conversation with Mr.
16 Allen, did he mention to you that he had hidden firearms
17 on his way to the hospital that night, did he?

18 A. No.

19 Q. So, that information wasn't related to you?

20 A. Not that I recall.

21 Q. Okay, thank you very much. No further questions.

22 THE COURT: Any redirect?

23 MR. RITTGERS: No, Your Honor.

24 THE COURT: You may step down, ma'am, thank

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1 you. You may call your next witness.

2 MR. RITTGERS: The State calls Jeremy Hembree.

3 THE CLERK: The testimony you should give the
4 Court in this case should be the truth, the whole
5 truth, and nothing but the truth, so help you God?

6 MR. HEMBREE: I do.

7 THE CLERK: Have a seat in the witness box.
8 State your name for the Court, spelling your last
9 name.

10 OFFICER HEMBREE: Jeremy Hembree, H-E-M-B-R-E-
11 E.

12 THE COURT: Your witness.

13 JEREMY HEMBREE

14 was called as a witness, and having been first duly
15 sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. RITTGERS:

18 Q. Mr. Hembree, what do you do?

19 A. I'm a Lieutenant at the Aiken Department of Public
20 Safety.

21 Q. How long have you been doing that?

22 A. I've been policing for in my 24th year.

23 Q. How'd you come to be involved in this case?

24 A. I assisted Detective Eagerton the following morning,

1 a few hours later after, the initial incident occurred.

2 I

3 assisted him -- began assisting him in the investigation.

4 Q. How did you assist him?

5 A. Crime scene processing, if there was anything left,
6 we were there together when the Explorer was processed,
7 but I also assisted in the interview when Detective
8 Eagerton was speaking with Mr. Allen, and then collected
9 some evidence from that, and then also did some mobile
10 forensics.

11 Q. What kind of evidence did you collect?

12 A. I collected two handguns.

13 Q. Lieutenant Hembree, I'm going to have you step down
14 in a second here. We're going to talk through the guns
15 that you collected.

16 A. Okay.

17 Q. This is all from State's Exhibit 1. If you could
18 step down here, and tell the jury what this first photo
19 shows.

20 A. This is the entrance to University Estates
21 neighborhood off of University Parkway. So, I'm standing
22 on University Parkway looking into the beginning of the
23 subdivision. So for landmarks, behind me would be the --
24 the Groucho's shopping center, and Aiken -- the Aiken --

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1 I can't remember the actual doctor's office, but the
2 doctor's office is back to -- behind me.

3 Q. Okay. Next photo?

4 A. That's the sign showing that we're at the entrance
5 to the University Estates subdivision.

6 Q. Next photo?

7 A. That's from -- where the previous photo -- where you
8 saw where my patrol car was parked, that's looking back
9 from the area where my patrol car is -- back towards
10 University Parkway, where I referenced the doctor's
11 office, and the old storage or warehouse supply company.

12 Q. All right. Next photo?

13 A. That is on University Lane as well, you see the back
14 end of my patrol car on the far left, looking into a
15 wooded sub -- a wooden area off of University Lane, where
16 I was able to recover two handguns and a fanny pack.

17 Q. How close is this to the hospital?

18 A. As the crow flies -- maybe a tenth of a mile,
19 quarter of a mile.

20 Q. So pretty close?

21 A. Yes.

22 Q. All right. Next photo?

23 A. That's kind of a overview as I walked up and saw
24 where the fanny pack and the handguns were -- that's kind

1 of a overview of not long after I stepped onto the
2 curbing area with the wooded area, that I saw the -- the
3 firearms.

4 Q. And that's the dark object --

5 A. Yeah, the dark object directly in the middle is the
6 fanny pack. As you get closer to the picture, you'll see
7 that it's a fanny pack with some other items, and then
8 two handguns.

9 MR. RITTGERS: Your Honor, let the record
10 reflect that the witness motioned to the center of
11 the photograph.

12 THE COURT: Yes, sir.

13 BY MR. RITTGERS:

14 Q. Next photo?

15 A. This is a closer view of it, where it shows --
16 before coming around -- coming around more towards my
17 left to get a better picture of it direct -- as I walk
18 directly towards it, I continued to take photographs
19 until I got up to that black object in the middle, but
20 ultimately it was a fanny pack and two handguns.

21 Q. Okay. Next photo?

22 A. That's me, I just moved to the left just a little
23 bit, and you can see again in the middle, the Nike fanny
24 pack, and then two individual handguns that were beside

JURY TRIAL

1 the fanny pack.

2 Q. Is this sort of a reverse angle of the last shot?

3 A. That's correct. So, the previous shot I was on the
4 right-hand side of the items, I just took a few steps to
5 the left, and looking at the opposite corner of it.

6 Q. So, this would be looking -- and the road would be
7 off to the upper right of this?

8 A. That's correct.

9 Q. Okay. Next photo?

10 A. Again, same photo just moving in closer each time,
11 prior to collecting them, so we could get a visual
12 representation of how they sat as we collect them.

13 Q. Okay. Next photo?

14 A. What would be the contents of the fanny pack -- once
15 I picked it up before taking anything out to determine
16 what was in it, we take a picture of -- to see what's in
17 it as -- as it sits.

18 Q. Right. Is that your hand in the shot?

19 A. That is.

20 Q. Okay. Next please.

21 A. That's the -- one of the handguns that I recovered.
22 So, I had already taken the shots or the photos of it
23 Prior to moving it, so I cleared it, and released the
24 Magazine, so that I could show what -- what the contents

1 of the magazine were.

2 Q. Okay, and just to be clear, I see that the firearm
3 there is unloaded, right?

4 A. That's correct. And the representation of having
5 the single live round on the gun or beside the gun, would
6 show -- would represent for us that that round was
7 chambered when we cleared it.

8 Q. Okay, so take us through it -- you unloaded it, took
9 the magazine out, took the round out of the chamber, and
10 that round that came out of the chamber, is the one
11 that's on the grip of the gun?

12 A. That's correct.

13 Q. Okay. Next please.

14 A. Same -- same-type photo -- once I collected the
15 handgun, I cleared, dropped the magazine, cycled the
16 round out that was in the chamber, and put it all
17 together there for the photo.

18 Q. So, this round was also in the chamber of this
19 firearm?

20 A. That's correct.

21 Q. And what kind of firearm is that?

22 A. That is a Canik Century Arms TP9.

23 Q. Can we back up one, please? And what kind of
24 firearm is the first one?

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1 A. M&P Shield, I believe, it's a .9 millimeter as well.

2 Q. What is this?

3 A. This would be back at -- once I collected the fanny
4 pack -- once I got it back into our office, I took
5 everything out of it, and took a photo of all the
6 contents.

7 Q. All right, and so what's included in the fanny pack
8 there?

9 A. You got one, two, Game Mango cigar packages, a
10 GasHouse cigar or tobacco package. Another blue Game
11 tobacco package with -- looked like it had one remaining
12 in it, the fanny packs, some tweed, some clippers, and a
13 partial box of .40, which has the .40 caliber ammunition.

14 Q. Not .9 millimeter?

15 A. Correct.

16 Q. Okay, so .40 caliber. Thank you, you can go ahead
17 and take a seat. So, Detective Hembree, once you
18 discovered all those items, did you put all those into
19 evidence?

20 A. That's correct.

21 Q. Did you also help with forensics on the phones in
22 this case?

23 A. I did.

24 Q. Whose phones did you go examine?

1 A. I examined Mr. Allen's, as well as the victim Mr.
2 Copeland.

3 Q. All right, and how would you come in possession of
4 Mr. Copeland's phone?

5 A. It was removed from the vehicle at the time of the
6 incident when the -- prior to it being moved and was
7 transferred to SLED. At the time we didn't have a
8 passcode for it, and through the first couple days of the
9 investigation, we were able to locate a passcode for it,
10 and so we -- we then retrieved that phone back from SLED
11 because we have the capability to do that extraction in-
12 house.

13 Q. All right, if you could just tell the jury a little
14 bit about the phone extraction, how does that work?

15 A. So, we have a -- a device that you plug the phone
16 into. It has its own software within the device, and on
17 the -- basically, on the other side of the device is a
18 hard drive that I select the mobile device model that it
19 -- that I'm working with, go through the steps to -- to
20 have it ready for examination or for extraction, and then
21 once that device runs its course it extracts all the data
22 off of the phone, puts it on that hard drive. I then
23 take that hard drive and run it through a computer
24 software program specifically that will only work with

1 that data, it's the only program that you can use for it,
2 and then that software program then parses that data into
3 whatever portion of it that was on the phone, such as
4 call logs, contacts, web history, text messages, browsing
5 history, any of that data that could be held on the
6 device.

7 Q. So, it's fair to say that you're -- you're not
8 manipulating the data when you're doing that, right?

9 A. No. We can only extract it.

10 Q. All right. Then when you said it organizes the data
11 and lays it out like in a hard drive, in folders?

12 A. That's correct.

13 Q. Is there any piece of the appearance of that data
14 that you're able to manipulate during that process?

15 A. I can only -- I can only tell the software program
16 that what -- time zone we're in to where it then takes
17 the data that it collected, and then puts it in the
18 correct time zone to match what data that it collected
19 with the time that it would've been collected.

20 Q. Okay, but to be clear, you can't, like, generate an
21 email and stick it in the phone or anything?

22 A. No, I cannot do any -- I can't do any additions or
23 deletions of the data from the device.

24 Q. So, you can't manipulate the apps at all, you're

1 just retrieving what's already there?

2 A. That's right.

3 Q. And when you're doing this data, are you able to
4 isolate the data by type and prepare it that way?

5 A. Yes.

6 Q. Is that -- can you talk through what the extraction
7 process is like?

8 A. So, when that extraction takes and puts it in any
9 category -- that it's -- when it collects it and says,
10 "Hey this is a contact that's stored," "Or this is
11 information stored as a contact," it collects all that
12 data and the software program then puts it back into
13 whatever category it is, again, like call logs, contacts,
14 text messages, Facebook Messenger, social media history.

15 Any time you use the device: Turning it on, turning it
16 off, opening apps, it collects all that data and the
17 software program then takes all that data and puts it
18 where it was collected from in a reader format, that we
19 can then see instead of in a binary object of zeros and
20 ones.

21 Q. And it's also possible to pull that data in the form
22 of screenshots, correct?

23 A. That's correct.

24 MR. RITTGERS: I'm showing to Defense what's

1 been pre-marked State's Exhibits 19 and 20.

2 BY MR. RITTGERS:

3 Q. Detective Hembree, I'm showing you what's been
4 marked as State's Exhibits 19 and 20. What are those?

5 A. These are extraction reports that I generated, of
6 portions of the data collected from Mr. Copeland's phone.

7 Q. All right, and as we said, you're only able to
8 extract, you can't modify it, has there been any
9 modification from the process of you pulling that data
10 out to producing that report?

11 A. No.

12 Q. All right, so what's there is a fair and accurate
13 depiction of the data and what was contained in Mr.
14 Copeland's phone?

15 A. That's correct.

16 MR. RITTGERS: Your Honor, at this time, the
17 State moves to admit into evidence what's been pre-
18 marked as State's Exhibits 19 and 20, as State's
19 Exhibits 19 and 20.

20 THE COURT: Any objection?

21 MS. STEINER: No objection.

22 THE COURT: All right, thank you, they're
23 there.

24 (State's Exhibits 19 and 20

1 were introduced into evidence)

2 BY MR. RITTGERS:

3 Q. And what is the content of what's in State's Exhibit
4 19 and 20?

5 A. So -- so State's Exhibit 20 is -- as I'm extracting
6 the -- the phone data, I can also look at it manually.
7 So, I will -- I will go and basically validate times and
8 information that I see, as the extraction has been
9 completed and given me the information. But, then I also
10 know that that device does not collect every single piece
11 of data typically. Some devices you can get a complete
12 copy of what was on the phone, most of the times it's
13 just a partial of what's on the phone. It may not --
14 certain apps don't give permissions for that phone to get
15 a copy of it through that device or through that
16 Cellebrite software. So as I'm validating some of that,
17 if I see something that I feel, like, may have some
18 evidentiary value as I'm looking at it, I will then take
19 the device, my device, and take a screenshot with a --
20 with a overview camera that's connected to the Cellebrite
21 software or Cellebrite device, and I can then create a
22 screenshot of what's seen on the device, instead of us
23 taking an actual camera, physical camera and taking a
24 picture of the phone. So I can then do that, and it puts

1 it in with all the other information that's been
2 extracted.

3 Q. And so that's what you did there?

4 A. And that's what I did here. So -- so Number 20 is a
5 screenshot of a Facebook conversation from Mr. Copeland's
6 phone, showing a Facebook Messenger conversation with
7 Reggie Jones. And on that, in looking at the date and
8 time, there's a -- on April 24th just before midnight,
9 there's a message that says "Outgoing from Mr. Copeland
10 to Mr. Jones" that says, "Yo, I'm on the way" or O-T-W,
11 short for on the way. And then with the reply that says,
12 "Bet" and then an additional one, "W-Y-A," and then Mr.
13 Copeland will respond back with, "Passing in market."
14 Mr. Jones then replies back with, "How much you want?"
15 Mr. Copeland then responds to Mr. Jones and says, "How
16 much yo quarters," "Y-O, quarters." Mr. Jones replies
17 "60" and then Mr. Copeland replies back with "I-G-A-H,"
18 or excuse me "I-G-H-H," which we've learned and
19 determined is all right, all right. He then -- Mr.
20 Copeland then sends, "I'm here." And then, there's an
21 outgoing phone call -- audio call through Facebook
22 Messenger that lasts for a period of 22 seconds.

23 Q. What time is that call placed?

24 A. The call ends up being placed -- that conversation

1 begins just prior to midnight and the phone conversation
2 -- or excuse me the phone call is made at 12:07 a.m.

3 Q. Thank you. All right.

4 A. And then State's 19 is the log entry that the phone
5 data -- that the phone collected, showing that the phone
6 accessed Facebook Messenger beginning at 12:02 through
7 12:07 -- showing outgoing messages from Mr. Copeland's
8 phone.

9 Q. Okay, thank you.

10 MR. RITTGERS: I'm now showing to Defense
11 what's been pre-marked as State's Exhibit 21, 22,
12 and 23.

13 BY MR. RITTGERS:

14 Q. Detective Hembree, I'm going to show you what's been
15 pre-marked as State's Exhibits 21, 22, and 23. What are
16 those?

17 A. Twenty-one is a Cellebrite extraction report, that I
18 generated showing from the log entry portion of the
19 extraction and network data usage, that Cash App was
20 accessed and opened at 12:10 a.m. on April 25th, 2021.

21 Q. Let me pause you there. So, you're saying that
22 that's basically like a phone talking to the app and
23 tracking that piece?

24 A. That's correct. So, the -- as you open the app it's

1 making a log entry in its computer software program of
2 the phone saying, "Hey, the Cash App was opened" so it --
3 it logs that that occurred. Number 22 is screenshots
4 from Mr. Copeland's Cash App app. And so, in my training
5 and familiar -- familiarity of doing the several hundred
6 extractions I've done, I know that Cash App typically
7 does not provide their data through the extraction, so if
8 I want any Cash App data, I would have to actually look
9 at the app, and knowing this incident occurred where the
10 app -- or the drug purchase was made through Cash App, I
11 checked the Cash App and it was still open on Mr.
12 Copeland's device as a previously used app, and so it's -
13 - I was able to see the screenshot where -- or the
14 information on the Cash App app, where the transaction
15 had occurred. And so, this is screenshots from his Cash
16 App app. And then, Number 23 is a Cellebrite extraction
17 report, that I generated through the SMS messages, which
18 text messages of Mr. Copeland's device -- showing that at
19 -- on 12:31 a.m. in his text messaging, he got a
20 notification that Cash App Kemontee Blocker just accepted
21 the \$60 payment you sent today.

22 Q. And so all of those, those are extractions straight
23 from the phone?

24 A. That's correct.

1 Q. And so, you didn't alter that data -- change it in
2 any way?

3 A. No, I either extracted it from that or took a
4 screenshot of it.

5 Q. But either way, it's a fair and accurate depiction
6 of the data contained from that phone?

7 A. That's correct.

8 MR. RITTGERS: Your Honor, at this time the
9 State moves to admit what's been pre-marked as
10 State's Exhibits 21, 22 and 23 into evidence as
11 State's Exhibits 21, 22, and 23.

12 MS. STEINER: No objection.

13 THE COURT: All right, thank you, they're in.
14 (State's Exhibits 21, 22 and 23
15 were introduced into evidence)

16 BY MR. RITTGERS:

17 Q. So, I want to focus on a couple things there. In
18 the screenshots, which is Exhibit 22, does -- is there a
19 -- at the end, is there an acknowledgement that Kemontee
20 Blocker had accepted the payments?

21 A. Not on the screenshots there's not.

22 Q. Okay. But in Exhibit 23, which is -- 23 is the
23 screenshots of the -- you said, "The message traffic from
24 the app?"

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1 A. Yeah, so State's Exhibit 23 is if you have text
2 notifications through the app turned on, when you make a
3 transaction, or send information, or receive money, you
4 may get a text notification that that transaction
5 occurred, which is what the text messaging report shows
6 that at 12:31, Kemontee Blocker accepted the \$60 payment
7 that -- that Mr. Copeland had sent.

8 Q. So just to be clear -- what I understand the
9 relationship to the data -- so 21 is the phone talking to
10 the app, and that's the log, like, activating -- using
11 the app, right?

12 A. That's correct.

13 Q. And 22 is screenshots that you generated from the
14 app telling the user what's happening?

15 A. Correct.

16 Q. And 23 is the SMS -- the message data --
17 notification data from the app. Why is there a gap
18 between the --
19 where there's an acknowledgment that the payment was
20 accepted in 23 -- and the message, but not in the
21 screenshots themselves from the app?

22 A. Most likely because airplane mode was turned on
23 before it came through on that.

24 Q. Okay, so what is airplane mode?

1 A. Airplane mode basically disconnects the device from
2 any traffic, as far as the network getting any data usage
3 or any of that, and so those are -- that's typically done
4 when a phone is recovered, so that no data is lost or
5 erased prior to being examined.

6 Q. Is it common practice when you take a phone into
7 custody?

8 A. That's correct.

9 Q. And so, is that why there's a gap in that data in
10 Exhibits 22 and 23?

11 A. That would be my guess based upon that -- in the
12 screenshot airplane mode -- is showing on.

13 Q. Okay. All right, thank you. One last thing, when
14 you went looking for the gun that Mr. Allen -- this is
15 when he was in the interview room; is that correct?

16 A. That's correct.

17 Q. Okay. When he gave a description of where the guns
18 were found, was where you found them consistent with his
19 description?

20 A. Yes.

21 Q. All right, thank you. I don't have any further
22 questions. I'll retrieve those and hand them to her, and
23 the Defense may have some questions for you.

24 A. Thank you.

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1 THE COURT: Cross-examination?

2 MS. STEINER: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MS. STEINER:

5 Q. Good afternoon, Lieutenant Hembree.

6 A. Good afternoon.

7 Q. Just a few questions. Going back to the guns that
8 you found somewhat close to the hospital --

9 A. Okay.

10 Q. Just so we're clear, that street where you were
11 going down, that was the proper direction of travel for
12 traffic, correct?

13 A. Correct.

14 Q. All right. So, if you were travelling down that
15 road, it would be on the passenger side where it was
16 hidden under the bushes?

17 A. Correct.

18 Q. And that was a black gun and a tan gun that you
19 found?

20 A. I believe so, yes, ma'am.

21 Q. Moving on to the phone extraction. You just didn't
22 have the two phones that you had mentioned, you also had
23 a phone for Reggie Jones; is that correct?

24 A. Yes.

1 Q. And you did an extraction on that as well?

2 A. I believe we -- I did -- I did two devices, of what
3 I -- what I recall, because we had -- I'm not the only
4 one that can do phones. But I think there was an
5 additional device for Jones. I'm not recalling right off
6 if I did his or not, but I know I did Micheal Allen and
7 Mr. Copeland's.

8 Q. But it's fair to say, that y'all had a phone for
9 Reggie Jones and extraction was done?

10 A. I believe so, yes, ma'am.

11 Q. Okay. Just for clarity sake -- the extraction
12 Program, that's called Cellebrite?

13 A. That's correct.

14 Q. All right. So, that's what's going to be on the
15 State's exhibits -- it says Cellebrite on it?

16 A. Correct. Yeah, it has Cellebrite extraction report,
17 and then it'll give what part of the extraction it came
18 from at the top.

19 Q. And it's really just kind of a program that creates
20 a digital file, and you can search in it, and you can
21 pull up kind of whatever data you want?

22 A. Yeah, the best way to explain it for common -- the
23 common layperson is remember back 12, 15 years ago, when
24 you may go to Verizon, and you had a device and you

1 didn't want to -- you got -- you bought your new phone,
2 but you didn't want to have to go in there and manually
3 put each one in, this is very similar to that. As --
4 matter of fact Cellebrite partnered with those companies
5 back a dozen and a half -- two dozen years ago, that if
6 you didn't want to reprogram your whole new device --
7 brand new, they would, you know, they would say, "Hey,
8 leave your old phone with us for a little bit, we'll put
9 it on your new phone and you can come back and pick it
10 up," that was what they were doing with the consumer
11 version of that device -- is they could just make a copy
12 of what was already there, put it on your new device, so
13 as you bought your new device and walked out the store,
14 you had it -- like, it was on your old device.

15 Q. I want to talk a little bit about State's 20 --
16 these are the screenshots for Facebook messages between
17 JoJo and Reggie, correct?

18 A. That's correct.

19 Q. All right. And you have read out the messages, but
20 there is a message that's from a day -- some other day --
21 that's above these messages; is that correct?

22 A. I believe so.

23 Q. And it looks like it's maybe a link to a rap video?

24 A. YouTube, yes, ma'am.

1 Q. Okay. It's for GGB Droppa?

2 A. Yes, ma'am.

3 Q. Okay. So, it looks like Reggie sent JoJo his rap
4 video?

5 A. Yes. It's hard to tell which way is incoming --

6 Q. I'm sorry, JoJo sent Reggie --

7 A. -- yeah. It's hard to --

8 Q. -- his rap video?

9 A. It's hard to tell -- yeah, but it's on the right
10 Side, which without looking at it again -- since I don't
11 have that full picture, I would -- I would believe it
12 came from Mr. Copeland to Reggie.

13 Q. Okay. And then, the text messages on April -- or
14 the Facebook messages from April 24th, those start at

15 11:52

16 a.m. -- or p.m., I'm sorry.

17 A. Yes.

18 Q. All right. 11:52, so almost midnight?

19 A. Correct.

20 Q. Thank you. All right, I want to move back to the
21 guns for a moment, and when you interviewed Mr. Allen
22 back in 2021.

23 A. Okay.

24 Q. Back in 2021, he told you that he got out of the car

1 and put the guns in bushes?

2 A. I believe so. And then, once I heard about where it
3 was at -- based on the timing, that's when I left the
4 interview to -- to go retrieve them.

5 Q. Okay. And then once you recovered those guns, did
6 you do any sort of processing on those guns?

7 A. No, ma'am. We secured them and -- and then I let
8 Detective Eagerton know where -- where I had recovered
9 them and those things, packaged them, and placed them --
10 I placed them into evidence from that, and that was my
11 final involvement with the handguns.

12 Q. Okay. So just for clarity sake, you didn't take any
13 fingerprints --

14 A. No, ma'am.

15 Q. -- on the guns?

16 A. I did not.

17 Q. You didn't do any DNA swabs?

18 A. No, ma'am, I did not.

19 Q. Okay. Back in 2021 during that interview with Mr.
20 Allen, after you went and recovered the guns, you talked
21 to him a little bit more; is that right?

22 A. I don't recall. Without looking back at that
23 Interview, again, right off if it was -- if it was any
24 Conversation, it was very minimal at the very end of --

1 of the interview 'cause I was gone for a little bit of
2 time.

3 Q. Okay. Later on in the course of the investigation,
4 you end up speaking with Kemontee Blocker; is that
5 correct?

6 A. Briefly, yes, ma'am.

7 Q. So, you were in one of his -- in his interview in
8 2021?

9 A. Yes.

10 Q. And during that interview, he said -- I think what
11 Happened -- I think based on the other statements we've
12 Gotten, is this -- one of the people in the car, let
13 someone hold a gun, trying to sell it when the drug
14 transaction ends, guy asks for his gun back, and the guy
15 said -- the guy who had it said, "F you, I ain't giving
16 it back."

17 A. Okay.

18 Q. No further questions.

19 A. Thank you.

20 THE COURT: Any redirect?

21 MR. RITTGERS: Yes, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. RITTGERS:

24 Q. Lieutenant Hembree, I'm showing what's been pre-

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1 marked as State's Exhibit 24 and 25. I know you can't
2 see inside the boxes, and we're not going to break SLED's
3 tape, but what are those?

4 A. This would be gun boxes that Number 24 contains a
5 .9-millimeter Smith & Wesson and Number 25 is another
6 handgun box, which contains a Canik, C-A-N-I-K, .9-
7 millimeter handgun.

8 Q. Okay. All right, and just to be clear -- you
9 collected and placed the Smith & Wesson .9 millimeter and
10 Canik .9 millimeter into evidence?

11 A. That's correct. On the -- on the front of the box
12 that you can see, there's a portion of information that
13 it requests, as we -- so it knows what's inside the box
14 and shows the case number, the agency, who it was
15 collected by, which has my name -- and I also recognize
16 my handwriting -- the date and time of collection, where
17 we found it, and then the type of handgun that's inside
18 of the box.

19 Q. Is that your handwriting on both of those boxes?

20 A. That's correct.

21 Q. Thank you. So just to be clear -- so these are the
22 guns that you collected from the side of the road?

23 A. From -- yes. From looking at the box with my
24 handwriting as well as the evidence tape, yes, sir.

1 Q. Okay, thank you. I have nothing further, Your
2 Honor.

3 THE COURT: You may step down, sir, thank you.

4 LIEUTENANT HEMBREE: Thank you.

5 THE COURT: You may call your next witness.

6 MS. HAMMACK: The State calls Dr. Kelly Rose.

7 THE CLERK: Place your left hand on the Bible,
8 and raise your hand. The testimony you should give
9 the Court in this case should be the truth, the
10 whole truth, and nothing but the truth, so help you
11 God?

12 DR. ROSE: Yes.

13 THE CLERK: Have a seat in the witness box,
14 state your full name for the Court, spelling your
15 last.

16 DR. ROSE: My name is Kelly Rose, like the
17 flower.

18 THE COURT: Your witness.

19 MS. HAMMACK: Thank you, Your Honor.

20 DR. KELLY ROSE

21 was called as a witness, and having been first duly
22 sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. HAMMACK:

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1 Q. Dr. Rose, what do you do for a living?

2 A. I am a forensic pathologist. I -- I perform
3 autopsies to determine the cause of death.

4 Q. How long have you been doing that?

5 A. About 13 years.

6 Q. And where are you based out of?

7 A. Newberry, South Carolina. I work in their hospital
8 there.

9 Q. And when you say that you perform autopsies, do you
10 perform not all kinds of different autopsies -- but do
11 you perform autopsies in all types of situations?

12 A. I do. I perform them for 16 counties, SCDC, and
13 also the Federal Bureau of Prisons and all types.

14 Q. So do you perform autopsies in cases where there's
15 not any question of a crime being committed?

16 A. I do, often.

17 Q. Or cases rather where no crime has been committed?

18 A. Yes.

19 Q. Do you also perform autopsies where a crime has been
20 committed?

21 A. Yes, I perform a lot of those too.

22 Q. Does the way that you perform your autopsies change
23 based on who arrives in your office?

24 A. No. In fact, I like to keep an open mind for every

1 case.

2 Q. Now tell me, Dr. Rose, what type of education and
3 training did you have to go through in order to be
4 qualified to be a forensic pathologist?

5 A. I went to college, I went to the College of
6 Charleston, and I got my bachelor of science in biology.
7 I then went to medical school, and I did that at MUSC
8 there in Charleston, so that was another four years.
9 After I did my medical school, you have to take all these
10 tests and you get through that part. I did -- started my
11 residency training at MUSC in pathology, just basic
12 pathology. I switched however to Emory to finish that in
13 Atlanta, and then I stayed on at Emory for another year,
14 and did their fellowship in forensics at Fulton County
15 Medical Examiner's Office. After that, you have to take
16 a lot more tests, so I had to take tests to become a
17 board-certified pathologist, and then I had to take more
18 tests to become a board-certified forensic pathologist.

19 Q. And when you were in your residency and then your
20 Fellowship, is that classroom-based or is that working --
21 what do you do in those?

22 A. Residency is a lot of hands-on experience, but
23 there's also what they call didactic, so you still have
24 some classroom work. That's how that rolls for a

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1 residency, and that's in every possible branch of
2 pathology -- you have to become -- you know, understand
3 it just as a basis. So, once you do that, then you can
4 decide to sub-specialize, which is what I did and then I
5 did my forensic fellowship, and that's where I performed
6 autopsies -- I had supervision. I had a lot of reading.
7 I had a lot of different places that I had to go to learn
8 more of the information that's involved in forensics,
9 like toxicology, firearms, identification, and then --
10 and that's what that was like. We also had to take tests
11 during that whole process, to make sure we were learning
12 what we were supposed to learn.

13 Q. So, after your residency, and after your fellowship,
14 and all your tests, and your board certification, how
15 long have you been performing autopsies?

16 A. That's -- I've been performing autopsies now full-
17 time for about six years. However, I had performed
18 autopsies and did cancer pathology before that, so it's a
19 total of about 13 years.

20 Q. This is going to be a silly question, you're
21 probably going to look at me crazy, but do you have any
22 idea how many autopsies you've performed in your career?

23 A. Last I counted, it was over 6,000, and then I was
24 just sitting -- out there trying to figure out the new

1 number, and I've done about 300 since then, so it's
2 around 6,300, so...

3 Q. And tell me, in your career as a forensic
4 pathologist, do you have to participate in any continuing
5 education, or ongoing qualification, to do your job?

6 A. I do. In fact, to stay board certified in both the
7 basic pathology and my forensics I have to take a test
8 every three months, and you have to get a certain grade
9 on that test in order to continue to be board certified.
10 And then, you still -- on top of that -- have to do 70
11 hours of continuing medical education every two years --
12 you have to register that, and that's for my boards.
13 Then to -- because I'm a physician, licensed physician in
14 South Carolina, I have to do 40 hours every two years
15 just for that. So, I'm constantly doing -- learning and
16 taking tests.

17 Q. Dr. Rose, have you ever testified in court before
18 about your job performing autopsies?

19 A. I have.

20 Q. Approximately how many times have you testified?

21 A. Fifty-five, I believe is where I left off -- I -- I
22 lost count. It's either 55 or 56.

23 Q. And have you been qualified as an expert in court
24 before?

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1 A. I have.

2 Q. In what area have you been qualified as an expert?

3 A. General pathology and forensic pathology.

4 Q. And approximately how many times have you been
5 qualified as an expert in court?

6 A. How many times? Fifty-six, 55, 56.

7 MS. HAMMACK: Your Honor, at this time we
8 would offer Dr. Rose as an expert in forensic
9 pathology.

10 THE COURT: Any voir dire?

11 MR. BUSH: No objection, no voir dire, Your
12 Honor.

13 THE COURT: She's qualified.

14 BY MS. HAMMACK:

15 Q. Dr. Rose, were you asked to perform an autopsy in
16 this case?

17 A. Yes, I was.

18 Q. And who were you asked to perform an autopsy on?

19 A. The Aiken County Coroner's Office, we perform their
20 autopsies.

21 Q. And specifically, who individually did you perform
22 an autopsy on in this case?

23 A. It was Mr. Copeland, Joseph Jamar Copeland.

24 Q. And are you aware of his age at the time of his

1 death?

2 A. He was 18.

3 Q. Are you aware of the time of death?

4 A. He died the day before, I know that.

5 Q. Do you know what day you performed the autopsy?

6 A. Uh-huh (affirmative), April 26th, 2021.

7 Q. So he died the day prior on April 25th, 2021?

8 A. Yes.

9 Q. Now when you perform your autopsies, do you have a
10 particular series of steps that you take every time you
11 perform an autopsy?

12 A. Yes, there is a basic structure that you follow with
13 every autopsy, and then some autopsies you do a little
14 extra -- excuse me. So -- but there is a sequence of,
15 you know, techniques and everything that you do during an
16 autopsy.

17 Q. So, do you begin an autopsy a standard way, and then
18 if something arises that requires you to do something
19 different, you then act differently?

20 A. Correct, we'll add something like x-rays. I don't
21 have to x-ray every body, but some cases need x-rays.

22 Q. And when you typically perform an autopsy, what's
23 the first thing that you do?

24 A. We take a picture of the body bag, how the person

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1 was received. We look at the identifiers, and we make
2 sure that it's the right body, first thing that we do.
3 So, in this case he was received in a body bag that had a
4 seal lock on it. We took a picture of that. We wrote
5 down the number. We matched what the bag said the name
6 was, and what we were given.

7 Q. And did you receive Joseph Copeland's body?

8 A. Yes.

9 Q. Once you opened the body bag and make sure that you
10 are autopsying the right person, what is the next thing
11 that you do?

12 A. Usually, I will designate one of my assistants to
13 take pictures. So, they're taking pictures, while I'm
14 looking at the body from head to toe. We're documenting
15 what they -- they came in with. I'm starting to look for
16 any signs of disease, any signs of injury. I'm
17 documenting the color of the hair, length of the body,
18 anything at all. It's like a physical exam that you
19 might get at your doctor, but it's on a body. So, I look
20 at the eyes. I look at the ears, and the mouth, and then
21 I go from head to toe. And if I see evidence of injury
22 or disease, I make a note of it.

23 Q. And at this point, you're just looking at the
24 outside of the body, right?

1 A. Correct.

2 Q. Now, you mentioned anything that came with the body,
3 do you sometimes receive items with the body?

4 A. Oftentimes. Sometimes the inventorying of all the
5 stuff that they come with, takes longer than the autopsy,
6 'cause it will be like 10 pages long. You wouldn't
7 believe how much stuff people can have on them. But,
8 often we do.

9 Q. And so, after you do just an external visual exam of
10 anything notable, whether it's disease or injury -- you
11 stated that your assistants are photographing while
12 you're looking -- what do you do after that?

13 A. It depends on the case. So, in this case I -- I saw
14 some injuries. I saw gunshot wounds, and so we then x-
15 rayed -- so we got the x-ray machine in, and we x-rayed
16 the areas of the body that needed to be x-rayed.

17 Q. And what are you looking for when you do that?

18 A. Retained bullets or pieces of bullet. It helps us
19 -- we're going to have to recover that bullet, so it
20 helps us know where to look inside the body to get the
21 bullet, and it also -- if someone happens to be shot a
22 whole lot, you have to match the holes. So, you have to
23 match the entry holes with the exit wounds and the number
24 of bullets, and they have to match.

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1 Q. After you performed x-rays in this case, did you
2 continue an external exam, or just move on from that
3 point?

4 A. By this point after I've documented everything on
5 the external and we've x-rayed, we'll start by, you know,
6 collecting toxicology specimens. And we can get blood
7 from outside the body sometimes. And if we can't, then
8 we open the body, and get the blood from the inside of
9 the body. So, after all that is done, we will open the
10 body and -- you know, you see on TV that Y-shaped
11 incision, we actually do a little bit of a U-shaped
12 incision, and then open the body, and then we'll look at
13 everything, all the organs, everything there, right there
14 in the body, and over at a table, where I actually cut
15 every organ, and look for injury and disease at the
16 table.

17 Q. So, in this case, you indicated that you observed
18 things to Joseph Copeland that required you to take x-
19 rays. What did you observe that made you take that step?

20 A. He had some gunshot wounds. He had a gunshot wound
21 on his chest, and he two gunshot wounds to the right arm.
22 The -- these ended up being from the same bullet -- there
23 was an entry and an exit. There was no exit associated
24 with the gunshot wound of the chest, so we knew there was

1 a bullet in there. We x-rayed and we saw the bullet on
2 the x-ray.

3 Q. Anything else that you observed to the outside of
4 Joseph Copeland's body, besides those gunshot wounds that
5 was significant to you?

6 A. He had evidence of, like, emergency resuscitation --
7 Like, with someone who their life -- they're trying to
8 save. So, he had chest tubes, he had the paddles, the
9 defibrillator stickers on him. He had EKGs I believe.
10 He had some intraosseous catheters, that's a way to get
11 fluid into the body, if you can't get in the vein -- they
12 actually go into a bone. He had those.

13 Q. After you noticed all of those things, did you then
14 begin the internal scan?

15 A. Yes, I did.

16 Q. Tell the jury how you -- you kind of went over that,
17 as far as the incision and the organs, but what are you
18 looking for on the inside of the body?

19 A. In a case like this, I am looking for injury and the
20 pathway of the bullet. So, I want to know what that
21 bullet did, once it went in the chest, where it went from
22 there; what organs it went through, basically, and that's
23 going to determine how this person died. So, in this case
24 it went -- it went in his chest -- went through the

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1 muscles of his chest. It went through a rib -- you know
2 your breast bone -- it went into a rib on the right,
3 right beside that breast bone. It went into the sack,
4 that is around the heart. It went through the root of
5 the aorta, that's what we call it. So you have your
6 heart -- the aorta is the biggest artery in your body;
7 it's at least the size of a garden hose. When it comes
8 out of your heart, it curves around -- it runs along your
9 spine, and feeds your entire body with blood. So, right
10 above the heart, the aorta starts -- and it went through
11 that part of his aorta. But it had stopped with that --
12 that alone would kill someone. It went -- continued
13 through it got his esophagus, or your -- the tube that
14 you swallow with. It got the aorta again 'cause as I
15 said it comes up and it curves around. So, it got it
16 right where it started, and it got it as it was coming
17 down. And once it went through that part of the aorta,
18 it went into his spine. And we had to recover it from
19 his spine.

20 Q. And were you able to recover that bullet?

21 A. We were.

22 Q. As you're performing this exam, do you create a
23 diagram, or do you note what you see?

24 A. I do.

1 Q. And would it assist you in talking to the jury about
2 what you saw, to refer to your diagram?

3 A. Yes.

4 Q. And I'm going to show you what's contained in
5 State's 1 -- it's already in evidence.

6 A. So, this is the diagram that I performed. I used
7 circles for the entry wounds, and I used Xs for an exit
8 wound. This is -- and I just labeled the wounds with
9 letters -- this doesn't mean what order they happened in.
10 This was A, because it was the highest one. That's the
11 chest wound. There was a little odd abrasion at the
12 bottom of it, which I don't normally see with gunshot
13 wounds, but right inside the wound was some fabric and
14 some plastic. So, it went through something and carried
15 it on -- onto him, and in him -- that's what that ended
16 up being. Then B is the other wound that I saw, and over
17 there, that X is where it came out -- where it exited.

18 Q. Dr. Rose, how were you able to determine with
19 regards to wound B, which hole is the entry wound, and
20 which hole is the exit wound?

21 A. Injury -- entrance wounds have certain
22 characteristics, and exit wounds have certain
23 characteristics. Now, sometimes they can try to fake you
24 out, but if you have done as many gunshots as I have -- I

1 don't get freaked out anymore, knock on wood. So, you
2 just have to be careful on entrance wounds -- when the
3 bullet goes in, it actually vaporizes -- they (inaudible)
4 they vaporize that tissue, that tissue is no more. Exit
5 wound -- the bullet -- the velocity is slowed down, and
6 it more pops the skin, and it will reapproximate when you
7 put it back all together. So -- and then there are all
8 variety of entrance and exits, but those are -- that's
9 the basics for how you determine. And then in training,
10 I had to do a lot of gunshots, and if I wasn't sure I'd
11 ask an attending, stuff like that.

12 Q. So, in this case, were you able to determine, with
13 regards to the arm injury, where the bullet entered
14 Joseph's arm and where it exited Joseph's arm?

15 A. Yes. And it entered right here. And these diagrams
16 aren't always to scale so... It entered here and it came
17 out here.

18 Q. And then, with regards to wound A, it never exited,
19 so we know that the chest wound is an entrance wound,
20 correct?

21 A. Correct.

22 Q. Thank you. Dr. Rose, you described for the jury the
23 path of that bullet through the chest, the chest muscles
24 -- a rib there at the breast bone, through the root of

1 the aorta, and then lodging into the vertebrae -- as a
2 bullet does that, what is that doing to the body and all
3 of the body systems?

4 A. Since the aorta is responsible for getting blood
5 from your heart to the rest of your body, if you have a
6 hole in it -- every time your heart pumps, instead of
7 going into circulation, into the arteries to get the
8 blood where it needs to go -- it's coming out. So as the
9 heart would pump blood -- would shoot out of the heart,
10 around the sac that the heart's in, that had a hole in it
11 from the bullet, and then it would shoot out more into
12 the chest cavities. So, you are bleeding to death just
13 on the inside, and then all the rest of the tissues that
14 need blood -- because that's what carries oxygen, all of
15 those tissues are starting to die.

16 Q. And you mentioned that the aorta is the largest
17 blood vessel in the body, you said it was about the size
18 of a garden hose. If the aorta is struck by a bullet as
19 it was here, how much blood are we talking about being
20 released inside the body?

21 A. He would've lost all his blood volume into his --
22 the body cavities. Only a tiny residual amount would've,
23 you know, stayed behind in the organs, and in cases like
24 this, you know, your liver is normally a red/brown,

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1 they'll be pale light; they have no blood. So the organs
2 don't have blood. In this case, he had -- I believe it
3 was 1,800 milliliters, so almost two liters of blood in
4 his right chest cavity, 250 on the other side -- so right
5 now, we're already at two liters -- and then he had 100
6 around his heart, and that's not taking into account the
7 blood that they got out from the chest tubes. So, that
8 right there is at least around one-third -- between one-
9 third and one-half of his blood volume was right there at
10 autopsy still -- and that doesn't account for the stuff
11 that was lost at the scene and/or with the chest tubes.

12 Q. Would you describe that type of injury as
13 catastrophic?

14 A. That's a universally-lethal injury, yes.

15 Q. If someone such as Joseph had incurred that type of
16 injury, do you have an opinion on time to death?

17 A. He would've been unconscious within seconds -- dead
18 within minutes. It would've taken the brain that long to
19 die.

20 Q. And in your examination of Joseph Copeland, were you
21 able to determine a cause of death?

22 A. I was.

23 Q. And can you tell the jury what you mean by cause of
24 death?

1 A. That is the disease or injury that killed someone --
2 basically, it's what -- why they died.

3 Q. And what were you able to determine was the cause of
4 death for Joseph Copeland?

5 A. It was penetrating indeterminate-range gunshot of
6 chest.

7 Q. Is that the wound that you labeled with A in your
8 diagram?

9 A. Yes.

10 Q. And is that the wound that you ultimately were able
11 to recover a bullet from Joseph's vertebrae?

12 A. Yes.

13 Q. Dr. Rose, I'm showing you what's been pre-marked as
14 State's Exhibit 26. Do you recognize that?

15 A. I recognize the labeling on it, but it would've been
16 placed in this at SLED, so...

17 Q. Would you like to open that and see if you recognize
18 the contents?

19 A. Yes. Yes. These are -- this is the bullet that I
20 recovered during autopsy and labeled, sealed it in a
21 clear plastic bag, labeled it, then sealed it in a heat-
22 seal bag and then there is another piece of jacket from a
23 bullet that I recovered in the arm. That's what those
24 are. This, I believe, is the material that was around

JURY TRIAL

1 gunshot A, that it carried from where it -- when it went
2 through something else -- that's what these are.

3 Q. And once you recovered those items from Joseph
4 Copeland did you turn those over to anyone for further
5 analysis?

6 A. Yes, so I gave the evidence to the Coroner who was
7 at the autopsy, and then he took it to SLED and they
8 usually go straight from autopsy to SLED.

9 Q. Dr. Rose, you mentioned the amount of blood that
10 this injury caused, and the amount of blood that you
11 found in the body as a result of this injury. In your
12 discussion of timing to death would this type of injury,
13 would it have made a difference if Joseph Copeland had
14 been treated by ambulance staff away from the hospital
15 versus being taken to the hospital?

16 A. No. His aorta had two holes in it, and then the
17 bullet was in his spine so, no.

18 Q. Would emergency -- immediate emergency treatment
19 have saved Joseph Copeland's life?

20 A. I've had cases where they'll make it to surgery,
21 they die in surgery. I have yet experienced one with
22 this significant an injury that can live through surgery.
23 It's, you know, nearly irreparable.

24 Q. And you indicated that you determined the cause of

1 death for Joseph Copeland to be the penetrating gunshot
2 wound to his chest. Do you also determine a manner of
3 death?

4 A. I do, and in this case it was homicide.

5 Q. And can you explain to the jury what you mean by
6 homicide?

7 A. In forensics, we have five options for cause of
8 death. Homicide is when death is occurred at the hands
9 of another -- so someone else killed the person.

10 Q. Give me just a second, Dr. Rose. I don't have any
11 further questions for you. Please answer any questions
12 that Mr. Bush may have for you.

13 A. Thanks.

14 THE COURT: Cross-examination?

15 MR. BUSH: Thank you, Your Honor. May it
16 please the Court.

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. BUSH:

20 Q. Hey, Dr. Rose.

21 A. Hi.

22 Q. Give me one second, I'm just going to look at the
23 stuff Ms. Hammack just grabbed.

24 A. Sure.

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1 Q. Just want to look at it real quick. I don't have
2 reader glasses, so forgive me; I'm looking at the small
3 piece of fabric --

4 A. Uh-huh (affirmative).

5 Q. -- that you found in the chest wound. You indicated
6 in your report that that fabric was white -- plastic,
7 vinyl.

8 A. Something along those lines.

9 Q. Is that what you believed it was when you --

10 A. That's what it looked like to me.

11 Q. Yeah, like white vinyl, something like that?

12 A. Right.

13 Q. Okay.

14 THE COURT: Like what? I'm sorry.

15 MR. BUSH: White vinyl.

16 THE COURT: Okay.

17 THE WITNESS:

18 A. Yes.

19 Q. Were you aware of any sweatshirt or anything like
20 that, that Mr. Joseph Copeland was wearing?

21 A. No.

22 Q. Okay. I want to talk to you about the pathway of
23 the bullets. I know that you're trained in that, and
24 it's something that's really important for you, while

1 you're evaluating the body or looking at a body. So,
2 first I want to talk about the penetrating gunshot wound
3 to the chest.

4 A. Okay.

5 Q. I know you spent a lot of time on that with Ms.
6 Hammack. But, you indicated in your report that that
7 gunshot -- it went from the front to the back?

8 A. Yes.

9 Q. Right? And that gunshot -- you said in your report
10 the direction was actually slightly down --

11 A. Yes.

12 Q. -- is that correct?

13 A. Yes.

14 Q. So, it's not like it went up like that, and came in
15 and went down?

16 A. Correct.

17 Q. Okay. And it was slightly from the right to the
18 left?

19 A. Correct.

20 Q. Okay. So, not coming in on the left side but coming
21 in -- in the chest from the right direction towards the
22 left

23 A. It barely went to the left. It was a pretty close
24 on -- on shot. It's how it -- it seemed in the body,

JURY TRIAL

1 so...

2 Q. I understand. But in your report, you wrote that it
3 went slightly from right to left.

4 A. Correct, because it went on through that right rib,
5 and it ended up in the spine, and then -- so you have
6 your spine and your ribs are attached -- so that much
7 right to left.

8 Q. Just so I'm clear -- down, slightly right to left?

9 A. Yes.

10 Q. Okay. Now let's talk about the arm, okay. You
11 indicated that that -- I think when you were looking at
12 your diagram, that for the arm -- and Dr. Rose, you might
13 have to look at me because I'm going to -- pointing --

14 A. I'm sorry.

15 Q. -- at my arm, sort of just like you were, and I want
16 to do this just to make sure that the record's clear on
17 that, you know -- when you were pointing at your arm, you
18 were pointing at the inside of your right arm, sort of
19 right below, like the elbow; is that right?

20 A. Yes.

21 Q. And that that bullet then travelled out, and you
22 were then pointing to sort of the back side --

23 A. Yes.

24 Q. -- of your arm; is that correct?

1 A. Yes.

2 Q. Okay. And again, the direction of that was front to
3 back, right?

4 A. It was. So this is anatomic position -- so this is
5 front to back. And then, it obviously went upward. I
6 see what you're probably getting at 'cause I have on here
7 that it went right to left, but it -- that's really a
8 little left to right.

9 Q. Okay. So, you're kind of changing from what you're
10 saying now -- that it didn't go right -- that it went a
11 little bit left to right?

12 A. Correct.

13 Q. How about this -- nonetheless, if that bullet goes
14 in on the inside of his arm, right?

15 A. Yes.

16 Q. And then, comes out on the -- what I would call the
17 outside of the arm. I know you got --

18 A. Yes.

19 Q. -- your medical terminology, for me it's just the --

20 A. The back side.

21 Q. -- inside and the back side.

22 A. The -- yeah, the inside and the back side, that's
23 how I would describe it.

24 Q. Okay. And for the -- I guess, for the direction of

JURY TRIAL

1 that bullet -- you're now saying that it's from the left
2 to the right?

3 A. Slightly, yes.

4 Q. Just so I'm clear.

5 A. Yes.

6 Q. Okay. I'm going to beg the Court's indulgence for
7 one moment. Doctor, I have no further questions for you.

8 A. Okay, thank you.

9 THE COURT: Any redirect?

10 MS. HAMMACK: Very briefly.

11 REDIRECT EXAMINATION

12 BY MS. HAMMACK:

13 Q. Dr. Rose, when you're examining a body, you make the
14 determination as to direction of travel, but you're not
15 there when an incident happens, correct?

16 A. No. And in fact, the direction that we see is --
17 does not correlate with how -- the -- how -- what the
18 person might have been doing.

19 Q. And that was my next question was -- do you know --
20 you know, we're not talking about a paper target, we're
21 talking about a living body, so if a person is moving
22 when they are struck by a bullet, can that affect the
23 direction of travel?

24 A. Yes, a lot. If someone is upside down, the

1 direction of travel is going to be the exact opposite. I
2 had an Attending say, someone could've been doing a
3 cartwheel, so...

4 Q. Thank you, Dr. Rose.

5 THE COURT: You may step down, Doctor.

6 DR. ROSE: Thank you.

7 MR. BUSH: Can we take a quick break, Your
8 Honor?

9 THE COURT: Sure. All right, ladies and
10 gentlemen, we're going to take a brief afternoon
11 break. We'll be right back with you in say 10
12 minutes. Please remember not to discuss the
13 testimony, even amongst yourselves. All right,
14 we'll take a 10-minute break.

15 MR. BUSH: Thank you, Judge.

16 (Off the record.)

17 (Recess.)

18 (On the record.)

19 THE COURT: Parties ready for the jury?

20 MS. HAMMACK: Yes, Your Honor.

21 MS. STEINER: Yes, Your Honor.

22 THE COURT: All right, let's have our jury,
23 please. Please have a seat. You may call your next
24 witness.

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1 MS. HAMMACK: Thank you, Your Honor. The
2 State calls Carlos Colindres.

3 CLERK: The testimony you should give the
4 Court and during this case should be the truth, the
5 whole truth, and nothing but the truth, so help you
6 God?

7 DETECTIVE COLINDRES: I do.

8 CLERK: Have a seat in the witness box,
9 stating your full name for the Court, spelling the
10 last.

11 DETECTIVE COLINDRES: Carlos Colindres, C-O-L-
12 I-N-D-R-E-S.

13 THE COURT: Your witness.

14 CARLOS COLINDRES
15 was called as a witness, and having been first duly
16 sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. HAMMACK:

19 Q. Detective Colindres, what do you do for a living?

20 A. I am a major crimes detective with Aiken --

21 Q. How --

22 A. I'm sorry. With the Aiken Department of Public
23 Safety.

24 Q. How long have you been with the Aiken Department of

1 Public Safety?

2 A. Twenty years.

3 Q. And how long have you been in investigations?

4 A. Been in investigations for 11 years.

5 Q. And are you a member of any other agencies or groups
6 in your law enforcement career?

7 A. Yes, I'm also a member of the ATF's regional anti-
8 gang enforcement task force.

9 Q. And as a member of the ATF task force, are you ever
10 called in to assist our local agencies with matters?

11 A. Yes.

12 Q. And as part of your assistance, does that sometimes
13 include warrant service?

14 A. Yes, and fugitive apprehension, yes.

15 Q. And did you have an opportunity to become involved
16 in this case?

17 A. Yes, I did.

18 Q. What were you asked to do in this case?

19 A. We were asked to try and attempt to locate the
20 Defendants in this case.

21 Q. And ultimately, did this lead to you taking action
22 on May 3rd of 2021?

23 A. Yes.

24 Q. Did you respond out, and attempt to locate and

JURY TRIAL

1 apprehend Reggie Jones in this case?

2 A. I did, yes.

3 Q. And were you asked to attempt to locate and
4 apprehend Reggie Jones because warrants had been issued
5 for his arrest as part of this case?

6 A. Yes.

7 Q. And where did you respond in an attempt to locate
8 and apprehend Reggie Jones?

9 A. It was a location on the south side of Aiken on
10 Sharon Lane.

11 Q. Was it at a residence?

12 A. Yes.

13 Q. And to your knowledge, whose residence was it?

14 A. From when we were doing surveillance and whatnot,
15 the days leading up -- and some intel background work, it
16 looked like it was the grandmother of Mr. Jones.

17 Q. And in May of 2021, when you went to this residence,
18 did you ultimately make contact with anyone inside?

19 A. Yes, we did.

20 Q. Who did you find inside the home?

21 A. Well, we knocked on the door -- this isn't a search
22 warrant, this is an arrest warrant service, so we -- we
23 can't just enter someone's home; we have to knock on the
24 door and get somebody to answer. And it was Mr. Jones

1 that answered the door.

2 Q. And was he taken into custody on the warrants from
3 this case at that time?

4 A. Yes, he was.

5 Q. And during the time in which you were at the home,
6 did you speak to anyone?

7 A. Yes, we spoke with the grandmother, who was also
8 present in the residence at the time.

9 Q. And was it her house?

10 A. Yes, it was.

11 Q. Did she give you consent to go through the house, to
12 make sure everything was safe, and to see if there was
13 any potential evidence in this case inside the home?

14 A. Yes, she did. With this case, there were two
15 Defendants, and a lot of times we know if they're co-
16 defendants they could be together. So, we asked to do
17 what is -- what we know as a protective sweep, to make
18 sure there's maybe -- if the second suspect might be
19 there or not, we don't know. And we just check the house
20 to see if maybe, somebody could be hiding or anything
21 like that. There wasn't. And then we asked Mrs. Jones or
22 the grandmother -- I forget if it was Mrs. Jones or not
23 -- was her last name, but we asked if we could actually
24 search areas of the house, just in case there was some

JURY TRIAL

1 kind of evidence leading -- that would pertain to this
2 case.

3 Q. And during your search of -- don't let me skip
4 Ahead -- did she give you permission to search the home?

5 A. She did, verbal and written permission.

6 Q. And once you have permission to search the home, did
7 you find anything of significance that you thought might
8 play into this case?

9 A. Yes, there was a bedroom towards the end of the
10 Hallway, and as some of our task force officers were
11 searching that, they located a firearm and some other
12 items that belonged to Mr. Jones.

13 Q. And those other items that belonged to Mr. Jones,
14 did they identify him as the owner of those items?

15 A. Yes, one of them was his social security card.

16 Q. And were those items found in proximity to the
17 firearm that was located?

18 A. Yes, they were.

19 Q. And were you able to view that firearm, before it
20 was moved or touched?

21 A. I did.

22 Q. And where did you see that firearm?

23 A. It was in that bedroom in a closet, I believe.

24 Q. And once you located that firearm, did you do

1 anything to it to make it safe, or to make the scene
2 safe?

3 A. Yes, anytime we're going to recover a firearm, I
4 will photograph it where -- where it was located, and
5 then we'll clear the firearm like -- what we should be
6 doing with all firearms to make it safe.

7 Q. And Detective Colindres, can you just explain in
8 layman's terms, what it means to clear a firearm?

9 A. Remove the magazine and then clear the chamber,
10 which we mean just -- just engage the chamber, to extract
11 any rounds that might be chambered.

12 Q. And the significance of that is, that it -- it means
13 the gun is not going to fire anything, and harm, or hurt
14 anybody?

15 A. Yes.

16 Q. And did you do that in this case?

17 A. Yes, I did.

18 Q. Once you photographed the firearm and made it safe,
19 did you do any -- did you keep it?

20 A. Yes, I put it in an evidence bag, and then took it
21 to our -- our headquarters, where I dropped it into the
22 evidence locker.

23 Q. Detective Colindres, I'm showing you what's been
24 pre-marked as State's Exhibit 27. Do you recognize that?

JURY TRIAL

1 A. I do.

2 Q. What is that?

3 A. It is a gun box -- inside of it is the firearm
4 itself, and it says it's for a .9-millimeter caliber SCCY
5 CPX-2 pistol serial number is 544910. And I had written
6 the case number to this incident on the top of the box.

7 Q. And is that the firearm that you recovered from the
8 residence where Reggie Jones was located?

9 A. Yes.

10 Q. And once you placed it into secure evidence at
11 Public Safety, was that gun then retained for further
12 analysis by a different department?

13 A. Yes.

14 Q. Give me just one moment. Detective Colindres, I
15 don't have any further questions for you. Please answer
16 any questions Mr. Bush may have.

17 A. Yes, ma'am.

18 THE COURT: Cross-examination?

19 MR. BUSH: Thank you very much, Your Honor.

20 May it please the Court.

21 THE COURT: Yes, sir.

22 CROSS-EXAMINATION

23 BY MR. BUSH:

24 Q. Detective Colindres, hey. Good afternoon to you.

1 A. How are you doing, Mr. Bush?

2 Q. I'm well, thank you. Are you doing okay?

3 A. I'm doing pretty good.

4 Q. All right. I want to talk to you real quick. I
5 know it's been pre-marked as State's 27, you said,
6 "That's an SCCY .9-millimeter," people normally call that
7 SCCY?

8 A. A SCCY, yes.

9 Q. Okay. And that SCCY .9 millimeter, you found that
10 at Reggie Jones' house?

11 A. Yes. At the -- at the grandmother's house, yes.

12 Q. How about this -- the house you found Reggie Jones
13 in, is where you found this firearm?

14 A. Yes.

15 Q. And you found this firearm really close to personal
16 identifying information of Reggie Jones, right?

17 A. Yes.

18 Q. You indicated that you found it near a social
19 security card, right?

20 A. Yes.

21 Q. And it was in a room where his grandmother told you
22 he sometimes stayed?

23 A. Yes, yes.

24 Q. And so this is Reggie's gun, right?

JURY TRIAL

1 A. From my understanding, yes.

2 Q. Yeah, you took it because you thought it was
3 Reggie's gun?

4 A. Yes.

5 Q. Okay. And I know you indicated to the State that
6 you were a part of task force that arrested Reggie, were
7 you also present when Mr. Blocker was arrested in this
8 case?

9 A. I was.

10 Q. Okay. So, when you arrested Mr. Blocker, you didn't
11 find any firearms on Mr. Blocker, correct?

12 A. We did not.

13 Q. Okay, so when you went to his house and you arrested
14 him after y'all had done the surveillance that you did
15 and you knocked on the door, you didn't find any Glock
16 firearms, right?

17 A. We were not given consent to search.

18 Q. Okay, you didn't go get a search warrant to search
19 his house, did you?

20 A. We did not.

21 Q. So when he was arrested, you didn't find any Glock's
22 on him?

23 A. No.

24 Q. Right? You didn't find any .40 caliber firearm on

1 him --

2 A. No.

3 Q. -- right? No firearms at all --

4 A. No.

5 Q. -- was found on Mr. Blocker?

6 A. No.

7 MR. BUSH: May I beg the Court's indulgence?

8 THE COURT: Yes, sir.

9 MR. BUSH: Your Honor, I've got no further
10 questions, thank you.

11 THE COURT: Any redirect?

12 MS. HAMMACK: No, Your Honor.

13 THE COURT: You may step down Detective, thank
14 you. You may call your next witness.

15 MR. RITTGERS: The State calls Eleanor Hunter.

16 THE CLERK: Place your left hand on the Bible,
17 raise your right. The testimony you should give the
18 Court and the jury in the case should be the truth,
19 the whole truth, and nothing but the truth, so help
20 you God?

21 MS. HUNTER: I do.

22 THE CLERK: Have a seat in the witness box,
23 stating your full name for the Court, spelling your
24 last.

JURY TRIAL

1 MS. HUNTER: Eleanor Hunter, H-U-N-T-E-R.

2 THE COURT: Your witness.

3 UNIDENTIFIED MALE: How do you spell the first
4 name?

5 MS. HUNTER: Oh, Eleanor, E-L-E-A-N-O-R.

6 ELEANOR HUNTER

7 was called as a witness, and having been first duly
8 sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. RITTGERS:

11 Q. All right, Ms. Hunter what do you do?

12 A. I am currently a detective in the juvenile
13 investigations division at Aiken Public Safety.

14 Q. And how long have you worked in investigations?

15 A. I have been there since 2015.

16 Q. All right. And on the night of April 24th going
17 into the 25th, 2021, what were you doing?

18 A. I was the on-call investigator. I was temporarily
19 assigned to the investigations division at that point.
20 And I was the on-call investigator that night.

21 Q. And what does that mean -- on-call investigator?

22 A. Public Safety always has an investigator on-call for
23 any -- for -- for us to be able to respond, if there is a
24 major incident that patrol can't handle, or that they

1 just need us helping process. We're just always
2 available 24 hours, so that night I was available, and it
3 was my first call out.

4 Q. So, you got called out for this case?

5 A. I did.

6 Q. When did you get called for this case?

7 A. It was about 12:45 in the morning on the 25th.

8 Q. And where did you go when you responded to the case?

9 A. I was told that we had a gunshot victim at Aiken
10 Regional, and the incident location was unknown at that
11 time, so I responded directly to Aiken Regional Medical
12 Center.

13 Q. Okay, and just to be clear, Aiken Regional Medical
14 Center, that's located within what county?

15 A. It is within Aiken County.

16 Q. So when you get called to the hospital, what did you
17 see when you showed up?

18 A. I responded over to where one of our patrol cars
19 was, which was parked near a vehicle which I later
20 determined to be part of the incident location and that
21 Mr. Allen was driving.

22 Q. And when you first got out there, did you speak with
23 Mr. Allen?

24 A. I did speak with him.

JURY TRIAL

1 Q. How much of a statement did he give you?

2 A. It was quite brief, but he did tell me that him and
3 Mr. Copeland were going to go purchase marijuana and that
4 he was parked across from Schofield Middle School, which
5 is also within Aiken County. And he just described what
6 occurred -- that two black males approached their
7 vehicle, and once a Cash App money exchange was done, the
8 individuals began shooting.

9 Q. Now, he didn't mention him having a gun during the
10 course of this interaction?

11 A. He did not.

12 Q. Were you there when Mr. Copeland was declared
13 deceased?

14 A. I was. I was in the parking lot of the hospital.

15 Q. Did you collect any evidence from that?

16 A. I did. Officer Palmer -- who you heard from
17 earlier, when she collected those clothing items she
18 provided them to me directly out of the hospital, and she
19 also notified me that they had declared him deceased.

20 Q. After you collected that evidence, what did you do
21 with it?

22 A. With the clothing evidence that she gave me -- and
23 it was also the items that were on Mr. Copeland -- after
24 this was -- well after processing the scene, and

1 everything else -- I took them up to our headquarters,
2 and in our lab area --where we just have a little bit
3 more space and a little bit more lighting, I was able to
4 take more pictures to show exactly any -- any further
5 evidence in the clothing items, so that's what I did.

6 Q. So, you took pictures of the clothing?

7 A. I did.

8 Q. All right. I'm going to raise the screen here and
9 show those pictures to the jury.

10 A. Okay.

11 Q. And if you don't mind, please step down (inaudible).

12 A. Okay. Your Honor, are you (inaudible)?

13 THE COURT: Yes, ma'am.

14 BY MR. RITTGERS:

15 Q. And to set the stage for these pictures, where were
16 you taking these pictures at?

17 A. I was taking these pictures at our Public Safety
18 Headquarters, and like I was saying, we have a lab back
19 in our investigations division, that just has this paper
20 that you see in the background, as well as just more
21 lighting and more space, and nobody really interfering
22 with me taking the pictures.

23 Q. All right, and what does this first picture show?

24 A. This is the picture of the hoodie that Mr. Copeland

JURY TRIAL

1 was wearing at the time of this incident.

2 Q. Next photo?

3 A. This is another picture of the same hoodie, just
4 kind of shown a little bit closer up.

5 Q. Thank you. Next picture?

6 A. This -- I have a ruler that's showing the size of a
7 hole, that I believed to be a gunshot hole in the hoodie
8 that Mr. Copeland was wearing.

9 Q. And to be clear -- that's a piece of tape that does
10 that?

11 A. That's correct, and it's just got ruler on it just
12 to see how big the hole is.

13 Q. Okay. The next one?

14 A. And then this is that same hole, this is the inside
15 of the hoodie, and this is a bullet -- what we call a
16 bullet jacket, that was lodged into the hoodie.

17 MR. RITTGERS: Let the record reflect the
18 witness is gesturing to the metallic object at the
19 center of the screen.

20 THE COURT: Yes, sir.

21 BY MR. RITTGERS:

22 Q. Next?

23 A. This is just another angle of it, kind of more full
24 on on the jacket. So, this is the hole, and this is the

1 inside of the hoodie.

2 Q. Next please.

3 A. And then, this is after I had removed the jacket off
4 of the hoodie and I placed it onto this paper, just to
5 get a better picture without the hoodie being involved.

6 Q. Next please.

7 A. And this is also just another angle of that same
8 jacket.

9 Q. Next please.

10 A. This is a wallet that was in his belongings. It had
11 a South Carolina card in it, and his driver's license
12 that showed that this -- I believe, it was a driver's
13 license or an ID, that said that this was Joseph Jamar
14 Copeland.

15 Q. Next (inaudible).

16 A. This is another picture of the hoodie. This is more
17 on the -- the right arm, and this is a hole that I
18 measured with a ruler that I located.

19 Q. Okay, and to be clear -- is that the same hole as
20 the other one that you were showing?

21 A. This is a different one. That first hole was more
22 in the chest area; this was on his right sleeve.

23 Q. Next one -- okay, all right, that's all of our
24 photos for right now. You can have a seat. Detective

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1 Hunter, you noted the -- actually, we'll come back to
2 this in a second -- so, you secured the clothing and took
3 photos of
4 that. I know that's kind of jumping in time after you
5 processed the crime scene, correct?

6 A. That's correct.

7 Q. So, let's go back to the hospital.

8 A. Okay.

9 Q. So you're at the hospital, and you collected the
10 jacket, and then did you get word where the crime scene
11 -- where the shooting had occurred?

12 A. I did. I could hear on the radio that some patrol
13 officers said that, "They found some shell casings near
14 Stoney Home Apartment complex" that I know is across the
15 street from Schofield Middle School.

16 Q. And did you go there?

17 A. I did go there.

18 Q. And what was going on when you got there?

19 A. Our patrol officers had already started securing the
20 scene with the crime scene tape that you'll see on TV.
21 They also already started looking for the shell casings,
22 and when they locate shell casings, they may not have
23 evidence markers with them, but they try to use something
24 to show -- hey, there's a shell casing right here. In

1 this instance they used business cards that were just
2 kind of folded and tented so that way you knew where the
3 shell casings were, and what I was looking at.

4 Q. And so once you arrived, what did you do to document
5 the state of the crime scene?

6 A. I began -- I would take overall pictures, and really
7 start from -- to show the intersection and the name of
8 the apartment complex. I would also put out evidence
9 markers that would have numbers on them, usually one
10 through whatever you needed, and I placed those evidence
11 markers where we found the shell casings and other pieces
12 of evidence.

13 Q. All right. I'm going to show what's a piece of
14 State's Exhibit 1. Go ahead and look at the photos of
15 that crime scene.

16 A. Okay.

17 Q. And just be clear -- this is -- this is at Barnwell
18 and
19 Kershaw. Where is that located in what county?

20 A. That is within Aiken County.

21 MR. RITTGERS: And if you can step down
22 (inaudible) again.

23 MS. HUNTER: Your Honor?

24 THE COURT: Yes, ma'am.

JURY TRIAL

1 MR. RITTGERS: And we can talk through with
2 the jury.

3 BY MR. RITTGERS:

4 Q. I have to say, this looks darker than I anticipated.

5 A. It's much lighter on the other side.

6 Q. It is. All right, well, so what's going on here?

7 A. This is a picture from very far off -- these brick
8 buildings that you see are a part of the apartment
9 complex. The apartment complex goes on several different
10 streets. It's Kershaw Street, Barnwell Avenue, and
11 Sumter Street. So, right here we are on the 500 block of
12 Barnwell Avenue, and the 100 block of Kershaw Street.
13 This is our -- one of our fire trucks, that we use for
14 scene lighting -- you can see it's a lot lighter over
15 there than it is over here. You see the crime scene tape.
16 There's several officers just doing some scene security
17 as well -- as well as blocking off the street with their
18 patrol cars.

19 Q. Thank you. The next photo please.

20 A. This is just a closer-up picture. These buildings
21 right here are the apartments that face the 100 block of
22 Kershaw Street, and these buildings -- or these apartment
23 buildings right here, are facing the 500 block of
24 Barnwell Avenue.

1 Q. Next photo please.

2 A. And this is just a picture showing that this is what
3 we call Stoney Homes, but the Stoney-Gallman Townhomes.

4 Q. Next photo please.

5 A. This is that same sign that we just took a picture
6 of, and this is just a sidewalk leading up to where we
7 started locating the shell casings.

8 Q. And to be clear -- when you say "The sign," that
9 sign is at the right edge of the screen?

10 A. That is correct, with the stone.

11 Q. Stone outline?

12 A. Correct.

13 Q. Next please.

14 A. And again, this is that same sidewalk coming up.
15 You see that same vehicle in the picture. This again,
16 right here, you can still barely see the corner, but
17 these are the 100 block Kershaw, and then this is the 500
18 block, and these pieces right here -- the little white
19 pieces in the grass, those what those business cards that
20 patrol was using to mark several of the shell casings.
21 So, this is starting where the shell casings are.

22 Q. All right, and to capture what you're motioning out
23 There -- you're saying the Kershaw-side building is on
24 the right-hand side of the frame.

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1 A. Correct. You can kind of barely see it right here,
2 but that's on the far-right side of the frame.

3 Q. All right. And the larger building -- the building
4 in the center of the frame, that's the Barnwell block?

5 A. That is correct.

6 Q. All right. And as you're driving on, this is a
7 divided street -- it's one way each way, correct?

8 A. It is. There's a parkway in between.

9 Q. And if you were driving on the street to the left of
10 where the parking spaces are indicated on the photo, you
11 would be driving essentially into the picture, like,
12 going forward?

13 A. I'm not sure what you're --

14 Q. Which direction -- how is the traffic going?

15 A. So, traffic can go this way -- traffic can also come
16 up this way, and then if you're on Kershaw Street, you
17 can go north and south. Is that what you're asking?

18 Q. We'll get back to that.

19 A. Okay.

20 Q. Next one please.

21 A. This is just more of a full-on picture. These air
22 conditioning units would be part of the 100 block of
23 Kershaw Street, this is the 500 block, and these are
24 again those same tented business cards marking the shell

1 casings.

2 Q. And to be clear -- the air-conditioning was on
3 Kershaw -- that's on the right-hand side of the picture?

4 A. That is correct.

5 Q. Next please. And, you know, what is that orange --
6 or I'm sorry, pink cone there.

7 A. Yeah, so these are the evidence markers that I use.
8 There's all different kinds out there, but I just use
9 these 'cause they were a cheap version and you can write
10 the number on them. So, we start with evidence marker
11 number one, and this is -- this was just the first piece
12 of evidence that -- that we marked, because we were going
13 to collect it.

14 Q. Next please.

15 A. And this is a piece of evidence that I was marking.
16 We take the further-out picture, and then zoom in -- and
17 this is just another bullet jacket that we found in the
18 roadway.

19 Q. Thank you. Next please.

20 A. And then this is a zoom-up picture of where we just
21 were before -- that first evidence marker -- so this is
22 the 100 block over here to the right -- those apartments
23 --this is the back side of them, and this is the side of
24 the 500 block of Barnwell.

JURY TRIAL

1 Q. And the building to the left is 500 block --

2 A. Correct, the building on the left.

3 Q. Okay. And you mentioned the tented business cards
4 to mark the evidence, is that what those little, white
5 specks are?

6 A. That's what these are -- still continuing -- the
7 same group that you saw in the past pictures.

8 Q. And to be clear -- this is taken as if you were
9 standing on either the parking lot, or the -- or the
10 sidewalk of Barnwell?

11 A. Correct. You can see kind of barely down at the
12 very bottom of the frame is the sidewalk that's on the
13 Barnwell Avenue side.

14 Q. Thank you. Next please.

15 A. And this is just a more zoomed-up picture of it.
16 Again, those same business cards and the only apartment
17 buildings that you see along the top and right side of
18 this, are the 100 block of Kershaw Street.

19 Q. Thank you. Next please.

20 A. This is where I started marking with more evidence
21 markers. We started with one, and I know we're at three
22 now. I lost my number two marker. I had no idea where
23 it was, so I just documented that and moved on. So this
24 is number three, this is where we're starting to put the

1 markers out on each individual shell casing that we
2 found.

3 Q. And I just want to be clear, so you were replacing
4 the white-tented business cards with the numbered
5 evidence marker?

6 A. That is correct.

7 Q. All right. And so, did you mark everything with
8 those before you documented the crime scene?

9 A. Correct. I would put these evidence markers out on
10 each individual shell casing, because when we would
11 collect them, we marked them as: This was marker number
12 three; this was marker number one; such and such, and go
13 on.

14 Q. Okay. Next please.

15 A. So this is just a zoomed-in picture of what evidence
16 marker three was, and it was a .9-millimeter shell
17 casing.

18 Q. All right, and to be clear -- you took hundreds of
19 photos of getting all the shell casings and the evidence
20 markers.

21 A. I took lots of photos.

22 Q. Lots of photos, right. And so, in the interest of
23 time, we're not going to have a close-up of every shell
24 casing in here, right, but you did put a marker by every

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1 shell casing?

2 A. I did.

3 Q. All right. Next please. And so, which markers are
4 in this photo?

5 A. This is number three, number four, and number five.
6 You can see that's the number three. The shell casing is
7 kind of down towards the right of the marker. Number
8 four, the same location kind of down towards the right,
9 and number five, also down towards the right.

10 Q. All right. Next please.

11 A. And then this is just continuing onto marker number
12 six, you can't see where the shell casing is right here,
13 but it would be another .9-millimeter shell casing we
14 located.

15 Q. Next please.

16 A. This is number seven.

17 Q. And what's at the top of the frame there?

18 A. This is an air-conditioner unit that would be
19 attached to one of the 100 block of Kershaw Street
20 apartments.

21 Q. Okay, so as we're walking in from that -- basically
22 the alleyway between the Barnwell side and the Kershaw
23 side running this way -- this is to the right side of
24 that?

1 A. That would be correct.

2 Q. Okay. Next please.

3 A. And these are more of the evidence markers eight,
4 nine, and 10. I don't know how exactly how many are over
5 here, but this was one of the patrol officers that was
6 assisting me in putting those markers out.

7 Q. Next please.

8 A. And this is number 11, 12, 13, and 14, and again
9 we're still in that same area that we saw all the
10 business cards.

11 Q. Thank you. Next please.

12 A. And then this is -- can't really see the number on
13 here, but I would assume it would be 16, 17, and 18,
14 which again would be the .9-millimeter shell casings.
15 This would -- up at the top right where the air-
16 conditioner unit -- is the 100 block of Kershaw Street,
17 so we are still in between the 500 block of Barnwell
18 apartments, and the 100 block of Kershaw apartments.

19 Q. All right. And that -- is that crime scene tape at
20 the top of the frame?

21 A. It is.

22 Q. And is the crime scene tape at the top of the frame,
23 secured on the Barnwell building to the Kershaw building?

24 A. I believe so. I did not put the crime scene tape

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1 out, but that's what it appears.

2 Q. Next please.

3 A. Yes, so it does appear that it's attached somewhere
4 on the 100 block Kershaw Street apartments. And this is
5 just an overall picture of all of those same markers that
6 we just saw -- just all with them all together, so one
7 through 18, minus the number two.

8 Q. All right. Next please.

9 A. And then, this is the same set of shell casings.
10 You can see the 13, 12, 11, 10, nine, eight, and this is
11 showing in the top left of the picture the 500 block of
12 Barnwell Avenue apartments, and that same crime scene
13 tape. I'm not -- it might be attached to that trash can,
14 I'm not sure.

15 Q. And so essentially, this is taken from the same
16 place as the previous photo, but kind of pivoted left?

17 A. Correct.

18 Q. And what's the yellow object that's below the white
19 utility box from the Barnwell building?

20 A. This is another evidence marker. This is number 31
21 -- the reason why it looks different than these is Number
22 one, I ran out of the pink ones and had to refer to
23 somebody else's evidence markers. And this shell casing
24 was found after we had already marked everything else and

1 a patrol officer found another shell casing and mentioned
2 it to me, so instead of remarking everything, I just came
3 back and put 31 right there.

4 Q. Right, but that 31 is located with the -- whatever
5 the three through 18-ish or so?

6 A. Correct.

7 Q. Okay. All right, next slide.

8 A. And this is just a closer-up picture of evidence
9 marker 31, which was also another .9-millimeter shell
10 casing.

11 Q. And to be clear, all of the shell casings you found
12 were .9 millimeter?

13 A. Correct. So, yes, three through 18, plus 31 was
14 right here in this area -- yes, were all .9-millimeter
15 shell casings.

16 Q. Okay, thank you. Next slide.

17 A. And then -- this photo is looking back out towards
18 -- so this is the crime scene tape that you see the --
19 yellow tape right here was what was in the back. And
20 this is just me being on the other side of the tape
21 taking a picture back out towards the parking lot. So,
22 as I said -- with Schofield Middle School -- so this is
23 right here on the top-right corner is the 500 block of
24 Barnwell apartments, and over here to the left is the 100

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1 block Kershaw apartments. But if you didn't have that
2 fire truck right there, you could see Schofield Middle
3 School -- the side of Schofield Middle School.

4 Q. All right, so the reverse angle of the advance that
5 you've done in the prior photos?

6 A. That's correct.

7 Q. All right, thank you. Next slide.

8 A. And this picture, we are in front of 523 and 525,
9 and then this is 529 Barnwell Avenue. This is another
10 set of shell casings. So, we had -- we've already seen
11 the bullet fragment of evidence marker number one, and
12 then three through 18, plus 31, now these are more
13 additional shell casings that were locate, that patrol
14 has used their business card to mark.

15 Q. And so just to give perspective -- if you're
16 standing in the -- on Barnwell Street looking at the
17 corner of the building, the prior photos were all shell
18 casings taken to the right of the building going in
19 between that and the Kershaw building?

20 A. Correct, so they would be more this way.

21 Q. Okay, off the screen --

22 A. Correct.

23 Q. -- to the right? So, this is more towards to the
24 center of the block?

1 A. That's correct.

2 Q. All right, thank you. Next photo please.

3 A. And then, these are the same shell casings just
4 marked with evidence markers. We have 19, 20, 21, 22,
5 and I believe this is 23, 24, 25 and 26.

6 Q. And those are that -- these -- the number lines here
7 are heading left along the block?

8 A. Correct, they are heading toward Sumter Street.

9 Q. Next slide.

10 A. And this is just another angle going towards Sumter
11 Street. So, these apartment buildings over here to the
12 left of the screen are the 100 block of Sumter Street.
13 So this is 529 Barnwell Avenue with the blue door. And
14 these were just -- these are more of the same markers
15 that we just had. I believe it's 25 -- or 24, 25, and 26
16 right here, and those were also all .9-millimeter shell
17 casings.

18 Q. And so, that's -- and what's depicted there in the
19 center, that's a break between that and the Sumter side
20 of the block?

21 A. The break would be over here by these bushes.

22 MR. RITTGERS: All right, and the witness just
23 indicated the green bushes that's center left of the
24 image.

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1 THE COURT: Yes, sir.

2 BY MR. RITTGERS:

3 Q. Next picture.

4 A. So, this was moving more towards again Sumter
5 Street, so this is a more full on picture of 529 Barnwell
6 Avenue. So again, if you -- that's the last apartment
7 for the Barnwell address, and then we get into -- on the
8 left side the Sumter Street apartments.

9 Q. Thank you. Next picture.

10 A. And again, we're just moving more towards the Sumter
11 Street apartments with the 500 block of Barnwell on this
12 side, on the right.

13 Q. Thank you. Next please.

14 A. And then, this is more of a straight on -- on the
15 pathway in between the buildings. So again on your
16 right, is the 500 block of Barnwell and then on your left
17 is the 100 block of Sumter. This is the back side of
18 those apartments.

19 Q. There's a small, white object in the center of the
20 frame to the left of the sidewalk, is that another one of
21 these business card markers?

22 A. It is. Kind of bottom or center.

23 Q. Center --

24 A. Next to the little sidewalk.

1 Q. Center -- left to the sidewalk. All right, thank
2 you. Next please.

3 A. This is that same item, it was just marked number
4 27. And this is where my evidence markers only went up
5 to 26, I believe, so I had to enlist in somebody else's
6 evidence markers but we still started at the same number.
7 Or the number we left off at.

8 Q. Next please.

9 A. So, this is going more in between these apartments.
10 This is again on your left -- the 100 block of Sumter,
11 and this piece on the right part of the apartment is the
12 500 block of Barnwell. That evidence marker you just
13 saw, would be just off the bottom of the screen, and then
14 this is two more evidence markers that we found.

15 Q. All right, and so just to be clear -- the other --
16 the first set of photos was advancing to the right of the
17 Barnwell building, now you're advancing to the left of
18 the Barnwell building?

19 A. That's correct.

20 Q. All right. Next please.

21 A. And this is a garage building that they have behind
22 the apartment complex. So, the apartment complex is like
23 a horseshoe, so you have Barnwell, and then Kershaw, and
24 Sumter, and so this would be kind of in the middle of the

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1 horseshoe. And these are three more evidence markers,
2 28, 29, and 30 that mark .9-millimeter shell casings.

3 Q. Thank you. Next please.

4 A. And this is just a close-up of evidence marker 29
5 and 30, that were .9-millimeter shell casings.

6 Q. Next please.

7 A. And then, this is just -- this vehicle was just
8 inside the crime scene, so we just always take pictures
9 of it just in case. It could be evidentiary --
10 evidentiary in value, but this is your 100 block of
11 Kershaw, and this is the 500 block of Barnwell.

12 Q. So once again -- so we're back to sort of towards
13 the original angle?

14 A. Correct.

15 Q. Kershaw on the right and the center frame is the
16 Barnwell side?

17 A. Correct.

18 Q. And when you showed up, you had reports of some
19 damage already to the block, right?

20 A. I did. There were officers on the scene that told
21 us about some broken glass, and I believe another bullet
22 hole, but that they told me that that had already
23 previously been reported; or it was old to them.

24 Q. All right. And also, did you notice that some of

1 the shell casings appear to have been sitting there a
2 little bit longer than some of the others?

3 A. I believe that was told to me as well.

4 Q. Was that on the right-hand side -- the array of
5 shells you told?

6 A. I believe it was on the right side with the ones in
7 between Kershaw Street and Barnwell apartments.

8 Q. Thank you. That's it for the pictures; you can have
9 a seat again. Detective Hunter, I've got a number of
10 bags of evidence that we're going to crack into here. If
11 you don't mind, can you open that up for me?

12 A. Okay.

13 Q. Do you recognize those items?

14 A. I do. I recognize the label on the outside. I do
15 recognize these items.

16 Q. I'm going to pre-mark -- just give me one second.

17 MR. RITTGERS: If I may have one moment, Your
18 Honor.

19 THE COURT: Yes, sir.

20 BY MR. RITTGERS:

21 Q. All right, Detective Hunter, we're going to go ahead
22 and crack some of these open.

23 A. Okay.

24 Q. (Inaudible) this.

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1 A. It's right there -- the two.

2 Q. And so, what is -- what has been pre-marked as
3 State's Exhibit 28?

4 A. What's been marked as State's Exhibit 28 is -- can I
5 peel the sticker back --

6 Q. Sure.

7 A. -- 'cause it's on the -- it's on top of the marker
8 number. It is a bullet fragment located near 509
9 Barnwell Avenue, so that would be evidence marker number
10 one, but I'll just double-check.

11 Q. So, just to --

12 A. Maybe.

13 Q. -- so, evidence marker number one was the -- that
14 was
15 the one that was in the parking spot on the street?

16 A. That's correct, near the 500 block apartments on
17 Barnwell. You want me to open -- do you want me to open
18 it up? Okay. And that would be the bullet fragment that
19 was located where I put near 509 Barnwell Avenue.

20 Q. And just to be clear -- that is a piece of a bullet
21 there?

22 A. Correct.

23 Q. And does it appear to have been changed or altered
24 in any way?

1 A. It does not.

2 Q. Is that your handwriting on the box holding it?

3 A. It is.

4 Q. All right. Did you seal that when you put it into
5 evidence?

6 A. I did.

7 MR. RITTGERS: Your Honor, the State moves to
8 admit State's Exhibit 28 into evidence as State's
9 Exhibit 28.

10 MR. BUSH: No objection, Your Honor.

11 THE COURT: All right, it's in, thank you.

12 (State's Exhibit 28

13 was introduced into evidence)

14 BY MR. RITTGERS:

15 Q. And if you could, what is -- what's been pre-marked
16 as State's Exhibit 29?

17 A. State's Exhibit 29 is the metal jacket from the
18 victim's hoodie. Would you like me to open it?

19 Q. Yeah. And that's the one we saw in the picture,
20 where you folded the hoodie up, and showed it from the
21 back side too?

22 A. That's correct. Yes, that is the bullet jacket or
23 bullet fragment, that I located in the victim's jacket.

24 Q. And is that your handwriting --

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1 A. Or hoodie.

2 Q. -- on the outside of the package?

3 A. Some of it is. I'm sure I had someone assisting me
4 'cause I would've been wearing gloves -- touching that
5 jacket, being with the blood that was on it. But I did
6 put my name, the case number, and the item number on it.

7 Q. Has it been changed or altered in any way that you
8 can see?

9 A. Not that I can see.

10 MR. RITTGERS: Your Honor, the State moves to
11 admit what's been pre-marked as 29 into evidence as
12 State's Exhibit 29.

13 MR. BUSH: No objection, Your Honor.

14 THE COURT: All right, sir, it's in.

15 (State's Exhibit 29
16 was introduced into evidence)

17 BY MR. RITTGERS:

18 Q. All right. No, don't take them out.

19 A. Oh, I'm -- no. I'm trying to fix it.

20 Q. All right. Okay, all right, you're going to crack
21 some SLED tape.

22 A. Okay.

23 Q. Okay, now, so what's -- what's marked to be inside
24 that package?

1 A. I'm just checking the evidence labels that are on
2 the outside of it. Let's see. This is items number
3 three through -- or I'm sorry, evidence marker numbers
4 three through 24, that are .9-millimeter shell casings,
5 that I would've collected out at the scene.

6 Q. And if you would go ahead and cut it open, please.

7 A. Okay.

8 Q. We're going to put an X-ACTO in the budget for this
9 year.

10 A. Yeah. What appears to be in this bag is the .9-
11 millimeter shell casings, that would be evidence markers
12 three through 24, that I collected out at the scene of
13 Stoney Home apartments.

14 Q. Now, you don't analyze the ballistics of these
15 things do you?

16 A. I do not.

17 Q. All right. And so -- and this had SLED tape on it,
18 so someone at SLED handled these, but the envelope that's
19 still inside -- the plastic bags there, is that your
20 handwriting on the envelopes?

21 A. The majority of this is my handwriting. I would've
22 had a patrol officer assisting me, and usually what we do
23 is I ask them to write what marker number it is, so that
24 way we're not taking all the time to put all the

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1 information on it on scene. But they would write the
2 marker number, and I'd drop the shell casing inside of
3 that, and then when I got back to headquarters, I could
4 fill out everything else. So, the majority of this is my
5 handwriting.

6 Q. So, to the best of your knowledge those are all the
7 shell casings that correspond with the evidence marker
8 numbers that you collected, that they all saw in the
9 photos?

10 A. That is correct.

11 Q. If you can help me get these into --

12 A. Okay.

13 Q. -- number order.

14 A. Okay, yup.

15 Q. I'm going to pre-mark all these.

16 A. Here. I believe we started at number three but
17 I've got marker number four and five. Do you have three
18 down here? I mean, what are you starting --

19 Q. I'm moving --

20 A. Oh.

21 Q. -- you're on three?

22 A. Okay.

23 MR. BUSH: Your Honor?

24 THE COURT: Yes, sir.

1 MR. BUSH: This is an unusual request, but can
2 I go up there while they're pre-marking it just to
3 save them time, so he doesn't have to bring it back
4 and forth?

5 THE COURT: Yes, sir.

6 MR. BUSH: I can just write them down. Thank
7 you.

8 THE WITNESS: I think there were nine. I
9 don't remember where number nine is. That'd be
10 seven, eight -- you've got nine, 10, 11, 12, 13, 14,
11 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24.

12 MR. RITTGERS: All right, so, to make this
13 easy, we've got marker number three is item 11,
14 which is pre-marked as State's Exhibit 30. You just
15 add when you're going down the line.

16 THE COURT: So, you're doing marker three
17 through 24, but it would correspond with 30 onward?

18 MR. RITTGERS: Yes, Your Honor, and I wasn't
19 sure, you know -- math would be involved in being an
20 attorney, so I'm going to wait until we see what
21 sticker comes out at the end. Thank you.

22 BY MR. RITTGERS:

23 Q. And while we're at it -- if you could review the
24 label on this -- what do the labels on this say?

1 A. These are marker numbers 25 through 31; they're also
2 .9-millimeter shell casings that I would've collected out
3 there at the scene.

4 Q. Thank you. If you could crack the seal on that
5 sealed package. You clearly started with marker three,
6 State's Exhibit 30.

7 A. That is correct.

8 Q. All the way up to marker 24, which is State's pre-
9 marked Exhibit 51.

10 THE COURT: You said 30?

11 MR. RITTGERS: Thirty to 51, Your Honor.

12 THE COURT: All right.

13 MR. RITTGERS: And 51 corresponds with marker
14 number 24.

15 THE COURT: We're doing the same with 25
16 through 31, which would be 52.

17 MR. RITTGERS: Twenty-five through 31,
18 correct, Your Honor.

19 BY MR. RITTGERS:

20 Q. And just to be clear -- is this your handwriting on
21 these packages as well?

22 A. For the majority of it, yes, it would be my
23 handwriting.

24 Q. And I see this -- there is a little bit of some

1 difference in the handwriting -- is that your handwriting
2 at the bottom that's filled in under the description
3 area?

4 A. It is. It appears on all of these -- I did write
5 the marker number. I think it was more on the other set,
6 that I didn't write the marker number on it. But this
7 stuff -- up in the top-right corner would be SLED. But
8 yes, I wrote the description as well as the marker
9 number, and my name, and date I collected it with the
10 case number.

11 Q. All right. So as far as you can tell, these are the
12 shells that you picked up with the corresponding marker
13 numbers?

14 A. That is correct.

15 Q. From Barnwell Avenue?

16 A. That's correct.

17 Q. In Aiken County?

18 A. That's correct.

19 Q. Okay. So, I'm pre-marking evidence marker --

20 A. Twenty-five.

21 Q. -- 25, as getting State's Exhibit 52. And then, up
22 sequentially through 58, State's Exhibit pre-marked 58,
23 which corresponds with evidence marker 31. And so, you
24 collected -- when all of those shell casings -- you put

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1 them all in their individual bags -- what did you do with
2 them after that?

3 A. Once I put them in individual bags, I placed them
4 into our evidence locker. Sometimes, I put them in a big
5 envelope for -- so they just, you know, nothing falls
6 down or anything -- just so it's easier for our evidence
7 tech. So that's probably why she had it all packaged
8 like this, but I have them in individual envelopes, and
9 usually put them into a bigger one just to carry it
10 better.

11 Q. And then after that, it was packaged and sent off
12 for analysis?

13 A. That would be -- that would be my understanding. I
14 didn't take part in that -- that part of the evidence.

15 MR. RITTGERS: Just one second, Your Honor. I
16 don't have any questions for you right now. Perhaps
17 Mr. Bush may have some questions for you.

18 THE WITNESS: Okay.

19 THE COURT: Cross-examination?

20 MR. BUSH: Your Honor, can I just have just
21 one second? I don't need a break, I just need to --

22 THE COURT: Yes, sir.

23 MR. BUSH: -- write down these State's exhibit
24 numbers for my questions to make --

1 THE COURT: Yes, sir.

2 MR. BUSH: -- sure we're talking about the
3 same thing. Thank you so much. Thank you, Your
4 Honor, may it please the Court.

5 THE COURT: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. BUSH:

8 Q. Detective Hunter, good afternoon.

9 A. Hey, how are you?

10 Q. I'm well. Are you doing alright?

11 A. I am.

12 Q. Good, good. Thank you for being here today. I want
13 to ask you just a little bit of overview questions. I
14 think you indicated to the State on direct examination
15 this was your first call out, right?

16 A. It was my first call out.

17 Q. First homicide as a detective?

18 A. Yes, first call out for a homicide.

19 Q. And you collected a lot of evidence in this case?

20 A. I did.

21 Q. Right? And I'm looking here at the chain of custody
22 reports --

23 A. Okay.

24 Q. -- from this case. And you collected evidence on

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1 April the 25th, around 12:59 in the morning, in Aiken.

2 A. That would be around the time that I was called out,
3 so yes, that would be the evidence we discussed.

4 Q. And you just indicated to Mr. Rittgers, that you
5 were the person who then took that evidence to the
6 evidence locker; is that correct?

7 A. That's correct; I would've put it in the evidence
8 locker.

9 Q. And evidence locker is located at the Aiken
10 Department of Public Safety headquarters?

11 A. That's correct.

12 Q. Right? About three minutes or so away from where
13 the incident location was, correct?

14 A. That's correct.

15 Q. And in the chain of custody, it indicates that those
16 items weren't entered into the locker by you until 5:18
17 p.m. that day on April 25th.

18 A. That could be -- I don't know exactly what pieces of
19 evidence that is -- if you -- unless you have the whole
20 chain of custody for me.

21 Q. I have the whole chain.

22 A. Okay.

23 Q. It's for everything you collected.

24 A. Okay.

1 Q. If you want to look to verify, I'm happy to show it
2 to you.

3 A. Yeah, yeah, yeah. Thank you.

4 Q. In looking at it -- if you look at the first page,
5 the first page is going to tell you what piece of
6 evidence it is and the second page that you look at, will
7 tell you the times that you recovered those items, and
8 then the times that they were entered into the evidence
9 locker.

10 A. Yes, that is correct. Thank you for letting me look
11 through that.

12 Q. Yeah, no worries. That's each and every piece of
13 evidence that you collected, right?

14 A. It is. It is.

15 Q. And so, you collected the evidence at 12:59 a.m. and
16 it was logged into the evidence locker at -- I think I
17 said 5:18 p.m.

18 A. That's correct.

19 Q. It's in military time on these forms.

20 A. Yes.

21 Q. So, it's converted to 5:18?

22 A. That's correct.

23 Q. Where was this evidence for the 16 hours and 19
24 minutes between when you collected it and turned it into

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1 the locker?

2 A. So, usually when we have bloody clothing, we can't
3 put it into a bag. I understand it's all the evidence.
4 We can't put it into a bag yet because it may mold, or
5 mildew, or just saturate the bag and get onto other
6 things. So, we have a drying chamber or a drying rack in
7 our lab area, which is where I would've hung up the
8 bloody clothing to let it dry overnight. And I would
9 assume from the chain of custody, that I just let
10 everything sit with that, and then put it -- entered it
11 into our computer system all at the same time to be put
12 into the locker. In that drying chamber, there is --
13 it's behind a locked door that is secured with -- you
14 have to have a certain key to get into it; also, through
15 a key card door, as well as, there's cameras in the
16 hallways that show the door.

17 Q. So, you had the shell casings in the drying chamber
18 too?

19 A. I don't know -- I don't really recall if all the
20 evidence was there, but I know if there was bloody
21 clothing, I definitely would've let it be in the drying
22 rack, and not put it in a bag.

23 Q. Sure. So, what I hear you telling me --

24 A. Uh-huh (affirmative).

1 Q. -- and I just want to make sure I'm clear is --

2 A. Uh-huh (affirmative).

3 Q. -- you know the bloody clothing was on the drying
4 rack, we don't know if the shell casings were there?

5 A. They were either there with the other evidence, or
6 we may have put them into, like, just set them into an
7 evidence locker for the time being but they wouldn't have
8 been entered in at that time. I would've entered in
9 everything together on the computer system, to show that
10 time.

11 Q. I understand, okay. Next, you kind of mentioned the
12 cameras that are watching it. You actually also have a
13 body worn camera, right?

14 A. I do.

15 Q. And you were wearing your body worn camera that
16 night?

17 A. I was.

18 Q. And it was activated?

19 A. It was.

20 Q. So, you were able to sort of record all of your
21 interactions with folks, right?

22 A. Correct -- out on the scene, yes.

23 Q. So, first, I want to talk with you about the
24 hospital.

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1 A. Okay.

2 Q. And I want to talk with you -- that's where you
3 first, I think you indicated to the State already -- when
4 you got called out to the scene, that's where you went
5 first, right?

6 A. That is correct.

7 Q. And you went there before the crime scene, right?

8 A. That's correct.

9 Q. Okay. And at the hospital, that's where you met
10 Micheal Allen?

11 A. That is correct.

12 Q. And I know you described your interview with him as
13 brief, but he actually gave you quite a few details about
14 the event, right?

15 A. He did.

16 Q. Micheal was able to kind of give you a little bit of
17 the back story of what happened, right?

18 A. Yes, a little bit.

19 Q. He told you that Mr. Copeland had been living with
20 him, correct?

21 A. That is correct.

22 Q. That he told you that at some point earlier in that
23 day, Mr. Copeland had left to go to his girlfriend's
24 house, right?

1 A. I recall something about that, not the exact detail
2 of it, but I do recall something about a girlfriend.

3 Q. How about this -- he told you when he -- when JoJo
4 came back from his girlfriend's house, that's when they
5 wanted to go buy some weed, correct?

6 A. I remember him saying that JoJo wanted to go get
7 some weed. I don't remember the time frame of the
8 girlfriend.

9 Q. That's fine. He told you he basically --

10 MR. RITTGERS: Objection, hearsay, Your Honor.
11 My client has already testified -- he could've
12 cross-examined him on all this.

13 MR. BUSH: Judge, she's already answered the
14 question, I'm moving on.

15 THE COURT: I'll allow it. You can go ahead.

16 MR. BUSH: Thank you very much, Your Honor.

17 BY MR. BUSH:

18 Q. So, Mr. Allen then tells you that ultimately, he
19 drives JoJo to the place where they're going to buy weed,
20 right?

21 A. Yes, he did.

22 Q. And he says they pulled into a parking spot, right,
23 at Stoney-Gallman?

24 A. He didn't identify --

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1 Q. He called it the Bricks, right?

2 A. I don't recall him saying what it was, I just
3 remember him saying he was across from Schofield Middle
4 School.

5 Q. Okay. But he parked the car?

6 A. He did.

7 Q. And he told you that two individuals walked up from
8 the right side of the car, correct?

9 A. I remember him saying the passenger side, yes.

10 Q. Would you agree with me --

11 A. Yes.

12 Q. -- then that the --

13 A. Yes, that would be --

14 Q. -- passenger side of the car is the right side of
15 the --

16 A. Correct.

17 Q. -- car from where he would be sitting as the driver?

18 A. Correct.

19 Q. Okay. I guess from that passenger side, when the
20 two individuals were approaching, he told you that the
21 doors to the car were shut, right?

22 A. That's correct.

23 Q. And that the windows were down, correct?

24 A. That's correct.

1 Q. Okay. He said that JoJo's window was down, right?

2 A. That's correct.

3 Q. And he said that as the guys walked up -- after they
4 had walked to the car, a Cash App transaction occurred,
5 correct?

6 A. That is correct.

7 Q. And that one of the two guys, when the Cash App
8 transaction was happening, actually had JoJo's phone in
9 their possession, correct?

10 A. That was my understanding, yes.

11 Q. And he told you that there was nothing aggressive
12 about that that JoJo had actually willingly given the
13 phone to the folks, who were there for the transaction?

14 A. That's correct.

15 Q. And they were just using Cash App to simply pay for
16 the marijuana, right?

17 A. That was my understanding.

18 Q. Okay. And really, it was after this transaction
19 occurred is when the gunshots started happening -- is
20 what he indicated to you, right?

21 A. That is correct.

22 Q. And I know you answered this already for Mr.
23 Rittgers, but just so that I'm clear, when he's talking
24 to you at the hospital that night and kind of giving you

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1 this narrative, you're using this narrative as part of
2 your detective work, right?

3 A. That's correct.

4 Q. So, the story that Mr. Allen is telling you, is what
5 you as law enforcement, are basing as you're trying to go
6 and look at the crime scene, and all the other evidence
7 in the case; is that right?

8 A. That's correct.

9 Q. Okay. And that night at the hospital, right after
10 this incident had occurred, Micheal Allen never told you
11 that he had a firearm that night, did he?

12 A. He did not.

13 Q. He never told you that Mr. Copeland had a firearm
14 that night, did he?

15 A. He did not and I didn't ask either question.

16 Q. Sure. He never told you that on the way to the
17 hospital, he hid those firearms, did he?

18 A. He did not tell me that.

19 Q. Okay. And so, which sort of leads to my next
20 question here, is you have the ability as a detective and
21 as a law enforcement agent, y'all can do what's called
22 gunshot residue kits, right?

23 A. That is correct.

24 Q. And that's where you can actually test someone's

1 Hands, or parts of a vehicle, to see if they have gunshot
2 residue primer on them, correct?

3 A. That is correct.

4 Q. And when you are able to test if there's the
5 presence of gunshot residue, that can then be analyzed,
6 correct?

7 A. From my understanding, yes, that is correct.

8 Q. Okay. You didn't conduct any gunshot residue kits
9 on Mr. Allen, did you?

10 A. I did not.

11 Q. No gunshot residue kits were conducted on the Ford
12 Explorer that was parked at the hospital that night,
13 before it got towed away?

14 A. There was not.

15 Q. And part of your investigation at the hospital is --
16 you indicated -- was taking photos of Mr. Copeland, and
17 also of his clothing, right?

18 A. I took pictures of the clothing at headquarters, but
19 yes, I took pictures of Mr. Copeland at the hospital.

20 Q. And while you were at the hospital, you never tested
21 Mr. Copeland for any gunshot residue did you?

22 A. I did not.

23 Q. I want to talk about the clothing here just for a
24 moment. And if I could, Investigator Walker, if you

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1 wouldn't mind pulling up State's Exhibit 1, the photo at
2 the hospital for me. Investigator Hunter, if you don't
3 mind stepping down just for a second.

4 THE WITNESS: Your Honor?

5 THE COURT: Yes, thank you.

6 BY MR. BUSH:

7 Q. Investigator, would you mind going to the third
8 photograph for me please? Thank you so much. So, we're
9 looking here at the third photograph of the clothing that
10 you photographed of Mr. Copeland's, back at the lab at
11 ADPS headquarters. And this is what we're looking at is
12 a red -- it says Hilfiger denim hoodie, right?

13 A. That's correct.

14 Q. And the area where you indicated to Mr. Rittgers and
15 the State, towards the middle of that photograph where
16 the scale is, that's the bullet hole that you believe
17 went into the chest; is that correct?

18 A. That's what I would say, yes.

19 Q. And the area of that sweatshirt where that bullet
20 went through, it's got some white sort of vinyl plastic,
21 right?

22 A. I would say so, yes.

23 Q. Okay.

24 A. There is --

1 Q. Okay, thank you so much. You can grab a seat for me
2 please. From that photograph -- you also indicated that
3 you collected a copper jacket projectile from that
4 hoodie, that was State's 29, I believe -- the jacket that
5 was from the hoodie.

6 A. I'm not sure what State exhibit number it is, but
7 yes, I did collect a bullet jacket from that hoodie.

8 Q. And that jacket that you collected from the hoodie,
9 that was never sent off to SLED was it?

10 A. I am not aware of that information. I wouldn't have
11 been the one to send it to SLED, so I don't know.

12 Q. How about this -- of all the things that we've
13 talked about, that you opened that were sent off to SLED,
14 State's 29 wasn't one of them?

15 A. I did not see the SLED marking on that, no.

16 Q. Okay, all right. And just to be clear too -- for
17 the clothing -- the clothing was cut off by hospital
18 staff, right? You didn't take any of that clothing off
19 of Mr. Copeland?

20 A. I did not take any of the clothing off.

21 Q. Okay. And the photograph that you took and that you
22 talked about a little bit ago about the -- from the
23 sleeve, that the hole that you were looking at that was
24 actually --

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1 A. Yes.

2 Q. -- on the back of the sleeve; is that correct?

3 A. I don't recall just from looking at that picture,
4 exactly where it was on sleeve. I know where I saw the
5 holes in his arm.

6 Q. Okay.

7 A. But, yeah.

8 Q. So you saw a hole both on the front and on the back
9 part of that sleeve?

10 A. On his arm, yes.

11 Q. Okay. I want to talk to you now about the Ford
12 Explorer that Micheal Allen was driving that night. While
13 you were at the hospital -- frankly while you were
14 interviewing him, he gave you the keys to that car,
15 right?

16 A. From my understanding, I don't know that he gave
17 them directly to me, but I do know that he gave them to
18 somebody on scene.

19 Q. He gave it to law enforcement?

20 A. Yes.

21 Q. And before that car was towed, you took photos of
22 the inside -- just sort of the front area of that car,
23 right?

24 A. That's correct.

1 Q. And while taking those photos, you noted blood that
2 was on the center console, right?

3 A. That's correct.

4 Q. And if I'm sitting in the passenger seat of that
5 Ford Explorer, that blood on the center console is sort
6 of to my left; is that right?

7 A. Yes, that -- that's correct.

8 Q. Okay. Let's talk about the crime scene. You left
9 the hospital, and right after you left the hospital,
10 that's when you went to the crime scene; is that right?

11 A. That's correct.

12 Q. And when you got there, it was nighttime?

13 A. It was.

14 Q. Sometime probably around 12:59 when you were
15 collecting that evidence, right?

16 A. Probably around closer to 1:30-ish.

17 Q. Did you ever go back to that crime scene in the
18 daylight?

19 A. I don't recall ever going back.

20 Q. Okay. And when you got there, officers had already
21 marked all those shell casings for you, right?

22 A. They marked the majority of them, yes.

23 Q. And, Investigator Walker, would you mind pulling up
24 the overview picture of the apartment complex for me,

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1 please. I'm going to talk to you, kind of directionally,
2 and we're going to look at the map.

3 A. Okay.

4 Q. I know you -- you talked a lot where those things
5 Were, but I think for me it's helpful to look at a map so
6 I can gauge --

7 A. Oh, yeah.

8 Q. -- where everything was.

9 THE COURT: You can step down, Detective.

10 THE WITNESS: Okay, thank you.

11 BY MR. BUSH:

12 Q. For the record, this is also State's Exhibit 1, this
13 is just the photograph of the overview of the area, where
14 the apartments are located. And when you arrived on the
15 scene -- I'm looking at the photograph here -- and
16 towards the far right of the apartment complex that's in
17 the middle of the screen -- you can see Kershaw Street,
18 NE; is that right?

19 A. That is correct.

20 Q. And to the far left of that apartment complex, it's
21 not the whole complex, I know it's got two parts, but the
22 complex here in the middle of this photograph, that's
23 Sumter Street on the left side?

24 A. That's correct.

1 Q. And then, the street that's running right in front
2 of that same apartment complex -- right here in the
3 middle of the photograph, that's Barnwell Avenue?

4 A. That's correct.

5 Q. Okay. And so, when you arrived on the scene and you
6 started looking at shell casings and the evidence that
7 you collected, you collected evidence that sort of, right
8 here in this grassy area, between the apartment complex
9 on Kershaw Street, and the apartment complex on Barnwell
10 Avenue?

11 A. That is correct.

12 Q. And then, you started to collect evidence here
13 towards the end of the apartment complex that's facing
14 Barnwell Avenue, right?

15 A. Correct.

16 Q. And then, sort of around that complex on the Sumter
17 Street-side, you started to recover the shell casings
18 over there; is that correct? In that grassy area?

19 A. That's correct.

20 Q. Now, you mentioned that some of the shell casings
21 that you found in this grassy area -- that was really on
22 the Kershaw Street-side, in between the apartment complex
23 that's facing Kershaw Street and the apartment complex
24 that's facing Barnwell Avenue, you said that some of

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1 these shell casings appeared to be older, but you don't
2 actually have any proof that those shell casings were
3 older, do you?

4 A. No, that was just from looking at them at night, and
5 from what patrol's observation of them was when they
6 first got there.

7 Q. So, I want to talk you first now about evidence
8 marker one, and in looking at this photograph -- again,
9 this is just going to kind of help us gauge where those
10 -- where evidence marker one was. Evidence marker one
11 was found in a parking spot right here, basically, in
12 between the buildings of -- the front of Barnwell Avenue
13 and the building that's facing Kershaw Street; is that
14 correct?

15 A. That's correct.

16 Q. And that was a copper jacket that you found -- a
17 piece of a projectile, right?

18 A. That's correct.

19 Q. And when you collected that piece of evidence, that
20 copper jacket was also not sent to SLED was it?

21 A. I did not see SLED markings on the evidence envelope
22 that I opened.

23 Q. Okay. So, directly in front of this parking spot is
24 where you found evidence markers three through 18, and

1 evidence marker 31, and for the record, that's State's
2 Exhibits 30 through 45, and State's 58 -- you found all
3 of those shell casings right in here; is that correct?

4 A. That's correct.

5 Q. So evidence marker one that we did not send to SLED,
6 and then evidence markers three through 18, and evidence
7 marker 31?

8 A. That's correct.

9 Q. And again, that's in bet -- the grassy area, in
10 between the building that's facing Kershaw Street, and
11 the apartment building facing Barnwell Avenue?

12 A. That's correct.

13 Q. Then you kind of went down to -- in front of
14 apartments 523 and 525, right?

15 A. That's correct.

16 Q. And when you went down in front of those apartments,
17 that's where you located what's evidence marker 19
18 through 26, but it's State's Exhibit 46 through 53; is
19 that right?

20 A. That's correct.

21 Q. Okay. And those are sort of towards the end right
22 here -- towards the end of the apartment building that's
23 facing Barnwell Avenue, correct?

24 A. That's correct.

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1 Q. Closer towards the Sumter Street-side?

2 A. Correct.

3 Q. Okay, yeah, so not towards Kershaw Street, but
4 towards the Sumter Street-side?

5 A. Correct.

6 Q. And sort of -- as you were walking, you indicated it
7 seemed as if somebody had been firing these shell casings
8 going this direction -- from right to left on the
9 photograph, correct?

10 A. It appeared that there were shell casings there in
11 front of the building as well as on the left side, yes.

12 Q. I got you. Sort of going from Kershaw Street
13 towards Sumter, right?

14 A. Correct, that's where we found those. That's the
15 order I went in the shell casings.

16 Q. I understand. I understand. And then shell casing
17 27 -- and that is State's Exhibit 54 -- you found shell
18 casing 27 -- that's sort of right here in between the
19 building facing Sumter Street, right, and the building
20 facing Barnwell Avenue --

21 A. That's correct.

22 Q. -- is that correct? And then sort of back behind a
23 little bit -- this is the garage right here, the big,
24 white building behind the apartment that's facing

1 (inaudible)?

2 A. Yes.

3 Q. Sort of back right here behind that last panel, I
4 guess if you were the last little townhome.

5 A. Uh-huh (affirmative).

6 Q. That's where you found shell casings 28 through 30;
7 is that correct?

8 A. That's correct.

9 Q. And that corresponds with State's Exhibit 55 to 57,
10 right?

11 A. I believe so.

12 Q. Okay. That's fair. So, let's talk about -- and
13 I'll set this down now -- well, actually, I'm going to
14 keep this up, but you can grab a seat for a second if you
15 want. Let's talk about what you did with the shell
16 casings that night. You were responsible for collecting
17 all those shell casings?

18 A. That's correct.

19 Q. And after you collected them, you indicated that you
20 took them back, and you logged them in. Were you
21 responsible for sending those items off to SLED?

22 A. I would not have been responsible. I was not
23 assigned this case. I just came out to process.

24 Q. Okay. Quick, just random side-question, if you're

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1 loading a firearm, do you touch the bullets?

2 A. When I load my firearm? Yes, I do touch bullets.

3 Q. For the shell casings that you found -- and you're
4 welcome to come down here --

5 A. Okay.

6 Q. -- 'cause I'm going to point at the picture again --
7 For the shell casings that you found over here -- that's
8 the grassy area between the building facing Kershaw
9 Street and the building facing Barnwell Avenue -- that's
10 evidence markers three through 18 for you, and I've got
11 to refer to my notes for what it was for the State's
12 Exhibit numbers. But State's Exhibits 30 through 45 and
13 State's 58, you didn't attempt to lift any latent
14 fingerprints off any of those shell casings did you?

15 A. I did not.

16 Q. Okay. Now, again, looking at the shell casings that
17 you collected that were in front of the apartment on
18 Barnwell Avenue -- that's up in front of apartments 523
19 and 525 -- that was evidence markers 19 through 26,
20 State's Exhibit 46 through 53 -- you didn't attempt to
21 lift any latent fingerprints off any of those shell
22 casings did you?

23 A. I did not.

24 Q. And so the same would also be true for evidence

1 marker 27, 28, 29, and 30; is that correct?

2 A. That's correct, no latent prints. I did not attempt
3 to get latent prints off of those, no.

4 Q. And for all of these shell casings, you didn't
5 attempt to swab any of them for touch DNA, correct?

6 A. I did not.

7 Q. Okay. Now, I want to talk to you about specifically
8 the apartments that are facing Barnwell Avenue, okay.

9 A. Okay.

10 Q. The apartments that are facing Barnwell Avenue --
11 they go sort of in numeric order starting with apartment
12 number 509.

13 A. Okay.

14 Q. Right? That's the apartment that was on the far
15 right-hand side?

16 A. I believe that's the one on the end, yes.

17 Q. For reference, the picture that you showed us --

18 A. Yes.

19 Q. -- with a red truck with the kind of the sheet
20 hanging out of it.

21 A. Yes.

22 Q. That was parking for apartment 509?

23 A. Yes.

24 Q. And so, from right to left on this photo -- so

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1 essentially going from Kershaw Street towards Sumter
2 Street, the numbers of those apartments or townhomes goes
3 U p -- so it's 509, then 511, right?

4 A. I believe so.

5 Q. 513?

6 A. I'm just -- probably. I'm just familiar with 523,
7 25 and 29.

8 Q. Twenty-nine at the end. Okay, well how about this,
9 there's eight total townhomes here?

10 A. Okay.

11 Q. Right?

12 A. I would have to look at -- or actually go out there
13 and count them but --

14 Q. Okay. You're not sure?

15 A. I don't off the top of my head if there's actually
16 eight.

17 Q. If I ask you about each one of them in any
18 investigation you did with them, you'd be able to answer
19 the question, though, right?

20 A. Correct.

21 Q. So let's start then with apartment 509, apartment
22 509 is that first apartment if you're looking at the map
23 for the apartments that are facing Barnwell Avenue --
24 it's the first apartment from Kershaw Street towards

1 Sumter Street on the far right-hand side -- you didn't
2 find any bullet holes in the brick part of that
3 apartment, did you?

4 A. No, patrol did not let me know of anything that
5 appeared to be struck on the building.

6 Q. So, no windows were shot out at apartment 509?

7 A. Not that I was made aware of.

8 Q. Okay. Now, you didn't find any bullet holes in any
9 of the façade of apartment 509?

10 A. Not that I was aware of.

11 Q. No bullet holes above any doors from apartment 509?

12 A. Not that I'm aware of.

13 Q. No evidence that apartment 509 had been shot at all,
14 right?

15 A. Not that I'm aware of.

16 Q. Let's talk about apartment 511. No bullet holes --
17 well, and 511's the next apartment over --

18 A. Okay.

19 Q. -- from 509 from right to left, looking at from
20 Kershaw Street towards Sumter Street.

21 A. Okay.

22 Q. All right? So if you're looking at apartment 509,
23 apartment 511 will be on your left-hand side.

24 A. Yes.

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1 Q. No bullet holes were found in the bricks of
2 apartment 511, correct?

3 A. Not -- not that I was aware of.

4 Q. No windows shot out at apartment 511?

5 A. Not that I was aware of.

6 Q. None of the façade had any bullet holes at apartment
7 511?

8 A. Not that I was aware of.

9 Q. No holes above -- no bullet holes above any of the
10 door -- the door at 511?

11 A. Not that I was aware of.

12 Q. No evidence that apartment 511 had been shot at?

13 A. Not that I was aware of.

14 Q. Next apartment is 513, same thing, no evidence that
15 the brick of apartment 513 had been shot, right?

16 A. Not that I was aware of.

17 Q. No evidence that any of the windows of apartment 513
18 had been shot at?

19 A. Not that I'm aware of.

20 Q. No evidence that any bullets had hit the façade or
21 really shot at that apartment at all --

22 A. Not --

23 Q. Right?

24 A. -- that I was aware.

1 Q. And that's also true for apartment 517, right?

2 A. That is correct.

3 Q. And that's also true for apartment 519, correct?

4 A. That's correct.

5 Q. And now importantly, apartment 523, 525 and 529,
6 these are the apartments at the end of the building
7 that's facing Barnwell Avenue -- I call it for -- like
8 the last third, but the section of --

9 A. Yes.

10 Q. -- the section of that building that's closest to
11 Sumter Street --

12 A. That's correct.

13 Q. -- on the map. When you were on the scene that
14 night, apartment 523, there were no bullet holes in the
15 brick of apartment 523, correct?

16 A. Not that I was aware of.

17 Q. No windows shot out at apartment 523?

18 A. Not that I was aware of or recall.

19 Q. No bullet holes in any of the façade of apartment
20 523?

21 A. Not that I was aware of or recall.

22 Q. No bullet holes above any doors, right?

23 A. Same, not that I was aware of or recall.

24 Q. No evidence that apartment 523 had been shot at all,

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1 right?

2 A. Correct.

3 Q. And apartment 525, same things -- no bullet holes in
4 the bricks, right?

5 A. Correct.

6 Q. No windows shot out?

7 A. Not that I recall -- yes, sir.

8 Q. No bullet holes in the façade?

9 A. Right, not that I was aware of.

10 Q. And no evidence that that apartment had been shot in
11 any way?

12 A. Not that I was aware of.

13 Q. Okay. And then you get to the very last apartment,
14 that's 529, it's the same thing?

15 A. Same thing.

16 Q. So, it's safe to say that every apartment that's on
17 the building that's facing Barnwell Avenue, not a single
18 one of them had any bullet holes in them, right?

19 A. Not that I was aware of.

20 Q. And you would've looked, I mean, you're a trained
21 detective, you would've looked at those things to make
22 sure that there weren't, right?

23 A. I don't recall if I looked at the buildings that
24 night or not. That would be something that I would do

1 now. I can't say what I would have done back then.

2 Q. Okay. Well, you were -- it was your first call out,
3 but you were -- you were given the promotion to detective
4 'cause you did good work, right?

5 A. I'm not sure why, but I was temporarily assigned.

6 Q. Fair enough. All right. So, noting that no
7 apartment on the building had been shot, you'd agree with
8 me that no cars that were parked in front of Barnwell
9 Avenue when you arrived on the scene, had any gunshot
10 damage from that incident; is that correct?

11 A. Not that I was made aware of.

12 MR. BUSH: You can grab a seat for me. May I
13 beg the Court's indulgence for a moment?

14 THE COURT: Yes, sir.

15 MR. BUSH: Your Honor, I've got no further
16 questions at this time. Thank you.

17 THE COURT: Any direct, Solicitor?

18 MR. RITTGERS: Yes, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. RITTGERS:

21 Q. Detective Hunter, so Mr. Bush asked about gunshot
22 residue. So, you would do that to establish if someone -
23 - if a hand was around the gun when it was fired, you'd
24 put gunpowder onto that, right?

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1 A. That is what the gunshot residue is for -- the test,
2 yes.

3 Q. So, but if someone admitting to firing a gun, that
4 wouldn't be a reason for you -- you wouldn't test for
5 that necessarily if they admitted to that, right?

6 A. Probably not.

7 Q. Okay. And then let me -- let's talk about the time
8 gap of the log-in at 5:18 p.m. Now, the log-in at 5:18
9 -- well, was the time the evidence is entered -- that's
10 just when the -- when the paperwork is done, and it's put
11 into the system, correct?

12 A. I believe so. I'm not sure 'cause there's several
13 times on our property and evidence sheet that we turn in
14 -- or that we type in. So, I'm not exactly sure what
15 that -- where they get that time from, but yes, possibly
16 from -- from the -- me doing the paperwork to enter it
17 into the computer.

18 Q. And to be clear -- the outside -- the exterior of
19 the Barnwell apartment complex that Mr. Bush was asking
20 you about -- now by the time you had gotten there, the
21 other officers had determined that that's where the
22 shooting scene had been, correct?

23 A. That's correct, from where they found the shell
24 casings.

1 Q. And so by that point, there were --Officer Zakia
2 Wilson was already there?

3 A. That's correct.

4 Q. And was -- and did Blades go -- was he -- he did --
5 he go with you or did he get there before you?

6 A. I don't recall Officer Blades being out there, but
7 that's just from my memory.

8 Q. But Officer Palmer was also there before you?

9 A. That's correct, with her FTO, Officer Benokee.

10 Q. All right, so -- and Officer Benokee was also out
11 there?

12 A. That's correct.

13 Q. He's a tall, skinny fellow?

14 A. Yes.

15 Q. And so for the time that you had gotten there, other
16 officers had already done a canvas of the neighborhood?

17 A. From my understanding, yes, they did.

18 Q. And they had already ascertained from -- they had
19 spoken to people in the neighborhood during that canvas,
20 right?

21 A. From my memory, I believe they did.

22 Q. And that's where they had obtained the information,
23 that there had been a prior shooting sometime, and
24 therefore there was damage to that truck that was in the

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1 photograph --

2 MR. BUSH: Objection, Your Honor, hearsay.

3 THE COURT: Can you rephrase the question?

4 BY MR. RITTGERS:

5 Q. You saw indications of damage on the truck?

6 A. I don't recall if I saw it or I was told about it.

7 Q. But it was covered with a sheet?

8 A. A blanket-type-thing, yes.

9 Q. And was there some loose glass somewhere around
10 there?

11 A. I was made aware of some glass over there, yes.

12 Q. Did you see the bullet holes on the truck?

13 A. I don't recall that.

14 Q. But to the point -- other officers had been there
15 and canvassed the neighborhood prior to you getting
16 there?

17 A. That's correct.

18 Q. And they provided whatever information they had
19 gathered to you, before you got there?

20 A. Correct.

21 Q. And those officers would've checked with the
22 residents if they had holes in their windows or their
23 doors?

24 A. We are taught to try to find any -- any witnesses,

1 and make sure there's no other victims that have been
2 hit. So, yes, I would assume that they would've gone and
3 spoke with all of the residents in the apartment.

4 Q. Thank you. No further questions.

5 THE COURT: You may step down, Detective.
6 Thank you.

7 THE WITNESS: Thank you.

8 THE COURT: Ladies and gentlemen of the jury,
9 it's a good time for us to recess for the evening.
10 Thank you so much for your patience this afternoon.
11 I know we went a little bit longer than we typically
12 like to go, 'cause I know you like to get home when
13 you have things to do. So, we will not keep you any
14 longer. Have a nice evening. We'll start the trial
15 back up again at 9:00 in the morning, if you could
16 be back in your jury room. Will you please remember
17 my instruction not to discuss the case amongst
18 yourselves, or anyone else, or do any independent
19 research. Have a nice night.

20 (The proceedings were adjourned
21 until 9:00 a.m., May 15, 2024)

22 **May 15, 2024**

23 THE COURT: Parties ready to proceed this
24 morning?

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1 MS. HAMMACK: Yes, Your Honor.

2 MR. BUSH: We are, Your Honor.

3 THE COURT: All right, let's have our jury
4 please. You can have a seat. Good morning, ladies
5 and gentlemen of the jury. I hope that you had a
6 nice evening. We're ready to proceed with the trial
7 of this case. You may call your next witness.

8 MS. HAMMACK: The State calls Kristin Hontz.

9 CLERK: The testimony you should give to the
10 Court and the jury in this case should be the truth,
11 the whole truth, and nothing but the truth, so help
12 you God.

13 MS. HONTZ: Yes.

14 CLERK: You can put your hand down. Please
15 state your first and last name, spelling your last.

16 MS. HONTZ: Kristin Hontz, H-O-N-T-Z.

17 THE COURT: Your witness.

18 MS. HAMMACK: Thank you, Your Honor.

19 KRISTIN HONTZ

20 was called as a witness, and having been first duly
21 sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MS. HAMMACK:

24 Q. Kristin, what do you do for a living?

1 A. I am the crime analyst for Aiken Department of
2 Public Safety.

3 Q. And how long have you been doing that?

4 A. About three years.

5 Q. And as the crime analyst for Aiken Public Safety,
6 what does that mean you do every day?

7 A. I provide maps, statistics, crime reports, and I
8 assist the investigation division with large files. I
9 make the data easier to ingest and understand.

10 Q. And did you have a chance to become involved in this
11 case?

12 A. Yes.

13 Q. Were you asked to take a large amount of data, and
14 put it in a format that is easier to digest and
15 understand?

16 A. Yes.

17 Q. Now, in this case did you go out to any crime
18 scenes?

19 A. I went to the scene location, many, many, many years
20 Later, just to get an idea of the location, but I was not
21 involved the day of.

22 Q. Did you investigate this case in any way?

23 A. No.

24 Q. Did you interview anybody in this case?

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1 A. No.

2 Q. So, your involvement came later in a chance to
3 assimilate data; is that correct?

4 A. Yes.

5 Q. And what data were you given to put in a format
6 that's easier to understand?

7 A. I was given the crime scene photos of the apartment
8 complex to make it easier to understand geographically
9 where things occurred.

10 Q. And as you stated just a minute ago, did you go out
11 to the apartment complex to familiarize yourself with
12 what you were looking at?

13 A. Yes. Detective Eagerton took me to the scene so I
14 could understand where in relation geographically
15 everything was. So if I saw an air-conditioner or a
16 building, I would understand where that was on the
17 photos.

18 Q. And is that here in Aiken County?

19 A. Yes, ma'am.

20 Q. And what did you do with the crime scene photos that
21 you were given?

22 A. I put them into a PowerPoint format, so that you
23 could get an overhead look on Google Maps, and then click
24 on certain boxes to show you where those evidence markers

1 were.

2 Q. And Kristin, I'm showing you what's been pre-marked
3 as State's Exhibit 59. Do you recognize that?

4 A. I do.

5 Q. What is that?

6 A. That is the disc that contains the PowerPoint of
7 those.

8 Q. And have you had a chance to review the contents of
9 that disc?

10 A. Yes.

11 Q. And does it contain the PowerPoint that you created?

12 A. Yes.

13 Q. And have you marked that disc to identify it?

14 A. I have.

15 Q. And the PowerPoint that's contained on that disc,
16 has it been changed or altered in any way from what you
17 created?

18 A. No.

19 MS. HAMMACK: Your Honor, at this time we
20 would move State's 59 into evidence.

21 THE COURT: Any objection.

22 MR. BUSH: No objection, Your Honor.

23 THE COURT: All right, it's in.

24 (State's Exhibit 59

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1 was introduced into evidence)

2 MS. HAMMACK: Permission to publish?

3 THE COURT: Yes, ma'am.

4 BY MS. HAMMACK:

5 Q. And I'm going to have you step down, so that you can
6 help show the jury what they're looking at that you've
7 made. On this first screen, what do those numbers
8 signify?

9 A. This is the case number for this specific case,
10 202101929.

11 Q. Moving to your next slide, tell the jury what you've
12 done here.

13 A. This is a Google Maps overhead shot of the address
14 and incident location that has these bubbles in blue
15 around where the different groupings of evidence markers
16 were placed.

17 Q. Can you tell the jury what set of buildings these
18 are here in the center of the photo?

19 A. The Stoney Homes Apartments.

20 Q. And this road running horizontally at the bottom of
21 the screen, what road is that?

22 A. Barnwell Avenue, north east.

23 Q. The road running here to the left of the photo --

24 A. Yes.

1 Q. -- running vertically, what road is that?

2 A. Sumter Street.

3 Q. And then finally, the road running vertically on the
4 right side of the screen, what road is that?

5 A. Kershaw Street.

6 Q. Now, Kristin, I didn't ask you this question
7 earlier, but trick question, do you know which way is
8 north in this photo?

9 A. Well, considering the road is running northeast, I
10 would say in this-ish direction.

11 Q. All right, well I'm not going to ask you anymore
12 (inaudible) direction questions.

13 A. Thank you. I'm much better with maps than photos,
14 when I've had time to process them.

15 Q. And when you went out to the apartment complex to
16 familiarize yourself, is there another main building
17 across the street here on Barnwell?

18 A. I believe so.

19 Q. Is it Schofield Middle School?

20 A. Yes.

21 Q. So, tell the jury what you have done by putting
22 these blue bubbles on the screen around the apartment
23 complex.

24 A. So, these blue bubbles are just a way to hyperlink

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1 to the other set of photos. So, when you click on this
2 bubble, it will take you to the set of photos for those
3 evidence markers. And on each individual slide is an
4 arrow to go back to the beginning. So, that way if
5 you're looking at evidence marker three or four, and say
6 we need to go back, you hit the button, it takes you back
7 to the beginning. Same with this front bubble, it will
8 take you to that group of evidence markers, and the same
9 with this bubble, and that bubble. It just -- it lets
10 you see those different areas a little bit easier,
11 instead of having to point and imagine -- you can click
12 on it and it takes you there.

13 Q. And when you were given crime scene photos to
14 assimilate in this case, approximately how many photos
15 did you have to work with?

16 A. There were numerous photos. I'll be honest, I'm not
17 sure of the number.

18 Q. Was it a lot?

19 A. It was.

20 Q. So, because there were so many photos of all of this
21 evidence, was it easier to group it geographically, so
22 that we know exactly where these things were found?

23 A. Yes, much easier.

24 Q. Well, let's start on the far right of this photo

1 with the far-right bubble, in between the horizontal
2 building and the vertical building at the corner of
3 Barnwell and Kershaw. If we click on that blue bubble,
4 what has that bubble done for us now?

5 A. So, that blue bubble will take you to the evidence
6 markers that were in that geographic location. So I can
7 see evidence marker seven, five, three, four, six, all
8 the way until we have run out of evidence markers on that
9 specific side of the complex.

10 Q. And if we click on this bottom-right square, what
11 does that do for us?

12 A. That is the return to the beginning box, to make
13 life a little bit easier instead of having to continually
14 scroll back.

15 Q. Now, if we go back to that far-right blue bubble and
16 click on it again, we go back to what was found in that
17 location. Is there another picture after this, that also
18 shows more of that location?

19 A. Yes, all of the pictures in the sequence for that
20 location will proceed farther down the line. So, if
21 there were further photos going down in that vicinity, it
22 will take you to those other photos.

23 Q. So if we just click on this photo to advance the
24 slide, will it show us this same general area?

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1 A. Yes, that is the same geographic area involved.

2 Q. And this is still just more evidence that was found
3 in the area of that blue bubble?

4 A. Yes.

5 Q. And if we click on it again will we see more?

6 A. Yes.

7 Q. And so where that blue bubble was, is this road at
8 the top of the screen -- is that Barnwell?

9 A. Yes.

10 Q. Now, if we go back to that main screen and we look
11 at this center blue bubble -- almost on Barnwell Avenue
12 --

13 A. Uh-huh (affirmative).

14 Q. What happens if we click on that bubble?

15 A. That will take you to the shell casings that were
16 found in that geographic area in front of the complex.
17 There's evidence marker 19, 20, 22, and so, on but only
18 for that geographic location.

19 Q. So, this gives us an idea instead of going through a
20 whole list of numbers, and trying to compare marker
21 numbers and State numbers, this lets us see exactly where
22 law enforcement found evidence in this case?

23 A. Yes, ma'am.

24 Q. And if we go back to that main screen again, if we

1 go to this far-left large, blue bubble in between the
2 horizontal building on Barnwell and then the vertical
3 buildings, what does that show us?

4 A. That will show you the evidence markers on that
5 Barnwell/Sumter corner. So, everything that happened in
6 that specific pathway in that general area, it will give
7 you the photos running down the line.

8 Q. And lastly, returning back to that main screen,
9 there's one smaller bubble behind the horizontal
10 building, where does that take us?

11 A. That takes you to that geographic area behind the
12 apartment complex. There was some photos of that back
13 area, so I just made that a separate annotated area.

14 Q. And if we click one more time, will it advance us to
15 another picture of that location?

16 A. It will.

17 Q. Now did you take any of these photos?

18 A. No.

19 Q. So you were just given this data, and you put it
20 into this PowerPoint, so that we kind of understand
21 better all the things we heard yesterday?

22 A. Yes. My goal was to make the information a little
23 bit easier to visually represent and understand, instead
24 of having to mix photos up -- it was an easier format to

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1 say this matches here specifically.

2 Q. Thank you, Kristin.

3 A. Yes, ma'am.

4 Q. Were you asked to handle any other data in this case
5 besides that PowerPoint?

6 A. No, ma'am.

7 Q. I don't have any further questions for you. Answer
8 any questions Defense may have.

9 THE COURT: Cross-examination?

10 MR. BUSH: Thank you, Your Honor. May it
11 please the Court.

12 THE COURT: Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. BUSH:

15 Q. Officer Hontz, good morning.

16 A. Good morning.

17 Q. As a crime scene analyst -- sort of, your job is to
18 review the -- I guess, in this case the photographs that
19 law enforcement took of all the evidence markers at the
20 scene, right?

21 A. I'm not a crime scene analyst; I'm just a crime
22 analyst.

23 Q. Okay.

24 A. I do not go out to the scene.

1 Q. Fair enough. As a crime analyst, and for the
2 purposes of this PowerPoint, you reviewed the photographs
3 that you were given and put them into this PowerPoint,
4 right?

5 A. Correct.

6 Q. So, I want to look back -- and Investigator Walker,
7 if you don't mind just pulling up the overview photo from
8 the slideshow, I think that's slide number two from
9 State's Exhibit 59. Officer Hontz, if you want to step
10 down for one second, I'm just going to ask you about one
11 thing here. Now, I'm looking at the bubble that you put
12 here.

13 A. Uh-huh (affirmative).

14 Q. That's in between the building that's vertical on
15 Kershaw and horizontal on Barnwell.

16 A. Uh-huh (affirmative).

17 Q. And you've got the other little, oval bubble in
18 front of the building -- that's horizontal on Barnwell,
19 correct?

20 A. Correct.

21 Q. And then, you've got the kind of elongated oval over
22 here in between the building that's vertical on Sumter
23 Street and the building that's facing Barnwell, correct?

24 A. Uh-huh (affirmative).

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1 Q. And then the little oval that's right here behind
2 it, right?

3 A. Correct.

4 Q. One thing I don't see on this map is, where is
5 evidence marker one that they collected on your map?

6 A. Evidence marker one -- I was told that evidence
7 marker was not going to be of value to the case.

8 Q. Okay. So, law enforcement determined that the
9 bullet jacket found in the parking spot was of no value
10 to the case?

11 A. I don't know anything about that, sir.

12 Q. Okay. All right.

13 MR. BUSH: Your Honor, no further questions,
14 thank you.

15 THE COURT: Thank you. Any redirect?

16 MS. HAMMACK: No, Your Honor.

17 THE COURT: You may step down, Ma'am. Thank
18 you. You may call your next witness.

19 MR. RITTGERS: Your Honor, the State calls Tom
20 Darnell.

21 THE CLERK: The testimony that you give the
22 Court and jury in this case should be the truth, the
23 whole truth, and nothing but the truth, so help you
24 God?

1 MR. DARNELL: I do.

2 THE CLERK: You can have a seat in the witness
3 box. Please state your full name, spelling your
4 last.

5 MR. DARNELL: My name is Thomas Edward
6 Darnell. Last name is spelled D-A-R-N-E-L-L.

7 THE COURT: Your witness.

8 THOMAS DARNELL

9 was called as a witness, and having been first duly
10 sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. RITTGERS:

13 Q. Mr. Darnell, what do you do for a living?

14 A. I am a latent print or a fingerprint examiner at the
15 State Law Enforcement Division, most commonly referred to
16 as SLED.

17 Q. How long have you been doing that?

18 A. Thirty-two -- 33 years total. Prior to going to
19 SLED, I worked at the Sheriff's Department in Richland
20 County for about eight years, so approximately -- how
21 many years? About 40 years I suppose.

22 Q. What kind of education and training do you have to
23 be the latent print examiner?

24 A. I have a bachelor of science degree in criminal

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1 justice from the University of South Carolina to begin
2 with. I attended the basic law enforcement academy as
3 well. I've taken a number of courses in the area of
4 fingerprint science, crime scene investigation, all
5 aspects of crime scene investigation. I've taken courses
6 at our State Academy. I've taken courses outside of our
7 state as well, and I've also taken courses at the Federal
8 Bureau of Investigations or the FBI Academy in Quantico,
9 Virginia. I have trained other examiners to do what I do
10 and what I have done for all these years. And I was also
11 a former supervisor of the department as well.

12 Q. So you do in-house training at SLED?

13 A. Yes, sir.

14 Q. And do you have continuing education requirements to
15 stay --

16 A. Yes, sir. Yes, sir. We -- we have to keep up with
17 the latest trends and techniques that come about. That's
18 pretty much true for all aspects of the forensic services
19 laboratory; things are constantly changing, so we have to
20 keep up with -- with the times, so to speak.

21 Q. All right. And how many criminal cases do you think
22 you've looked at fingerprints for?

23 A. Without getting into too much of an astronomical
24 number, I would say in the thousands for sure. I've --

1 I've been on hundreds and hundreds of crime scenes over
2 my years, and just all sorts of evidence that I've
3 processed. So, up -- upwards of thousands, I would say
4 it would be a safe estimate.

5 Q. Sure. How many times have you testified in court?

6 A. I've testified 200 -- 225 times or so, throughout
7 the state of South Carolina, primarily in Circuit Court,
8 State Court as we're -- as we're here today. I've also
9 testified in some federal courts as well. I've testified
10 out of state a couple of times. Primarily, I testify for
11 the prosecution, but I have also been subpoenaed and
12 testified for the defense on a couple of occasions as
13 well.

14 Q. And you've testified for both prosecution and
15 defense, you're not trying to pick a side?

16 A. No, sir, absolutely not. I'm -- I'm just here to
17 report what I have or don't have, and that's -- that's my
18 objective.

19 Q. How many of those times have you testified, were you
20 qualified as an expert?

21 A. Most every time, I've -- I've -- I -- I never
22 attempted to be qualified and didn't get qualified. So, I
23 would say again, a couple hundred times or so across the
24 state.

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1 MR. RITTGERS: Your Honor, the State asks this
2 Court to recognize Tom Darnell as an expert in
3 latent prints identification.

4 THE COURT: Any voir dire?

5 MR. BUSH: No voir dire, no objection, Your
6 Honor.

7 THE COURT: He's certainly qualified. Thank
8 you.

9 MR. RITTGERS: Thank you, Your Honor.

10 BY MR. RITTGERS:

11 Q. All right, so Mr. Darnell, what was your involvement
12 in this case?

13 A. My involvement in this case was, I received a couple
14 of items of evidence to -- to look at, to examine, to
15 analyze, to see if I could develop any fingerprint
16 evidence or see if I could swab any areas for DNA
17 analysis, which is a very common process that we have to
18 do. But that's -- that's my involvement in this case. I
19 did not go -- I did not go to the scene; I just received
20 some items in the laboratory.

21 Q. All right, and did you receive some fingerprint
22 lifts?

23 A. Yes, I did.

24 Q. Mr. Darnell, I'm showing you what's been pre-marked

1 as State's Exhibits 10 and 11. Do you recognize those?

2 A. Yes, I do.

3 Q. What are those?

4 A. State's 10 and State's 11 are both what I call
5 latent lift card, or lift card where an area of potential
6 fingerprint evidence has been collected and placed on
7 this card. These cards I received at the laboratory.

8 Q. Once you receive those at the laboratory, what did
9 you do with them?

10 A. I do a visual look at them. I determine if they're
11 of any value or not, and then I look to do any
12 comparisons that I might need to do.

13 Q. And did you run this against any database of
14 fingerprints?

15 A. Yes, sir.

16 Q. What database is that?

17 A. It would be the automated fingerprint identification
18 system. Basically it's an AFIS -- it's an automated
19 search. It searches the statewide and federal database.

20 Q. And did you get any hits off these prints?

21 A. I did not.

22 Q. Okay.

23 MR. RITTGERS: Your Honor, the State offers

24 State's Exhibits 10 and 11 into evidence as State's

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1 Exhibits 10 and 11.

2 MR. BUSH: No objection, Your Honor.

3 THE COURT: All right, they're in.

4 (State's Exhibits 10 and 11

5 were introduced into evidence)

6 BY MR. RITTGERS:

7 Q. And what else did you do in this case, sir?

8 A. I'm sorry?

9 Q. What else did you do in this case?

10 A. I received a cell phone, an iPhone that I needed to
11 examine.

12 Q. And how did you examine that (inaudible)?

13 A. This particular iPhone, it was a black -- it was an
14 iPhone, it's -- it's my item 15 in the laboratory, it was
15 given an item number when it came in. It was in a black
16 case. It states that it was collected from the front
17 passenger floorboard. I was asked to examine it for
18 prints, and also I was asked to swab it for what we call
19 touch DNA.

20 Q. So the jury has already heard some testimony about
21 how you would find fingerprints using an alternate light
22 source.

23 A. Yes, sir. And actually, in this case I was -- it
24 was -- I was instructed to rush -- if you will -- it was

1 determined that we use -- I was -- I was instructed to --
2 to do a visual exam. I -- I was not instructed to do any
3 further processing, but I did -- did a visual
4 examination, and I was able to actually observe and
5 actually see visually a couple of areas of fingerprints
6 on the phone, and I had those photographed for further
7 comparison.

8 Q. And you ran those against AFIS as well?

9 A. Yes, sir.

10 Q. Did you get any hits on those?

11 A. No, sir, I did not.

12 Q. And then, did you -- you said you mentioned DNA
13 swabbing for the phone, did you do that as well?

14 A. Yes, I did.

15 Q. And once you took the swabs for DNA on the phone,
16 what did you do with those swabs?

17 A. The swabs are basically what I -- what I'm using is
18 cotton sterile swabs, and I use a distilled water or
19 saline, and I moisten that swab, and then I swab certain
20 areas of the phone. In this case, I primarily -- I
21 swabbed the sides of the phone. You know, we all have
22 phones and we have all these buttons are on the side so
23 that's an area where you expect to find some touch DNA.
24 So I swabbed the narrow sides of the phone and I also

1 swabbed certain areas on the screen. I swabbed those as
2 well. And once I do that, then I allow them to air-dry.
3 I allow them to air-dry, and then I packaged them up
4 appropriately, marked the envelope that I'm placing them
5 in, and then that envelope is packaged in a heat-sealed
6 bag, and then it's transferred to our DNA department.

7 Q. All right, Mr. Darnell, I am showing you what's been
8 pre-marked as State's Exhibit 60. Could you tell me what
9 that is?

10 A. Yes, sir. State's 60 is the -- is the heat-sealed
11 pouch I was just referring to, and inside this envelope
12 -- or inside this plastic pouch, you can see an envelope
13 here on this side, which is you can -- I've got the lab
14 number, the item number, where it came from -- I've got
15 my initials, the date that I collected it, and then the
16 swabs were put inside of this envelope and then I put a
17 piece of yellow tape on it, sealed it, put a date on it.
18 I initial it, so that that way it is -- if it were opened
19 up by someone who didn't need to be opening it up, you
20 would be able to determine that, so -- crime scene -- or
21 evidence preservation is a very, very big issue in the
22 laboratory. So, this is the package that was likely
23 transferred to evidence control and ultimately wound up
24 with the DNA department.

1 Q. And Mr. Darnell, once you have sealed that package,
2 what did you do with it?

3 A. Once -- once I sealed it, I -- I believe in this
4 case, I took it down to our -- our evidence control
5 department, it's where all the evidence comes into the
6 laboratory, whether it -- whether it come from an outside
7 agency or whether I'm transferring evidence to another
8 department; I took it downstairs and gave it to our
9 evidence control folks. It was electronically
10 transferred and it was left there until such time as the
11 DNA analyst could retrieve it.

12 Q. All right, thank you. Sir, those are all the
13 questions that I have for you. The Defense may -- oh,
14 I'm sorry. Sir, did you lift any swabs off of a door
15 handle on the crime scene vehicle?

16 A. No, sir, that -- that was -- what was not done by
17 me.

18 Q. Just checking. Thank you, sir. That's all I have
19 for you. The Defense may have some questions.

20 THE COURT: Cross-examination?

21 MR. BUSH: Thank you, Your Honor. May it
22 please the Court.

23 THE COURT: Yes, sir.

24 CROSS-EXAMINATION

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1 BY MR. BUSH:

2 Q. Agent Darnell, hey, good morning to you.

3 A. Good morning.

4 Q. Just two quick questions for you. From what I just
5 heard of all the fingerprints that you reviewed in this
6 case, none of those fingerprints came back to anybody,
7 right?

8 A. Based on the search that was done through the
9 database, that would be correct.

10 Q. Okay. And so, it's safe to say then none of those
11 fingerprints that you had came back to Mr. Blocker,
12 right?

13 A. Not -- not that I could tell.

14 Q. They didn't, right? They would've come back had
15 they been, right?

16 A. I would -- I would have expected it to, yes, sir.

17 Q. Okay, thank you very much. No further questions.

18 THE COURT: Any redirect?

19 MR. RITTGERS: Yes, Your Honor.

20 REDIRECT EXAMINATION

21 BY MR. RITTGERS:

22 Q. Mr. Darnell -- fingerprint identification, if the
23 fingerprint is of low quality, it could be from a person,
24 but it may not come back to them because the ridges, and

1 loops, and rolls may not be enough to match it up

2 correctly, right?

3 A. Yes, sir. You got to have -- you got to have
4 sufficient clarity between the two -- between -- between
5 a crime -- what I call a latent print or a crime scene
6 print, and then a known standard of an individual. You
7 got to have -- you got to have clarity to be able to
8 compare the two together, whether that be doing from a
9 manual comparison or whether that be doing it -- or
10 whether that being doing a automated service. You still
11 have to have sufficient clarity to be able to reach a
12 conclusion as to whether or not the print belongs to a
13 certain person or not.

14 Q. Okay. And so sometimes, someone may touch something
15 and even if they didn't touch it, you just won't get a
16 good enough print to confirm that that fingerprint goes
17 back to that person?

18 A. That -- that would be -- that's a fair statement,
19 yes, sir.

20 Q. Okay, thank you. Nothing further.

21 THE COURT: You may step down, Agent Darnell.
22 Thank you. You may call your next witness.

23 MS. HAMMACK: The State calls Adrienne Hefney.

24 THE CLERK: The testimony you should give the

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1 Court and jury in this case should be the truth, the
2 whole truth, and nothing but the truth, so help you
3 God?

4 MS. HEFNEY: I will.

5 THE CLERK: You may have a seat in the witness
6 box. Please state your full name, spelling your
7 last. Watch your step.

8 MS. HEFNEY: Adrienne Riley Hefney, H-E-F-N-E-
9 Y.

10 THE COURT: Your witness.

11 MS. HAMMACK: Thank you, Your Honor.

12 ADRIENNE HEFNEY

13 was called as a witness, and having been first duly
14 sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. HAMMACK:

17 Q. Adrienne, what is your title? What should I call
18 you?

19 A. I am a forensic DNA analyst.

20 Q. And as a forensic DNA analyst, where do you work?

21 A. With the South Carolina Law Enforcement Division,
22 more commonly known as SLED.

23 Q. And how long have you been working for SLED?

24 A. For a little over 26 years.

1 Q. And as a forensic DNA analyst, what does that mean
2 you do every day?

3 A. I compare DNA profiles that were developed from
4 evidence that was left behind at a crime scene, and I
5 compare them to known standards, which would be standards
6 that we know origin -- where they come from. They'll
7 either be from the victim or the subject --and/or the
8 subject in the case.

9 Q. And when you say DNA profile, what types of
10 substances or sources do you identify DNA profiles from?

11 A. Sure, we can get DNA from blood, saliva, skin cells,
12 bone, teeth, hair --- you have any biological substance
13 in your body, we can get a DNA profile from it.

14 Q. And you said that you compare DNA profiles to known
15 standards, what do you mean by "known standard?"

16 A. Known standard is what we know where it comes from.
17 So it's either going to be blood that's drawn out of your
18 vein, or drawn out of the victim or the subject's vein,
19 or a buccal swab, which is a swab from the inside of your
20 cheeks.

21 Q. So, as a general rule you take DNA that we know
22 belongs to somebody, and you compare it to DNA profiles
23 that have been found, to see if we can identify the
24 source of that DNA profile; is that correct?

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1 A. That is correct.

2 Q. Now, are you always able to identify DNA profiles?

3 A. No, sometimes we aren't -- aren't able to develop
4 A DNA profile from some evidence stains.

5 Q. Well, before we get into what you do with DNA
6 profiles and known standards, tell me what type of
7 education and training you've had, in order to be able to
8 do your job every day.

9 A. Sure. I am -- I have a science degree in biology
10 from the University of South Carolina. I also have a
11 master of business administration degree from Winthrop
12 University. I was trained on the job by a court-
13 qualified analyst, and I have to also attend at least
14 eight hours of continuing education each year to stay
15 abreast of any changes or advancements in the field of
16 forensic DNA analysis.

17 Q. I'm going to ask you an unfair question, but in your
18 career at SLED, do you know approximately how many DNA
19 profiles or items of evidence you've examined to try to
20 find DNA profiles?

21 A. It's -- it's probably thousands at this point.

22 Q. And as part of your job in addition to analyzing
23 DNA, are you also in charge of training future DNA
24 analysts?

1 A. I am. I trained -- I am in charge of training at
2 least one now a DNA analyst for -- future DNA analyst
3 who's almost done with training.

4 Q. Do you know about how many people you have trained
5 to be a DNA analyst in your career?

6 A. A few, it's parts of their training, I've done two
7 at least in full, I have -- since I've been with SLED.

8 Q. And do you also regularly present and teach people
9 in other fields?

10 A. I do. I do training sessions for attorneys, law
11 enforcement personnel, other people in the field that may
12 need training or want to learn more about the field of
13 DNA analysis.

14 Q. Adrienne, have you ever testified in court regarding
15 your work in forensic DNA analysis?

16 A. I have.

17 Q. Approximately how many times have you testified?

18 A. Been over 100 times now, and it's been in General
19 Sessions court, as well as Federal Court, and Civil.

20 Q. And have you been qualified as an expert when you
21 have testified?

22 A. Each time.

23 Q. And what have you been qualified as an expert in?

24 A. In the field of forensic DNA analysis.

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1 MS. HAMMACK: Your Honor, at this time we
2 would offer Adrienne Hefney as an expert in forensic
3 DNA analysis.

4 MR. BUSH: No voir dire or objection, Your
5 Honor.

6 THE COURT: Thank you, sir, she's qualified.

7 BY MS. HAMMACK:

8 Q. Now, Adrienne, were you asked to examine some
9 evidence in this case?

10 A. I was.

11 Q. And tell the jury, generally, when you receive
12 evidence to examine, what's the first thing that you do?

13 A. First we look at the evidence, and we inventory it.
14 We document what evidence was received. And then, we
15 take a cutting -- that's a swab, and extract DNA from it.
16 We extract it by adding chemicals that's going to release
17 the DNA into a tube, and then we'll run it through an
18 instrument that'll purify it and quantitate it, which
19 tells us how much DNA we're working with. From there,
20 we'll amplify it, and then determine if you pick up a
21 Xerox copier -- what would take a small bit of DNA, and
22 put it on that Xerox copier and copy it -- it doesn't
23 change it at all, but it allows us to get a DNA profile
24 from it, so we can view it.

1 Q. Now, when you receive items of evidence are you
2 always able to develop a DNA profile from an item?

3 A. Not always.

4 Q. And if you are unable to develop a DNA profile from
5 an item of evidence, does that mean that nobody has ever
6 handled or left DNA on that item?

7 A. No. That's -- that's not what it means. It just
8 means that certain factors we may not be able to get a
9 DNA profile from. Like say, it's a touch sample, it may
10 or may not have been DNA left there. The person who
11 swabbed the DNA may -- may not have swabbed that exact
12 area, to be able to get the DNA from the item. So
13 therefore we won't be able to get a DNA profile. A lot
14 of times we have items that were left outside, or may
15 have been exposed to the heat or rain, and those are two
16 things that will damage DNA and deteriorate it, so where
17 we wouldn't be able to get a DNA profile from it.

18 Q. Now, you mentioned for example a touch sample of
19 DNA, are there certain sources of DNA that are typically
20 more likely to produce a DNA profile?

21 A. Absolutely, blood, saliva, semen, those things
22 normally will give us a good DNA profile. Touch items
23 may or may not, 'cause typically, if you just touching
24 something, like, if I just touched this banister and

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1 someone comes behind me and swab it -- one -- either they
2 may not swab exactly where I touched, or I may not have
3 left anything behind. But if I'm handling this banister,
4 if I'm rubbing it, and for some period of time, then the
5 likelihood of me leaving DNA behind would go up in that
6 case. But just merely touching it and then getting it
7 swabbed -- behind you may or may not get a DNA profile
8 from that.

9 Q. Now in this case specifically, were you given a
10 known standard of DNA to compare to the items of evidence
11 you had?

12 A. I was. I received a blood standard from Jamar -- I
13 mean, Joseph Jamar Copeland.

14 Q. And what items of evidence were you given, to
15 attempt to create a DNA profile from, so that you could
16 compare it?

17 A. So, I was given swabs from a Ford Explorer, as well
18 as an iPhone case -- or the sides of a black iPhone and a
19 case, in this case, those are the items that I was given
20 to make comparisons.

21 Q. Adrienne, first, I'm going to hand you a semi-clear
22 package containing further envelopes. Will you take a
23 look at that, and see if you recognize it?

24 A. I do. I see my initials and date right here on the

1 seal. And these are -- they've been marked now, but
2 these are items one through four. So, yes, I do
3 recognize it.

4 Q. And when you say items one through four, does that
5 correspond to your numbering that you use when you
6 examine evidence?

7 A. In this -- in this case it does. And I also see my
8 initials and date on the seals on the evidence itself.

9 Q. And do you mind removing those smaller manila
10 envelopes from the clear packaging?

11 A. Do you have some scissors?

12 Q. It should already be open on the right side.

13 A. Okay. These are SLED items one, two, three, and
14 four.

15 Q. And just to correspond to the record, as we are
16 referring to SLED items one, two, three, and four, those
17 have been pre-marked as State's 6, 7, 8, and 9. If we
18 could go specifically what's been pre-marked as State's
19 Exhibit 6, what is that to you?

20 A. Okay, these are swabs from the driver exterior-door
21 handle.

22 Q. And are those swabs from the driver exterior-door
23 handle of the vehicle that you examined in this case?

24 A. A Ford Explorer, that's what it says it contained.

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1 Q. And State's 7, what is that to you?

2 A. This contains swabs from the rear driver's side
3 exterior passenger-door handle. Also it says Ford
4 Explorer.

5 Q. What's been pre-marked as State's 8, what is that?

6 A. These are marked as swabs from the exterior front
7 passenger side-door handle, also from a Ford Explorer.

8 Q. And then what's been pre-marked as State's Exhibit
9 9, what is that?

10 A. Swabs from the exterior rear passenger side door
11 handle, also a Ford Explorer.

12 Q. Now, do you recognize each of those items?

13 A. I do, 'cause my initials is on each one of them and
14 the date.

15 Q. And because your initials and the date are on each
16 of those items, are those items that you examined in this
17 case?

18 A. Yes, they are, and I have the report for them.

19 Q. What did you do with each of those items?

20 A. I attempted to develop a DNA profile from each one
21 of those items.

22 Q. Going one by one, starting with what's been pre-
23 marked as State's Exhibit 6, you stated that that
24 corresponded with your item one.

1 A. That is correct.

2 Q. And you testified that that was swabs from the Ford
3 Explorer exterior driver-door handle, correct?

4 A. That is correct.

5 Q. Were you able to develop a DNA profile from that
6 swab?

7 A. I was not.

8 Q. And when you say you were not able to develop a DNA
9 profile, does that mean that nobody in the history of
10 time has ever touched that door handle?

11 A. No, that does not mean that. It just means that
12 with the swabs that I had I was not able to get a DNA
13 profile from it. And it's from an exterior handle on a
14 car, so that could've been exposed to the heat, and the
15 moisture, and DNA was deteriorated from there.

16 Q. Moving to what's been pre-marked as State's Exhibit
17 7, what item number is that for you?

18 A. Two.

19 Q. And what is item two for you?

20 A. Item two is swabs from the Ford Explorer exterior
21 rear driver's side-door handle.

22 Q. And on that rear driver's side-door handle were you
23 able to develop a DNA profile?

24 A. I did develop a partial-DNA profile from that but it

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1 wasn't enough to make a -- a interpretation of it.

2 Q. What do you mean by five -- by that?

3 A. We have to have at least six markers that we would -
4 - we look at 24 markers. We have to have at least 10, to
5 be able to say there's a DNA profile to make an
6 interpretation. If it's less than that the DNA profile
7 is partial and insufficient for interpretation.

8 Q. So even if you have something to compare it to, if
9 it's not a good enough piece of evidence you can't
10 compare it; is that correct?

11 A. That is correct.

12 Q. Moving to what's been pre-marked as State's Exhibit
13 8, what item number is that for you?

14 A. Item three.

15 Q. And what was item three?

16 A. Swabs from Ford Explorer exterior front passenger-
17 door handle.

18 Q. And from that exterior front passenger-door handle,
19 were you able to develop a DNA profile?

20 A. I was.

21 Q. And once you were able to develop a DNA profile --
22 well tell me this -- when you develop a DNA profile, are
23 there different types of profiles?

24 A. There can be either single-source profiles or

1 mixtures. And what mixtures means it's more than one
2 person I could fit into that DNA profile.

3 Q. And in this case, the DNA profile that you developed
4 from that front exterior passenger-door handle, was it a
5 single-source of DNA from one person, or was it a mixture
6 of multiple people's DNA?

7 A. It was a mixture, and it was interpreted as a
8 mixture of at least three people.

9 Q. And were you able to take that mixture of three
10 people's DNA and compare it to the known standard that
11 you have?

12 A. I was.

13 Q. And once you did that, were you able to make any
14 interpretation as to the source of some of that DNA?

15 A. Yes. So what we do -- when we have mixture
16 profiles, we have a computer program known as what we
17 call Starmix, it's S-T-Rmix. STR is a type of DNA
18 testing -- what we -- what we do and it's like a PCR --
19 it's the actual type of the DNA testing that we do --
20 it's called polymerase chain reaction. And remember when
21 I said about the Xerox copier, that's just that in a
22 nutshell: PCR; STR is short repeat sequences that we look
23 at, and that gives us the DNA profile except that
24 nobody's DNA profile will be the same, with the exception

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1 of identical twins. So when this came, I used STRmix
2 (inaudible) mixtures. I have a mixture of three people
3 and what it can do is say, "Okay, contributor one,
4 contributor two, contributor three this is what we think
5 a DNA profile of it is." Now, we don't just rely on that
6 computer program -- look at it -- we also look at it and
7 make sure that we agree with what it says -- that the --
8 say a primary contributor will be this, the secondary,
9 third contributor will be this. And then we look at any
10 known standard that we receive, we'll make that
11 comparison to it. So in this case, I only see the
12 known standard from Joseph Copeland, and I compared it
13 using STRmix to it. STRmix gives us our statistic and
14 what's known as a likelihood ratio. That is where you
15 compare two competing scenarios. So, say the competing
16 scenarios in this is known as HP, which is Prosecutors'
17 hypothesis, and HB which is defense, so that hypothesis.
18 That doesn't mean that's this prosecutor or this
19 defense's hypothesis -- it's just in general, that it'll
20 say one scenario is a person on trial contributed this
21 and while the Defense's hypothesis would be no, anybody
22 other than that person is the one that contributed. So,
23 that's how STRmix sets up our likelihood ratios. In this
24 case, the HP was that Joseph Copeland and two

1 unidentified, unrelated individuals contributed and the
2 Defense's hypothesis would be three unidentified,
3 unrelated individuals contributed to the mixture. In
4 this case, the DNA profile is approximately two
5 septillion times more if Joseph Copeland and two
6 unidentified unrelated individuals contributed to the
7 mixture than if three unidentified, unrelated individuals
8 contributed to the mixture. So, what it's telling me
9 here is that in that mixture it sees from contribution
10 (inaudible) from Joseph Copeland and there are also two
11 other people that are in there. Well, I only received
12 the known standard from Joseph so that's the only one I
13 could compare it to.

14 Q. Now, when y'all make these hypotheses and you get
15 these results, do you have a chart that you use to define
16 the amount of support for your conclusion?

17 A. We do, it's known as a verbal scale. And so, in a
18 verbal scale where the prosecutor's hypothesis is
19 supported, anything over a million is very strong
20 support.

21 Q. And, Adrienne, I don't do numbers very well, so I'm
22 going to have you explain -- is two septillion over a
23 million?

24 A. Yes. Two septillion, so that's a two followed by 24

1 zeros, where a million is six zeros.

2 Q. So, is it fair to say that there is very strong
3 support, that Joseph Copeland contributed to this DNA
4 profile that you developed off of this door handle?

5 A. That is correct.

6 Q. And when you were examining this DNA, were you able
7 to determine if -- of the three individuals in this
8 mixture -- if there was a major contributor of DNA?

9 A. It would break it down as to contributor one,
10 contributor two, contributor three, and I'm going to flip
11 to a page where it did that comparison. And we call that
12 a deconvolution, and so it would, for the summary of
13 contributors, it looks like I have a 71 percent
14 contributor, a 20 percent, and a nine percent. So
15 somebody -- that nine percent is barely there, but it was
16 detected. In this case, just with this, it did put
17 Joseph Copeland at -- as the primary contributor here at
18 the 71 percent spot, and then next (inaudible) had nobody
19 else to compare it to, so it was there.

20 Q. Now, Adrienne, when -- when you're able to determine
21 that there is very strong support that Joseph Copeland
22 has contributed to this DNA mixture found on this door
23 handle, can you make any conclusions as to when this DNA
24 would've been left on the door handle?

1 A. I cannot. We cannot tell when DNA was left behind.

2 Q. And as far as the other two potential sources of
3 DNA, these other two unrelated people, do you have any
4 idea through your analysis, when those people could've
5 touched or handled this door handle?

6 A. We do not. We do not know that.

7 Q. Do you know how that DNA could've been left behind?

8 A. We do not know that as well.

9 Q. But your conclusion is that there's very strong
10 support that Joseph Copeland's DNA was on that swab from
11 the door handle?

12 A. That is correct.

13 Q. Now, moving to what's been pre-marked as State's
14 Exhibit 9, what item is that for you?

15 A. That would be item four, swabs from the Ford
16 Explorer exterior rear passenger-door handle.

17 Q. And were you able to develop a DNA profile from that
18 rear passenger-door handle?

19 A. There was a partial DNA profile developed from that
20 rear passenger-door handle, but due to the limited
21 information obtained, and the inability to determine a
22 number of contributors, no further interpretation will be
23 offered. So that means, I got a partial-DNA profile, and
24 then it looks like several people are contributing to

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1 that profile. So, there's no way to tell how many, so
2 you do not make an interpretation with that.

3 MS. HAMMACK: Your Honor, at this time the
4 State would move State's 6, 7, 8, and 9 into
5 evidence.

6 MR. BUSH: No objection, Your Honor.

7 THE COURT: All right, they're in.

8 (State's Exhibits 6, 7, 8, and 9
9 were introduced into evidence)

10 BY MS. HAMMACK:

11 Q. Adrienne, I'm showing you what's been pre-marked as
12 State's Exhibit 12. Will you take a look at that, and
13 tell me if you recognize it?

14 A. Sure, this is our SLED lab number -- item number
15 five. I do recognize it again by my initials and date
16 here. And I can't see -- I can see part of my initials
17 right here.

18 Q. And because you have marked that, is that your way
19 of identifying evidence that you have handled in this
20 case?

21 A. That is correct.

22 Q. Tell me what's been pre-marked as State's Exhibit
23 12, what item -- you said it was item number five for
24 you?

1 A. Right.

2 Q. What is that item?

3 A. Item five is swabs from the Ford Explorer center
4 console area.

5 Q. And was there any testing done -- you talked about
6 touch samples and other sources of DNA, was there any
7 testing done to determine what potential source of DNA is
8 in this case?

9 A. Yes, I ran a presumptive test on this for blood,
10 even though (inaudible) seen a visual physical, red stain
11 there, and it said it was -- the presumptive test for
12 blood was positive in this -- on that swab.

13 Q. And when you tested that swab of blood from the
14 center console area, were you able to develop a DNA
15 profile from that?

16 A. I was.

17 Q. And what type of DNA profile was that?

18 A. It was a single-source profile.

19 Q. Does that mean it's only DNA from one person?

20 A. That is correct.

21 Q. And were you able to compare that single-source of
22 DNA to the known standard that you have?

23 A. I did.

24 Q. And what were the results when you compared that DNA

1 from the blood from the center console to the DNA you had
2 of Joseph Copeland?

3 A. Sure. The DNA profile is approximately 2.4
4 octillion, that's a two followed by 27 zeros, times more
5 likely that Joseph Copeland contributed the profile than
6 if an unidentified, unrelated individual contributed to
7 the profile.

8 Q. So under your verbal chart of one million being
9 strong support, we're talking about octillion -- 27 zeros
10 behind the number.

11 A. Very strong support.

12 Q. Is this very strong support that Joseph Copeland's
13 DNA came from that blood in the center console?

14 A. That is correct.

15 MS. HAMMACK: Your Honor, at this time we
16 would move State's 12 into evidence.

17 MR. BUSH: No objection, Your Honor.

18 THE COURT: All right, it's in.

19 (State's Exhibit 12
20 was introduced into evidence)

21 BY MS. HAMMACK:

22 Q. Adrienne, I'm going to show you what's been pre-
23 marked as State's Exhibit 60. Will you take a look at
24 that and tell me if you recognize it?

1 A. Yes, this is our item 15.3. I see my initials and
2 date right here on the seal, and I can see the back of
3 the envelope here with my initials and date as well.

4 Q. And who did you receive those swabs from?

5 A. These will be the items that Tom Darnell, 'cause I
6 also see his initials and date on the seal as well.

7 Q. So Tom took those -- well, tell me what those swabs
8 are from first.

9 A. It was from the swabs, from screen and sides of item
10 15, which is a black iPhone and a black case from the
11 front passenger floorboard.

12 Q. So after Tom took those swabs he sent them to you to
13 see if you could develop DNA profile from them?

14 A. That's correct.

15 Q. And were you able to develop a DNA profile from the
16 swabs of that phone from the front passenger floorboard?

17 A. I was.

18 Q. And were you able to compare that DNA profile to the
19 known standard of Joseph Copeland that you had?

20 A. I was.

21 Q. And were you able to determine what type of DNA
22 profile you had?

23 A. This was a mixture and it was interpreted as a
24 mixture originating from three people. So, from what I

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1 -- from the swabs that he took, it looks like three
2 people have touched this phone at some point.

3 Q. And again, you say at some point, you can't tell me
4 in your analysis when different people touched a phone;
5 is that correct?

6 A. No. Once the phone had been wiped clean or
7 something like that -- or scrubbed or, you know,
8 something that will kill DNA in the meantime, DNA can
9 last unless it was exposed to heat and moisture for some
10 time.

11 Q. And in this case, were you able to come to a
12 conclusion regarding the identification of the DNA
13 profile from this phone?

14 A. That I was. So, again the Prosecution hypothesis
15 Joseph Copeland, and two unidentified, unrelated
16 individuals contributed to the mixture. The Defense
17 hypothesis was three unidentified, unrelated individuals
18 contributed to the mixture. And the result was the DNA
19 profile is approximately 17 quadrillion, so that's 1.7
20 followed by 16 zeros, times more likely it's Joseph
21 Copeland and two unidentified, unrelated individuals
22 contributed to the mixture than three unidentified,
23 unrelated individuals contributed to the mixture.

24 Q. So under your verbal chart does that mean that there

1 is very strong support that Joseph Copeland contributed
2 to the DNA found on this phone?

3 A. Yes, Joseph Copeland and two unidentified, unrelated
4 individuals.

5 Q. And again, when we talk about finding DNA on an item
6 to you, does that just mean that someone has handled that
7 item at some point in time?

8 A. That's correct.

9 Q. Give me just a minute, Adrienne.

10 A. Uh-huh (affirmative).

11 MS. HAMMACK: I don't have any more -- oh.
12 Most importantly, the State would move State's
13 Exhibit 60 into evidence.

14 MR. BUSH: No objection, Your Honor.

15 THE COURT: All right, it's in.

16 (State's Exhibit 60
17 was introduced into evidence)

18 MS. HAMMACK: I don't have any further
19 questions for you at this point. Please answer any
20 questions Mr. Bush may have.

21 THE COURT: Cross-examination?

22 MR. BUSH: Thank you very much, Your Honor.
23 May it please the Court.

24 THE COURT: Yes, sir.

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1 CROSS-EXAMINATION

2 BY MR. BUSH:

3 Q. Special Agent Hefney, hey, good morning.

4 A. Good morning.

5 Q. How you doing?

6 A. I'm good. How are you?

7 Q. I am well, thank you. Thank you for asking. I just
8 want to talk to you about two of your items, item number
9 three for you, which is State's Exhibit 8.

10 A. Uh-huh (affirmative).

11 Q. That is the swab from the Ford Explorer exterior
12 front passenger-door. You indicated that the DNA profile
13 was a mixture, right?

14 A. That's correct, originating -- originating from
15 three individuals.

16 Q. I got you. And the ultimate result there was that,
17 that DNA profile is approximately two septillion times
18 more likely that Joseph Copeland and two unidentified,
19 unrelated individuals contributed to that mixture; is
20 that right?

21 A. Than if three unidentified, unrelated individuals
22 contributed to the mixture, that's correct.

23 Q. I understand. And you're kind of basing that --
24 again I know you've explained this, I'm just trying to

1 make sure I'm clear -- the hypothesis, HP, is the
2 Prosecutor's hypothesis, right?

3 A. In theory.

4 Q. In theory, right. But -- and then the HD is in
5 theory the Defense's hypothesis, right?

6 A. That's correct.

7 Q. But you didn't, like, call me and say, "Hey, Mr.
8 Bush, what's your hypothesis with this case," right?

9 A. Absolutely not.

10 Q. Okay. So, in looking at those unidentified,
11 unrelated individuals in that mixture, Mr. Blocker wasn't
12 matched to any of those unrelated, unidentified
13 individuals in that mixture, correct?

14 A. Well, I don't know. I didn't have his standards to
15 compare.

16 Q. So, what I hear you saying is that the State and law
17 enforcement didn't send you that known standard to
18 compare?

19 A. No, I did not receive a known standard from Mr.
20 Blocker to compare. I only received the standard in this
21 case from Joseph Jamar Copeland.

22 Q. I understand. So, had you received Mr. Blocker's
23 DNA in this case you could've actually ran his DNA to see
24 if it matched or if he was excluded, right?

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1 A. That's correct.

2 Q. But you have no -- there is nothing in your report
3 that indicates that Mr. Blocker's DNA was on the Ford
4 Explorer exterior front passenger-door handle, correct?

5 A. No, 'cause I never received a standard from Mr.
6 Blocker -- unknown standard.

7 Q. Okay. Let's talk about your item 15.3, that's
8 State's Exhibit 60. That's a swab from the screen and
9 the sides -- what is item 15, the black iPhone and a
10 black case from the front passenger floorboard. Here
11 again, the HP is the hypothetical Prosecutor, the HD is
12 not necessarily my Defense hypothesis, but what the
13 system runs is the Defense hypothesis, and the profile
14 there -- again large numbers -- I'm with Ms. Hammack I'm
15 not real good with numbers but 17 quadrillion times more
16 likely it's Joseph Copeland and two unidentified,
17 unrelated individuals contributed to the mixture than
18 three unidentified, unrelated individuals contributed to
19 the mixture; is that correct?

20 A. That is correct.

21 Q. And again, no evidence here that Mr. Blocker's DNA
22 was on that cell phone, correct?

23 A. That is correct, 'cause I didn't have standards to
24 compare.

1 Q. And you entered the DNA profile from that picture,
2 there's, like, a small note right at the very bottom, you
3 entered that mixture into the CODIS system; isn't that
4 correct?

5 A. That is correct.

6 Q. Okay. And no hits on CODIS for Mr. Blocker, right?

7 A. Not that I'm aware of.

8 MR. BUSH: May I beg the Court's indulgence?

9 THE COURT: Yes, sir.

10 MR. BUSH: No further questions, Your Honor.

11 Thank you.

12 THE COURT: Any redirect?

13 REDIRECT EXAMINATION

14 BY MS. HAMMACK:

15 Q. Just to be clear, Adrienne, just because you don't
16 identify somebody's DNA on an object, that doesn't mean
17 that they've never touched or handled that object,
18 right?

19 A. That is true. I just didn't have a standard to
20 compare to know his DNA would be included or not.

21 Q. And it's certainly possible for somebody to handle
22 an item, and not leave DNA as you indicated on that
23 bench, correct?

24 A. That is correct.

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1 Q. And so, whether you receive DNA from somebody or
2 not, if they admit to handling an item, do you consider
3 that evidence that they could've left their DNA behind,
4 even if you don't find their DNA?

5 A. If they admit to it? I would only consider it if
6 they left their DNA behind, because I'm only reporting
7 what I find, but if they admitted to touching it, I would
8 assume that their DNA may be there -- if they handled it
9 and left DNA behind.

10 Q. If they left DNA behind, correct?

11 A. Correct.

12 Q. All right, thank you.

13 A. Uh-huh (affirmative).

14 THE COURT: You may step down Agent, thank you.

15 MS. HEFNEY: Okay.

16 MR. RITTGERS: Your Honor, before the next
17 witness, may we have a mid-morning break?

18 THE COURT: Certainly. All right, ladies and
19 gentlemen of the jury, we'll take a brief recess.
20 We'll take about a 10-minute break and be right back
21 with you. Again, please remember my instructions
22 not to discuss the case amongst yourselves, and with
23 anyone else.

24 (Off the record.)

1 (Recess.)

2 (On the record.)

3 THE COURT: Is the State ready?

4 MR. RITTGERS: Yes, Your Honor.

5 THE COURT: Defense ready?

6 MR. BUSH: We are Your Honor.

7 THE COURT: All right. Let's have our jury
8 please. You may have a seat. Welcome back ladies
9 and gentlemen of the jury. We're ready to proceed.
10 You may call your next witness.

11 MR. RITTGERS: Your Honor, the State calls
12 Chad Smith.

13 THE CLERK: The testimony you should give the
14 Court and jury in this case should be the truth, the
15 whole truth, and nothing but the truth, so help you
16 God.

17 MR. SMITH: I do.

18 THE CLERK: You may have a seat in the witness
19 box. Please state your full name, spelling your
20 last. And watch your step.

21 MR. SMITH: My name is Chad Smith, S-M-I-T-H.

22 THE COURT: Your witness.

23 MR. RITTGERS: Thank you, Your Honor.

24 CHAD SMITH

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1 was called as a witness, and having been first duly
2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. RITTGERS:

5 Q. Mr. Smith, what do you do?

6 A. I am a firearms examiner, which is a forensic
7 scientist position in the firearms department at SLED's
8 forensic services laboratory in Columbia.

9 Q. And how long have you been doing that?

10 A. This November will be 16 years.

11 Q. What kind of education do you have, sir?

12 A. I attended Clemson University, where I earned a
13 bachelor of science degree in biological sciences. Then
14 I worked for Clemson for several years, after graduating
15 and before my appointment with SLED. When I came on
16 board with SLED, I entered the training program to become
17 a firearms examiner. That training program lasts several
18 years. It involves extensive reading, and studying, and
19 also examinations and tests given during that time. I
20 also attended various classes and seminars and helped the
21 other examiners prepare their casework. At the end of my
22 training, I received a comprehensive multi-part
23 examination, which I successfully completed, and then I
24 began to receive my casework.

1 Q. And do you have continuing education you have to
2 pursue?

3 A. We do, it's not like a credit thing where we have to
4 have a certain number of credits or anything like that,
5 but all of us are members of a professional organization
6 known as AFTE, that's A-F-T-E, which is the Association
7 of Firearm and Tool Mark Examiners, which is a worldwide
8 organization, and what they do is they have an annual
9 training conference, which is hosted in different places
10 throughout the United States. And then, we try to send
11 several examiners a year to that training conference to
12 -- to try to -- to listen to them talk at seminars, take
13 workshops, they also do tours of facilities in that area.
14 And we also try to do several courses and classes
15 throughout the year as well.

16 Q. And you all have in-house training as well?

17 A. That's correct.

18 Q. And how many times have you testified in court?

19 A. One hundred and seven is the times I've testified.

20 Q. And of those times how many have you been qualified
21 as an expert?

22 A. All of them.

23 Q. In the field of firearm identification?

24 A. That's correct.

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1 MR. RITTGERS: Your Honor, the State moves
2 that the Court recognize Agent Smith as an expert in
3 the field of firearm identification.

4 THE COURT: Any voir dire?

5 MR. BUSH: No voir dire, no objection, Your
6 Honor.

7 THE COURT: All right, sir, you're qualified.

8 MR. RITTGERS: Thank you, Your Honor.

9 BY MR. RITTGERS:

10 Q. All right, before we get started in talking about
11 what you did in this case, have you got a demonstrative,
12 where you could explain some ballistics for us, sir?

13 A. I did bring a visual aid of a -- it's a model of a
14 cartridge and this is not to scale of course, a cartridge
15 would be much smaller than this, but this is just a model
16 to show you the various parts of a cartridge. So, a lot
17 of people just call this thing a bullet -- you hear on
18 TV, movies, everything just referred to it as a bullet.
19 Technically that's not correct. See, what you start out
20 with is an unfired round of ammunition, which is called a
21 cartridge, and then on top of the cartridge, there's an
22 opening called the mouth and then projectile -- this is
23 the actual bullet itself is -- is seated at the top of
24 that cartridge. So, this would be a model of what a

1 bullet would look like. So, the cartridge case is
2 basically a container for all the other parts. So,
3 inside the cartridge case you would have a pellet, which
4 is the gunpowder, and then up the rear, at the base of
5 the cartridge, you have what you call a primer, so that's
6 indicated by this little, silver part here. So the
7 primer is what's struck by the firing pin of a firearm,
8 and basically it causes a tiny, controlled explosion
9 which ignites the gun powder -- the pellet -- that
10 creates a large volume of gas inside this cartridge case.
11 And what happens is that pushes the bullet out of the
12 cartridge case as it get -- the pellet's still burning --
13 it builds up gas in the barrel of that firearm, and then
14 it pushes the bullet all the way out -- out of the
15 barrel, out towards -- toward the target. So, that would
16 be the parts of the cartridge.

17 Q. And, Mr. Smith, in that process you just described,
18 discharging a cartridge, and sending the bullet down the
19 barrel and down range somewhere -- what pieces of that
20 would leave distinctive marks that are useful to you in
21 forensic identification?

22 A. So -- so starting with the bullet itself, the
23 Projectile -- this model indicates what would look like a
24 fired bullet. You see, there's little grooves here in

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1 the model, those are impressions left by rifling of the
2 barrel. The rifling is something that manufacturers do
3 -- they put in the barrel, and it's a -- basically it's a
4 series of grooves that's either cut or impressed into the
5 material of the barrel. And what it does is, it's a
6 twisting pattern -- you have the bullet, it engages those
7 rifling impressions, and it causes the bullet to rotate
8 as it's traveling down the barrel. What that does is it
9 basically stabilizes the bullet, so that once it exits
10 the barrel, it stabilizes it in flight, and makes it more
11 -- travel farther and more accurate. So, it's a lot like
12 a quarterback throwing a football with a nice, tight
13 spiral where you see it spinning in the air, it's
14 basically the same thing, it makes it travel farther and
15 more accurate. So, we can use those impressions --
16 rifling impressions, on a bullet to potentially match
17 fired bullets back to the gun that fired it. Now, on the
18 cartridge case itself, depending on what type of firearm
19 you got, if you got a semi-automatic pistol and it's
20 working properly, every pull of the trigger causes firing
21 of the cartridge -- the bullet goes down the barrel, the
22 cartridge case is automatically extracted and ejected out
23 of that firearm, then another round is loaded into the
24 chamber ready for firing. So, that happens for every

1 pull of the trigger. So, we can use marks on the rear
2 base of the cartridge case itself that are created during
3 the firing process -- these marks are created by the
4 firearm, we can use those marks to help identify if that
5 particular cartridge case was fired by a specific
6 firearm. We can use firing pin impressions from the
7 actual primer itself. The firing pin strikes a primer,
8 the marks that are on the firing pin can be used to
9 potentially match a cartridge case back to the firearm.
10 So, those are just the different areas that we can use to
11 potentially determine if a cartridge case or a bullet was
12 fired by a specific firearm.

13 Q. And that -- you're talking about the marks on the
14 back when the primer was struck. You also have a process
15 where you can analyze those, like, very tight photographs
16 under a microscope and lay two of them side by side,
17 correct?

18 A. Correct. What we would to do an actual comparison
19 is -- these are very small marks. Some of them you can
20 see with the naked eye, but what we use is a microscope
21 called a comparison microscope. So it's a microscope
22 that's specifically built, so you can compare two samples
23 simultaneously. If we're comparing a cartridge case with
24 a cartridge case, or a bullet with a bullet, and we're

1 looking at -- we can -- so basically, if you can imagine
2 a comparison microscope is two microscopes that's
3 basically connected by an optical bridge system, you look
4 into those eye pieces and you can -- it has two separate
5 stages to which you mount the samples on, and then you
6 can move those samples independently, adjust the
7 lighting, and basically you're pattern matching to see if
8 marks from one cartridge case, match to marks from
9 another cartridge case or marks from one bullet match to
10 another bullet. So, again, these are microscopic marks
11 that we're looking at and -- and we're using that
12 microscope to -- to help us determine if they're fired by
13 the same firearm.

14 Q. Okay. And with regard to the projectile, sir,
15 projectile weight is measured in grains, correct?

16 A. Correct. Grains is a unit of measurement that's
17 used in the firearms industry. It's used to measure
18 gunpowder weight. It's used to measure bullet weight as
19 well.

20 Q. And so a normal .9-millimeter bullet weight would be
21 what?

22 A. Depending on the type of bullet, if it's a full-
23 metal jacket type, and when I talk about jacket, if you
24 can imagine this copper-looking color here -- if this was

1 made out of metal, the jacket would be the outer portion
2 of a bullet -- of a jacket of the bullet, where the
3 inside would be like a soft material, usually lead. So a
4 jacketed bullet has a outer -- outer shell. So, it's a
5 lot like an M&M if you think about it, the hard shell
6 would be the jacket, and the softer chocolate inside
7 would be what the core would be. So, on a full metal
8 jacket bullet it's typical to see 115 grain bullet, 124
9 grain bullet, and then, if you get into other types of
10 bullets, well like hollow points, there's a whole range
11 of hollow point weights depending on the manufacturer.
12 But typically with a full metal jacket at 115, 124 would
13 be two good weights.

14 Q. And you mentioned different types of projectiles.
15 Full metal jacket, that means that it's fully encased
16 like that one, correct?

17 A. Full metal jacket means that the jacket itself
18 covers the bullet, except for the base. So the base
19 would be exposed, so you could see the lead part or the
20 core part. You've got what's called total metal jacket,
21 so
22 total metal jacket includes everything, and includes the
23 base. So a full metal jacket would just be everything
24 but the base.

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1 Q. Right. And then a hollow point would have an
2 exposed center with some pebbles on it?

3 A. Yes, hollow point would have a cavity -- it'd
4 basically have -- you look at a cavity that's down into
5 the bullet itself and what it's do -- designed to do --
6 it is expand once it hits like a -- a soft target it
7 expands and it can have petals, which is basically the
8 portions here of the jacket, and those can typically
9 break apart once they hit something, but again it's all
10 part of the jacket material.

11 Q. And you mentioned -- I just wanted to distinguish
12 the different calibers too. You said .9 millimeter
13 commonly 115, 124, (inaudible) in grains, let's just say
14 .40 caliber, what's their little grain weight for a .40
15 caliber bullet?

16 A. With .40 caliber if it's a, again a full metal
17 jacket-type bullet, 165, 180, again, that's a bigger
18 bullet, that's a bigger diameter bullet, a little bit
19 heavier.

20 Q. So there would be a substantial difference, I know
21 these are small weights, but in the scheme of things,
22 there's a substantial difference between a .40 caliber
23 projectile and a .9-millimeter projectile?

24 A. Right, not -- not only in weight, but the diameter

1 itself in a .40 caliber -- the size of it is larger than
2 -- than the .9 millimeter would be.

3 Q. And then the shell casings -- so the .9 millimeter
4 that's the big round, right, the diameter? The .9
5 millimeter is the measurement of, like, how big around it
6 is essentially?

7 A. Essentially, yeah. So we're talking about a
8 caliber, it's basically -- well it can have several
9 different meanings. It could mean the diameter of a
10 projectile, so if you had a firearm barrel, and you know
11 it's got a specific diameter -- the inside diameter,
12 which is the core, which is what the bullet travels
13 through -- that would be measured in a certain amount,
14 that could be referred to as caliber. Or you could refer
15 to caliber as what -- what an unfired cartridge is. So a
16 .9-millimeter Luger is actually a caliber designation for
17 the specific cartridge.

18 Q. Okay. And just to sort of close this point -- we're
19 talking about the .40 caliber is equivalent to 10
20 millimeter in the metric system?

21 A. Yeah, .40 -- 40 millimeter -- or excuse me, .40
22 Smith & Wesson caliber and .10-millimeter auto caliber
23 both share the same bullet diameters, and then going back
24 to .9-millimeter -- .9 millimeter is actually around 355

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1 thousandths of an inch diameter, so that's .355 inches,
2 so -- so .40 is .4, so it's a little bit larger than what
3 a .9 millimeter would be.

4 Q. And I know that those were small increments, but
5 it's a big enough difference that a .40 caliber Smith &
6 Wesson bullet would not be able to fit into the barrel of
7 a .9-millimeter Canik?

8 A. Correct. Yeah, as long as the firearm is
9 manufactured properly, and it's not out of spec in any
10 way, you should not be able to fit a .40 Smith & Wesson
11 cartridge into a .9 millimeter, basically it's just too
12 big.

13 Q. All right, thank you for all of that. So, moving on
14 to what you did with this case. What exactly did you
15 examine in this case?

16 A. So, I received a number of items to examine and
17 compare. Specifically there were 31 fired .9-millimeter
18 Luger caliber cartridge cases. There were five items
19 listed as different types of projectiles, so bullets,
20 pieces of bullets, and then there were three .9-
21 millimeter semi-automatic pistols that were also
22 submitted for me to examine and compare.

23 Q. And so, you had 31 .9-millimeter cartridge cases.
24 All right, so when you received those cartridge cases

1 what do you do to examine them?

2 A. So when I first receive evidence, we would go
3 through an inventory list, make sure that I get
4 everything that I'm supposed to get, open up the
5 packaging, looking at the evidence itself, photograph it,
6 document it. We have worksheets that we document all the
7 evidence on. And then at that point, I can go through
8 and start doing some -- some more examinations and
9 comparisons. When I get a group of this many cartridge
10 cases, what I would do is basically triage them, and
11 separate them out based on their characteristics. And
12 these are the characteristics that are created on the
13 cartridge case by the firearm itself. So, different guns
14 can have different characteristics as far as firing pin
15 shape, breech face characteristics. The breech face is
16 the fire -- part of the firearm that supports the rear of
17 the cartridge during firing and then there's a whole what
18 we call a firing pin aperture in that breech face, which
19 the firing pin protrudes, and that would be what strikes
20 the primer. So all those are characteristics that -- that
21 can differ from -- from manufacturer to manufacturer. So
22 I would look at these cartridge cases, compare them with
23 each other using my microscope, basically sort them out
24 to see potentially how many guns I may be dealing with.

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1 Then once I go through that process, sort them out to,
2 you know, gun one, gun two, gun three, that sort of
3 thing. Then I go, if I've got firearms to compare I go
4 ahead and test fire those guns. And how we do that is we
5 have a water tank in our department. Now we shoot into
6 water because it doesn't add or take away any of those
7 markings that we would need to -- to -- to make an
8 identification with. So, shoot them in a water tank, we
9 retrieve the projectiles, the bullet. We also can -- the
10 cartridge case is basically going into a net when it's
11 fired (inaudible) firearm. So, we have our test
12 specimens at that point. We have test cartridge cases,
13 test bullets. So, I can prepare those test specimens
14 with the submitted evidence to see if potentially those
15 guns could've fired that evidence. And so that -- and
16 that's what I did in this case. I would compare all the
17 cartridge cases with each other, compare them with my
18 test specimens to see if any of the guns did fire those
19 -- those cartridge cases.

20 Q. And in fact you did receive several firearms in this
21 case?

22 A. Yes, sir, there were three pistols.

23 Q. Let's talk about those handguns. All right, I'm
24 showing you what's been pre-marked as State's Exhibit 24.

1 What is that?

2 A. So this is the -- the box that I received for
3 Examination, and it's SLED item 49, and this is the box
4 that it came in that it was sent back in -- it has my
5 SLED lab number, SLED item number, as well as my initials
6 and it is tape sealed with my initials, and the seal
7 date, so it hasn't appear to be -- doesn't appear to be
8 opened since then. And State's Exhibit 49 -- or excuse
9 me, my item 49, State's Exhibit 24, it's a Smith & Wesson
10 model M&P Shield Plus semi-automatic pistol, it's a .9-
11 millimeter Luger caliber pistol.

12 Q. All right, we're going to go ahead and break the
13 seal on that item. I don't know if you have a knife on
14 you, sir or --

15 A. No, sir.

16 Q. Okay. We've got some scissors. Sir, if you would
17 do the honor of cracking that open.

18 A. Sometimes we do a really good job of sealing
19 evidence. Now, ladies and gentlemen, just to put your
20 mind at ease, this firearm has been checked to make sure
21 it's -- it's unloaded. I visually have to inspect this
22 so, it's not loaded. And this is the Smith & Wesson
23 pistol that I received for examination. It's got my
24 markings on it. So what we do is, when we get evidence

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1 we will ascribe a SLED number as well as the item number
2 and our initials on the evidence, so it does have those
3 markings on it. So it is the .9-millimeter Smith &
4 Wesson pistol.

5 Q. And just to check with the clerks, you don't have to
6 put the lock in right away do you? You can have it in
7 evidence and talk about it, and you can put the lock in
8 later?

9 THE COURT: Do you have a gun lock?

10 MR. RITTGERS: I believe they're en route.

11 THE CLERK: We do.

12 THE COURT: We just of course won't put it
13 back with the jury until it's locked.

14 MR. RITTGERS: Until it's -- okay, thank you,
15 Your Honor. All right, the State moves to admit
16 what's been pre-marked as Exhibit 24 into evidence
17 as State's Exhibit 24.

18 THE COURT: Any objection?

19 MR. BUSH: No objection, Your Honor.

20 THE COURT: There you are.

21 MR. BUSH: Sorry, I couldn't see the gun from
22 where I was sitting, so I was back here.

23 THE COURT: All right, it's in.

24 (State's Exhibit 24

1 was introduced into evidence)

2 BY MR. RITTGERS:

3 Q. All right, and so you received this firearm from the
4 evidence technicians?

5 A. Yes, sir. When we pick up evidence from the
6 Laboratory, we have the evidence control department which
7 is to be in charge of intake of all the evidence from
8 agencies, and when the agencies are ready to get their
9 evidence back, they -- so they'll help with that as well.
10 So, I would contact the evidence control department,
11 tell them I'm ready to pick up this case, and so they
12 would pull that evidence for me, then they electronically
13 transfer it into my custody where it stays until I'm
14 ready to return it.

15 Q. Thank you. We're going to get a few more things in
16 evidence. We can kind of talk about them all together
17 here so, I'm just going to place this back on the table,
18 and I've got State's 25. All right, and so I'm showing
19 you what's been pre-marked as State's Exhibit 25. What
20 is that, sir?

21 A. So it's SLED lab item number 48, again, it's a
22 packaging, cardboard box, it hasn't been opened -- well
23 it sort of has been opened a little bit. So, it's
24 another semi-automatic pistol, it's a Canik, C-A-N-I-K,

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1 model TP9 Elite SC, which is also a .9-millimeter Luger
2 caliber pistol.

3 Q. All right, if you would, sir, would you open that,
4 please? And to be clear, that tape is unbroken mostly
5 here? It's all sealed up?

6 A. One of my seals is broken on the right side of the
7 box, and on the bottom there is -- there is additional
8 tape, it looks like, but the right -- the left side seal,
9 my evidence tape, has not been broken, so --

10 Q. It has your initials on it, sir?

11 A. Yes, sir. Again, this firearm has been checked to
12 make sure it's unloaded so, it is unloaded. So, this is
13 the Canik .9-millimeter pistol that I received. It's
14 SLED item 48. Again, it has my markings, lab number, and
15 the item number, and my initials.

16 Q. All right, so you also examined that item?

17 A. Yes, sir.

18 MR. RITTGERS: State moves to admit what's
19 been pre-marked as 25 into evidence as State's 25.

20 MR. BUSH: No objection, Your Honor.

21 THE COURT: All right, it's in.

22 (State's Exhibit 25
23 was introduced into evidence)

24 BY MR. RITTGERS:

1 Q. All right, and we're going to do the same thing with
2 Exhibit 27. And sir, what is that?

3 A. It's SLED item 46, which is another pistol that I
4 examined. Specifically it's a SCCY, S-C-C-Y, model CPX-
5 2, which is another semi-automatic .9-millimeter Luger
6 caliber pistol. And this box has not been -- the seal
7 has not been broken since -- since I've sealed it. It's
8 got my evidence tape with the seal date and my initials
9 on it.

10 Q. Sir, would you please open that as well?

11 A. And again, this firearm is unloaded. I've examined
12 it to make sure that it's unloaded. So this is the SCCY
13 .9-millimeter pistol that I examined. Again, my markings
14 are on the firearm itself.

15 Q. And so, that's another one that you examined in this
16 case?

17 A. Yes, sir, this would be the third firearm that was
18 submitted and I examined.

19 MR. RITTGERS: And the State moves to admit 27
20 as State's 27.

21 MR. BUSH: No objection, Your Honor.

22 THE COURT: And that was 27, Solicitor?

23 MR. RITTGERS: Yes, Your Honor.

24 THE COURT: All right, it's in.

1 (State's Exhibit 27
2 was introduced into evidence)

3 MR. RITTGERS: The State's -- all right.

4 BY MR. RITTGERS:

5 Q. So, we have the three pistols. All right, so now
6 we're going to talk about shell casings. Now, I have
7 these in numerical order.

8 MR. RITTGERS: All right, sir, and Your Honor,
9 I'd ask that Agent Smith be allowed to refer to his
10 notes with the large number of exhibits here.

11 THE COURT: Yes, sir.

12 MR. RITTGERS: Thank you.

13 BY MR. RITTGERS:

14 Q. All right, so Agent Smith, I have these stacked in
15 numerical order. So, you talked about the process when
16 you examined the cartridge cases collected and grouped
17 them by firearm that you believed they were fired by?

18 A. Yeah, going back to the markings on the -- on the
19 cartridge case itself. Firing pin-impression type, going
20 back to that where I used the word aperture which is the
21 hole in the breech face, that can be different shapes
22 and stuff from manufacturers. The breech face markings,
23 again, that's the part that supports the cartridge during
24 firing. That can be different based on the manufacturer.

1 So, I'm just basically grouping those cartridge cases
2 based on those class characteristics, those are all class
3 characteristics. Then once I get them grouped together
4 and figure out how many guns I'm going to be dealing
5 with, then I can go through and actually compare those
6 with the test fires from those three firearms, and try to
7 identify those cartridge casings were fired by any of
8 those guns. And so that's basically what I'm doing, I'm
9 just going through one by one under the microscope
10 and -- and sorting them out, and then trying to identify
11 which guns were involved.

12 Q. All right, and so what did you associate your lab
13 number item six and seven with? Well, I'll tell you
14 what, let me back up. And so, you examined all these
15 shell casings, and you aligned them with firearms that
16 you believed they had been fired with?

17 A. Yes. So, again, I group them together and then
18 compare them with the guns that were involved or
19 submitted for examination, and then see which ones -- or
20 if any, were fired by those particular firearms. The
21 cartridge cases, or my item number six and seven, which
22 were two -- two of the .9-millimeter cartridge cases.
23 Item six was listed as being from the Ford Explorer
24 middle row, passenger side seat. Item seven was listed

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1 as from on the top of black clothing of the Ford Explorer
2 middle row, middle seat; so, from a vehicle.

3 Q. All right, and I'm sorry, let me back up one second.

4 MR. RITTGERS: Your Honor, the State moves to
5 admit what's been pre-marked as State's Exhibit 30
6 through 58 into evidence as State's 30 through 58.

7 MR. BUSH: No objection, Your Honor.

8 THE COURT: All right, they're in.

9 (State's Exhibits 30, 31, 32, 33, 34, 35, 36,
10 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47,
11 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58
12 were introduced into evidence)

13 BY MR. RITTGERS:

14 Q. So, and I'm sorry, so let me back up. So you said
15 six and seven you -- did you compare those to any of the
16 pistols that you got in evidence?

17 A. Yes, sir. Yeah, I compared them with each other and
18 then compared them with the guns.

19 Q. All right, and so when you compared them with the
20 guns, you mentioned firing them into a tank of water to
21 capture the projectile?

22 A. Correct.

23 Q. All right, and I'm showing -- I'm showing you what's
24 been pre-marked as State's Exhibit 61. What is that,

1 sir?

2 A. This would be a test fire envelope from my
3 laboratory, from our department. It has the firearm
4 information, what the test fires would come from. So it
5 has a bar code with the lab number, case number, item
6 number, and these had not been opened since I've sealed
7 them on November 21st of 2022. But this -- this
8 particular one would be test specimens from item 49,
9 which is the Smith & Wesson pistol.

10 Q. And sir, if you could go ahead and open that. Mr.
11 Smith, just to be clear, that's your initials on the tape
12 sealing it there?

13 A. Yes, sir, yeah that's my initials and seal date.

14 Q. And what's inside that bag, sir?

15 A. So these would be little Ziploc bags that I placed
16 the test cartridge cases in. These -- I mean test
17 specimens; we've got test bullets, and then we've got our
18 test cartridge cases. So -- so these would all be my
19 test specimens from that firearm.

20 MR. RITTGERS: Your Honor, the State moves to
21 admit what's been marked as State's 61 into evidence
22 as State's 61.

23 THE COURT: Any objection?

24 MR. BUSH: No objection, Your Honor.

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1 THE COURT: All right, it's in.

2 (State's Exhibit 61

3 was introduced into evidence)

4 BY MR. RITTGERS:

5 Q. Let me grab you said item six and seven (inaudible)
6 which are 30 and 31 here. All right, so you compared
7 these, you fired these cartridges from the Smith &
8 Wesson?

9 A. Correct.

10 Q. And so those cartridges you fired out of here -- and
11 you compared them to State's 30 and 31?

12 A. Yes, sir.

13 Q. And what was your conclusion with regard to these
14 cases?

15 A. My conclusions were that those -- those two
16 cartridge cases, SLED item 67, were fired by the Smith &
17 Wesson pistol, SLED item 49.

18 Q. All right, I'm sorry, I had my -- I had my numbers
19 wrong. You said, "Your item six and seven." I'll tell
20 you let's back up. So, if you could, if you could take
21 all those cartridge cases, the ones that are in evidence
22 there -- and if you could just sort those out and I've
23 got some Ziploc bags -- if you could sort of group them
24 in by baggie and by firearm, it'd help clarify things.

1 MR. BUSH: Your Honor, do you mind if I
2 approach just to kind of watch him --

3 THE COURT: Yes, sir.

4 MR. BUSH: -- to see, so I have my numbers
5 straight too.

6 THE COURT: Yes, sir.

7 MR. BUSH: Thank you.

8 BY MR. RITTGERS:

9 Q. So, sir, you grouped those casings by the firearm
10 you identified. What were your findings with regards to
11 the casings that you examined?

12 A. So six and seven, these are the State's Exhibit 13
13 and 14, both of these cartridge cases were fired by a
14 Smith & Wesson pistol, State's Exhibit 24. Then, I've
15 got a group of three cartridge cases here that's SLED
16 items 21, 27, and 45, State's Exhibit 34, 40, and 58.
17 Those three cartridge cases were fired by the item 46,
18 SCCY pistol, item 46 would've been State's Exhibit 27.

19 Q. I'm sorry, the SCCY pistol (inaudible) which one
20 with these?

21 A. Yes.

22 Q. And these are from the Smith & Wesson?

23 A. Yes.

24 Q. Okay.

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1 A. And then we have a group of 14 cartridge cases,
2 which is SLED item number 17 through 20, 22 through 26,
3 and 28 through 32, which I have no idea what State's
4 exhibits these are (inaudible). This is probably going
5 to be out of order, 38, 37, 32, 41, 30, 36, 31, 33, 43,
6 39, 45, 44, 42, and 35 -- so all 14 of those cartridge
7 cases were fired by the same firearm just not the firearm
8 -- one of the firearms that was submitted. So, it was an
9 unidentified firearm that was not submitted.

10 Q. Sir, let me grab those back, those cartridges from
11 you. And so, this is a different firearm.

12 A. Yes.

13 Q. Now, do you show as Exhibit State's 61, these were
14 the test specimens that were fired by item -- well, by
15 the Smith & Wesson M&P --

16 A. Right.

17 Q. -- correct?

18 A. Correct.

19 Q. Okay. And so, this was with an entirely different
20 firearm?

21 A. Right. A totally different firearm, none of which I
22 received.

23 Q. All right. So a totally different firearm. And
24 then you have a number of shells remaining there, what

1 did you find with regard to those shells?

2 A. Yeah, so this is a group -- the last group -- it
3 will be a group of 12 cartridge cases, it's SLED items 33
4 through 44, those items are State's Exhibit Item Number
5 52, 47, 53, 54, 48, 55, 56, 57, 51, 50, 46 and 49, so
6 those would be 12 fired .9-millimeter Luger caliber
7 cartridge cases. And I was able to conclude that this
8 group was all fired by the same firearm, just not by any
9 of the firearms submitted, or by the firearms that fired
10 that previous group. So, this is a totally different
11 gun.

12 Q. Okay. But not one of these three?

13 A. Correct.

14 Q. All right. And so, if I could group -- secure these
15 from you then. Now, sir, you referred to these in your
16 report, you had a third firearm and fourth firearm.

17 A. Correct.

18 Q. With --

19 A. I had -- so I had -- the way that -- that my report
20 reads, item six and seven were fired by item 49 pistol,
21 so that's the first firearm. We've got items 21, 27 and
22 45, the group of three cartridge cases were fired by item
23 46 pistol, which is the SCCY so that's the second
24 firearm. And then, we've got items 17 through 20, 22

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1 through 26, and 28 through 32, were fired by a third
2 firearm. And then, we've got items 33 through 44 were
3 fired by a fourth firearm. So the third and fourth
4 firearms were not the firearms that were submitted.

5 Q. All right. So -- third firearm bag you said
6 included which numbers?

7 A. The third firearm would be 17 through 20, 22 through
8 26, and 28 through 32.

9 Q. In your numbering?

10 A. Correct, it's SLED items' number.

11 Q. And I'm sorry, your SLED item number is, SLED item
12 number 30?

13 A. Thirty would be that group.

14 Q. Would be this group?

15 A. Yes.

16 Q. So this is a third firearm?

17 A. Correct.

18 Q. A third firearm and fourth firearm.

19 A. Right.

20 Q. All right. And did I hand you the test cartridges
21 for the other -- okay.

22 A. No, sir.

23 Q. All right, and I'm handing you what's been pre-
24 marked as State's 62 and 63. We'll handle it probably

1 one at a time, so we don't mix them up. But what's 62?

2 A. Sixty-two would be another envelope of my test
3 specimens. This would be SLED item 48, which is the
4 Canik pistol. So, these would be my test cartridge
5 casings and test bullets that -- that I -- that I fired
6 myself to compare with the evidence.

7 Q. All right. And sir, if you could open that please.
8 And that seal you're breaking, that's your seal, your
9 initials?

10 A. Yes, sir, I'm actually -- this is a clasp-closed
11 envelope with evidence tape on, so to not destroy the
12 envelope, I'm just going to open it up at the bottom, and
13 then that can be resealed from there. So, here I have
14 little Ziploc bags containing my three test cartridge
15 cases and my three test bullets. So these would be three
16 cartridges that I test fired the firearm, and then I got
17 my three cartridge casings and three bullets.

18 Q. All right, sir, and those are the test cartridges
19 for which firearm?

20 A. The Canik, SLED item 48, which is State's Exhibit --

21 Q. Twenty-five.

22 A. Correct, yeah.

23 Q. Okay, 25.

24 MR. RITTGERS: All right, Your Honor, at this

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1 time the State moves to admit what's been pre-marked
2 as State's 62 into evidence as 62.

3 THE COURT: Any objection?

4 MR. BUSH: No objection, Your Honor.

5 THE COURT: All right, it's in.

6 (State's Exhibit 62
7 was introduced into evidence)

8 BY MR. RITTGERS:

9 Q. All right, and then that last package, State's --
10 what's been marked as State's 63, what is that, sir?

11 A. This would be test specimens from item 46, which is
12 the SCCY .9-millimeter pistol, again what's going to
13 contain my test specimens. Open it?

14 Q. Yes, please.

15 A. So in a little Ziploc bag, again, contain three
16 cartridge cases, three bullets, so these would be my test
17 fires from the SCCY pistol.

18 MR. RITTGERS: All right, at this time the
19 State moves the pre-marked as State's 63 into
20 evidence as State's 63.

21 MR. BUSH: No objection, Your Honor.

22 THE COURT: All right.

23 (State's Exhibit 63
24 was introduced into evidence)

1 BY MR. RITTGERS:

2 Q. And once again this is the SCCY pistol test
3 cartridges?

4 A. Correct.

5 Q. All right. And then -- now, some of these
6 cartridges even to the untrained eye have kind of a
7 unique marking, it's more of like a rectangular strike
8 impression on the primer, and I'm trying to see, is it
9 the third firearm or the fourth firearm?

10 A. The -- it should be the fourth firearm. It has a --
11 going back to this model here -- the firing pin aperture
12 in that -- that hole that's in the breech face where the
13 firing pin comes through, in that group it's a
14 rectangular shape so -- so, this one's round, but if it's
15 not in a rectangular shape, that's -- that's what it
16 would look like.

17 Q. And that rectangular shape, what is that indicative
18 of?

19 A. The -- there's certain manufacturers that -- that
20 use that. Nowadays it's -- it's more common than it used
21 to be, as far as the variety of manufacturers now,
22 manufacturers copy other manufacturers so -- but it used
23 to be that that was indicative of a Glock pistol, that's
24 the traditional old-Glock style firing pin aperture.

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1 Again, nowadays there's a lot of guns out there that copy
2 the Glock platform so, you know, nowadays we really don't
3 have -- we -- we don't know how many guns could use that.
4 But -- but it used to be years back that that was a
5 Glock-signature type firing pin impression.

6 Q. All right, and so you're saying the fourth firearm
7 didn't recover -- you don't have this gun in evidence to
8 test against?

9 A. Correct, no -- no firearm was submitted to the
10 laboratory that matched that groove.

11 Q. Okay, and the Glock uses not a firing pin but a
12 strike, right?

13 A. It's called a striker, it's basically a firing pin.
14 It is a firing pin, but Glock does not have a hammer so
15 -- so the guns that don't have hammers they use what's
16 called a striker but -- but it's the same -- same thing,
17 it strikes -- strikes the cartridge, strikes the primer,
18 and that's what causes the cartridge to be fired.

19 Q. All right. And so that fourth firearm is consistent
20 with -- the primer impressions are consistent with a
21 Glock striker-make of gun?

22 A. It's consistent with old -- old-style Glock. Now,
23 Glock has changed the firing pin type in the last couple
24 Years, so now it doesn't look anything like that. But,

1 again, traditionally that -- that was the Glock-type
2 firing pin impression. So, it's consistent with -- I
3 can't say for certain that it was fired by a Glock 'cause
4 I don't have a gun to compare it with. But I would not
5 be surprised if -- if the Glock would be on a list of
6 manufacturers that could have fired that cartridge cases.

7 Q. Okay. And now, just to be clear, you're making
8 these groupings of firearms and the casings that
9 correspond with them, solely by their physical
10 characteristics?

11 A. Physical meaning the markings on them, then -- then,
12 yes.

13 Q. And you're doing that -- when you did this, did you
14 go to the crime scene?

15 A. No, sir.

16 Q. So, you didn't go to the crime scene. When you were
17 doing your analysis, did you look at any photos of the
18 crime scene?

19 A. No, sir. And -- and just to be clear, most of the
20 time we don't know where cartridge cases, or bullets or
21 guns come from, other than what may be listed on packing.
22 A lot of time you see marker identifiers or what may be,
23 you know, on the submission documents. But again, you
24 know, we're going to treat them -- and it's all the same.

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1 We know what to do with it when we get it -- these
2 evidence items, and so, you know, 99 percent of the time,
3 we don't -- we don't know what happened in an incident or
4 at a scene, we just, you know, how to -- what to do with
5 the evidence, and report those results.

6 Q. Right. So, you didn't take into account
7 Geographically, where any of the shells were found, you
8 were analyzing them solely on their forensic
9 characteristics?

10 A. Correct.

11 Q. Okay. And speaking about the forensics of this,
12 when a cartridge case is fired and the bullet goes down
13 range, and it's a small explosion, right?

14 A. Yes. The -- the -- the actual striking of the
15 primer itself causes a little explosion, and it causes a
16 flash basically. That flash is what ignites the
17 gunpowder. So, it's a two-step process. You hit the
18 primer, it ignites the gunpowder, and it's the gunpowder
19 itself which causes all the gas, the volume of gas that
20 pushes the bullet, you know, out of the gun. But -- but
21 it causes basically a little explosion.

22 Q. All right, and so the explosion would be the kind of
23 thing where you wouldn't expect to find DNA trace
24 evidence on a cartridge casing after it's been fired?

1 A. Well, I can't speak to DNA evidence as far as that
2 -- that's not my -- my area of expertise but just --
3 there is high heat and pressure involved in the firing of
4 a cartridge case so, you know, again how that affects DNA
5 it probably does not affect it well, but again, that's --
6 that's outside of my area.

7 Q. And then with regard to fingerprints -- fingerprint
8 evidence that kind of explosion would be very destructive
9 to what you've -- you know, collecting a fingerprint off
10 of a spent casing?

11 A. Again, going back to the same thing, it's not my
12 area, but all I can tell you is that the firing of a
13 cartridge at high heat and pressure is involved.

14 MR. RITTGERS: And then, I want to apologize
15 to the Defense for a second. Now, I'm not certain
16 that 13 and 14 were entered into evidence yet. I
17 may have misinformed the Defense.

18 THE COURT: No, sir.

19 MR. RITTGERS: All right, at this point the
20 State moves to admit what's been pre-marked as 13
21 and 14 into evidence as State's 13 and 14.

22 MR. BUSH: No objection, Your Honor.

23 THE COURT: All right, they're in.

24 (State's Exhibits 13 and 14

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1 were introduced into evidence)

2 BY MR. RITTGERS:

3 Q. All right, so we've talked about the cartridge
4 casings. I'm going to move onto some of these
5 projectiles. All right, so we've got some projectiles.
6 Sir, what findings did you make with regard to
7 projectiles in this case?

8 A. So, as far as projectiles were concerned. I
9 received several items to be examined and compared. Most
10 of them were just pieces, parts of bullets, the jackets,
11 again, that outer part, I received several of those or
12 fragments of that jacket. I received a bullet core,
13 which again would've been the inside of a bullet and not
14 the entirety of it. I did receive one bullet that was
15 mostly intact, and then there was a group of items or
16 pieces that were listed as one item, it came in all --
17 all under one item and it was a bullet core, it was a
18 SCCY bullet jacket fragment, one small piece of lead and
19 two pieces of red fibrous material. So, all that came in
20 together as one item. So, I would've kind of separated
21 them out.

22 Q. I'm sorry, which item number was that (inaudible).

23 A. That would've been item 47.

24 Q. Item 47. I'm sorry, sir, if you'll indulge me. I'm

1 showing you what's -- some components of what's been
2 marked as Exhibit 26. Is that --

3 A. Yeah.

4 Q. -- this is item 47?

5 A. Yeah. So -- so all this together was submitted as
6 one item.

7 Q. Okay. And you analyzed that, sir?

8 A. I did. I examined it to see what I could tell from
9 it. Some of the items I -- again, the red fibrous
10 material is not consistent with the ammunition component,
11 but again it was submitted with the other pieces.
12 Specifically you're talking about this group, the core,
13 which is right here, so that's just a lead interior of a
14 bullet, was most consistent with being nominal .38,
15 caliber, which includes .9-millimeter Luger caliber. So
16 when I say nominal .38 that's basically the class of --
17 or a category of projectiles, it includes .38 special,
18 357 magnum, .9-millimeter Luger, .38 -- or excuse me 380
19 auto (inaudible) all those are very close in diameter or
20 share the same diameter with each other. So that's kind
21 of a group, and that's called nominal .38 caliber. So,
22 other than that I really can't -- couldn't determine much
23 from the item 47. Everything else was unable to
24 determine caliber or any other characteristics because it

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1 was just pieces -- parts of a bullet.

2 Q. And to be clear that's the lead core bullet, there's
3 no -- I believe the jacket's not present and significant
4 part (inaudible).

5 A. Right. Yeah, there -- there was a core and then
6 there was a little sliver of jacket material, which
7 would've been the outside part of the bullet, but again
8 it didn't have many markings on it, but that I could --
9 that I could use for any sort of analysis.

10 Q. All right. But that would be consistent with a
11 bullet where the jacket has come off, and now the core
12 has penetrated into something?

13 A. Well, yeah, the jacket has been -- has come off at
14 some point 'cause it is missing its jacket. At what
15 point, you know, I don't know, but it's not unusual to
16 get bullets that have -- once they hit something they
17 break apart and what have you, but again we can only go
18 with what we got so -- so that's it.

19 Q. All right. And I'm sorry, where did you receive
20 that evidence from?

21 A. As far as like a location -- kind of?

22 Q. Yes.

23 A. So, item 47 was listed as being from the victim at
24 autopsy. So -- so these would've come from the autopsy

1 itself.

2 MR. RITTGERS: Your Honor, at this time the
3 State moves to admit what's been marked as 26, and
4 its sub-components 26A and B, for the Clerk into
5 evidence as those items.

6 THE COURT: Any objection?

7 MR. BUSH: No objection, Your Honor.

8 THE COURT: All right, it's in.

9 (State's Exhibit 26, 26A and 26B
10 were introduced into evidence)

11 MR. RITTGERS: All right, thank you.

12 BY MR. RITTGERS:

13 Q. And then, one last set of items that I want to talk
14 about, sir. Sir, I'm handing you what's been marked as
15 -- pre-marked as State's 15 through 18. Sir, what are
16 those?

17 A. So, these are SLED item numbers eight, nine, 10 and
18 11. State's Exhibit 15, which is SLED item number eight
19 is a fired bullet jacket. So, again, this is -- and it's
20 mostly intact. There are some pieces missing and it is
21 damaged. But this would've been the outside part of a
22 jacketed bullet. State's exhibit --

23 Q. I'm sorry, if I could stop you right there.

24 A. Sure.

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1 Q. Where did you say eight came from?

2 A. Eight was listed as being from the Ford Explorer
3 back row area.

4 Q. Okay. And then --

5 A. Item nine, which is State's Exhibit 16, and it's
6 just a small portion of a jacket that -- so it's a bullet
7 jacket fragment. So again, it's just a small part of the
8 outer part of the jacketed bullet. And that's listed as
9 being from the Ford Explorer rear cargo area. And then
10 we have SLED item number 10, which is State's Exhibit 17,
11 that's listed as defect G, and it is a fired bullet core.
12 So again, that's another lead interior part of a bullet.
13 And then finally we have State's Exhibit 18, which is
14 SLED item 11, it's a fired bullet. This is what I was
15 referring to, it's a mostly intact bullet. It is
16 damaged, but a lot of it's there. This is listed as from
17 Hifonics wooden speaker box from the Ford Explorer cargo
18 area defect H.

19 Q. And you -- what findings did you make with regards
20 to items eight and 11?

21 A. Eight and 11 -- item eight, again, I can measure the
22 diameter of this. It's -- it is a little damaged but --
23 but you get a good idea of what it is. Consistent with
24 being a jacket from a nominal .38 caliber, included is a

1 .9-millimeter Luger. Item 11 based on its
2 characteristics, again it's consistent with being nominal
3 .38 caliber, which includes .9-millimeter Luger
4 (inaudible).

5 Q. And with regards to -- so, I'm sorry, sir, eight and
6 11, so eight is a piece of jacket?

7 A. Yes.

8 Q. From -- I'm sorry, you said, "It was from the back
9 seat of the Explorer?"

10 A. From the rear -- from the Ford Explorer back row
11 area.

12 Q. Back row area, all right. And you said, "Number
13 11," which is this deformed bullet.

14 A. Yes.

15 Q. That is you said "from" -- it's, "From the speaker
16 in the back of that?"

17 A. That's correct.

18 Q. And did you make findings with regard to what
19 firearms may have fired those?

20 A. So since these were -- had a lot of the rifling
21 impressions still on them, what we can do is -- well,
22 first of all I compared those with -- with the guns that
23 were submitted, and was able to determine that -- that
24 none of the firearms that were submitted fired these two

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1 items. And that's basically due to the fact that the
2 rifling characteristics that are on these two items were
3 totally different than what the firearms that were
4 submitted. Eight and 11 had what's called polygonal
5 rifling, which is a different type of rifling than
6 conventional rifling. Polygonal means those grooves sort
7 of have -- have a wave look to them, they don't have
8 squared-off edges, whereas conventional has a squared-
9 off edge. So -- so we didn't -- we didn't basically sort
10 things out based on -- on rifling impressions as well.
11 So, eight and 11, what we can do is we can put rifling
12 information into a database. The database was first
13 started by the FBI, it has since -- now it's run by AFTE
14 Association, which I'm a member. And what it is, it's --
15 it can bring up a list of potential manufacturers that
16 could've fired these -- these two items based on those
17 rifling characteristics. And so I included that list of
18 potential manufacturers in my report, in case a firearm
19 was recovered.

20 Q. And just to be clear, that list of manufacturers
21 includes Glock?

22 A. Yes, sir, yeah. I believe there's -- there's a
23 handful of manufacturers that use the 6/right polygonal
24 rifling, and Glock is a manufacturer that uses that.

1 Q. And because of that rifling, you excluded those
2 items as having been fired from any of the guns collected
3 at the crime scene?

4 A. That's right. All three of those firearms used
5 conventional rifling, and some of them have a different
6 number of lands and grooves than what these two have so -
7 - so basically, if they're classed wrong from what these
8 two items are.

9 MR. RITTGERS: At this time the State moves to
10 admit what's been pre-marked as State's 15 through
11 18 into evidence as 15 through 18.

12 MR. BUSH: No objection, Your Honor.

13 THE COURT: All right, they're in.

14 (State's Exhibits 15, 16, 17, and 18
15 were introduced into evidence)

16 BY MR. RITTGERS:

17 Q. All right, okay, and so I just kind of want to
18 summarize everything here. So, your testimony is is that
19 the Smith & Wesson M&P discharged these cases from the
20 scene and matches State's 61 for testing against those?

21 A. Yes, there were two cartridge cases fired by the
22 Smith & Wesson pistol.

23 Q. All right. And then with regard to the Canik, which
24 is State's 25, you fired test cartridges, and they did

1 not match any other cartridges found at the scene?

2 A. Correct.

3 Q. And then with regard to the SCCY, which is State's
4 27, you fired test cartridges that matched the cartridges
5 associated here with State's 58, and a couple other
6 cartridges?

7 A. Yes. There were three -- three evidence cartridge
8 cases that I determined to be fired by the SCCY pistol.

9 Q. Right, State's 34, 48, and 58? All right. And then
10 you -- and then your testimony is is that this collection
11 of cartridges here was fired by a third unrecovered
12 firearm?

13 A. Correct, 14 cartridge cases were fired by a third
14 unrecovered firearm.

15 Q. And that this collection of cartridge cases was
16 fired by a fourth unrecovered firearm?

17 A. Correct, 12 fired cartridge cases were fired by the
18 same firearm which is unrecovered.

19 Q. All right. And that fourth firearm has striker
20 impressions consistent with coming from a Glock?

21 A. They are consistent with an older model Glock,
22 correct.

23 Q. And then items eight and 11 which were recovered
24 from respectively the back seat and the speaker of the

1 vehicle, have rifling characteristics consistent with a
2 Glock?

3 A. Correct. And just to clarify, Glock has changed
4 their rifling as well. The newer models use what's
5 called GMB rifling, which is Glock Marksman Barrel, but
6 it's a little bit different from polygonal, so those
7 eight and 11 would be indicative of the older-style Glock
8 rifling which uses the polygonal.

9 MR. RITTGERS: Mr. Smith, thank you very much
10 for your testimony. I don't think I have anything
11 else for you right now. Mr. Bush may have some
12 questions for you.

13 THE COURT: Cross-examination?

14 MR. BUSH: Thank you very much, Your Honor.
15 And may it please the Court.

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. BUSH:

19 Q. Special Agent Smith, hey. Still good morning --
20 good morning to you.

21 A. Good morning.

22 Q. Good morning. I am not a firearms guy, so I'm going
23 to ask you some questions just for some clarification
24 from some of the testimony that you just gave. You

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1 indicated that State's Exhibit 46 through 57, that's sort
2 of this Ziploc bag of shell casings from the fourth
3 unidentified firearm in this case. It's got those square
4 rectangular markings, right, on the casing; is that
5 correct?

6 A. Yes, sir.

7 Q. And you said it's consistent with an older-style
8 Glock?

9 A. Correct.

10 Q. When did Glock change their manufacturing?

11 A. It was several years back the -- the actual year I
12 don't recall. But -- they've been making the newer style
13 for a while now. So that's why we kind of differentiate
14 between old-style Glock and then, you know, a newer
15 model.

16 Q. And I guess when they changed that, would you say
17 they changed that more than three years ago?

18 A. I think -- I think -- well, I think they did.
19 Again, all the old Glocks could still be out there, but
20 to buy a newer model Glock would have that -- the
21 changes.

22 Q. And what other firearms other than Glocks have, that
23 same rectangular markings on the casings?

24 A. Right offhand I don't recall but I know that, again,

1 some of the -- I think the newer -- the Palmetto State
2 Armory Dagger, which is kind of a Glock copy may use
3 that. But, again, a lot of foreign manufacturers are
4 copying Glock nowadays in using some of their features.
5 So -- so it's harder than it once used to be to -- to
6 maybe determine, you know, what fired what, as far as,
7 you know, cartridge cases are concerned. But, right
8 offhand, I don't know which manufacturers.

9 Q. But you agree there's other manufacturers that do?

10 A. Yes, sir.

11 Q. So, I guess what I'm asking then is State's 46
12 through 57, you actually can't say with any level of
13 certainty that these were fired by a Glock, correct?

14 A. Oh, no, I can't say that they -- they haven't been
15 fired by a Glock. I wouldn't be surprised if they were
16 fired by a Glock. But again, there are other
17 manufacturers that potentially could've fired those based
18 on, you know, using those Glock-type features.

19 Q. Okay. I want to look at -- it's State's 27 but for
20 you it's item 46. And that's going to be --

21 A. The SCCY pistol.

22 Q. Yeah, this is Reggie's SCCY .9 millimeter. You
23 indicated that there were three shell casings, and I've
24 got to find which bag those are in, I think it's this

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1 bag. There were three shell casings that we know were
2 fired from Reggie's SCCY .9 millimeter, that's State's
3 Exhibit 34, and that's your item 21; is that right?

4 A. State's exhibit-wise, I don't recall, but they
5 would've been SLED items 21, 27, and 45, those three
6 cartridge cases.

7 Q. So all three of these cartridge cases here we know
8 were fired by Reggie's SCCY .9 millimeter, right?

9 A. That's correct.

10 Q. Okay. Now, I want to look at items eight through
11 11, that's State's 15 through 18. Let's first talk about
12 State's 16, and I'm showing you what's been entered into
13 evidence as State's 16. State's 16 corresponds for you
14 with item number nine, right?

15 A. Yes, sir.

16 Q. And that's the jacket fragment that was found in the
17 rear cargo area of the Ford Explorer, right?

18 A. That's correct.

19 Q. And I think you indicated this to Mr. Rittgers, but
20 due to the damage on item nine, the limited size, the
21 caliber of item nine, and that jacket fragment could not
22 be determined, correct?

23 A. That is correct.

24 Q. And that was the same -- I think for you as item 47,

1 that jacket fragment that's listed for State's 26, you
2 couldn't determine essentially its caliber, correct?

3 A. That's correct, yeah. These are just small portions
4 of a jacket itself, so we're -- we're dealing with just
5 small fragments. Sometimes they have, you know, more
6 rifling impressions than other, it depends on what part
7 of the bullet this would've come from. So, again, I
8 wasn't able to determine much about those, as far as
9 caliber or anything like that.

10 Q. So, I guess then what I'm asking you is, the item
11 number nine, which is State's Exhibit 16, we can't prove
12 that item nine -- that copper fragment was fired by the
13 same firearm as the copper fragment that was found in
14 item 47, correct?

15 A. Right, yeah, I have no way to -- to determine that.

16 Q. Okay. Let's talk about item 10. Item 10 you
17 indicated, which item 10 by the way is State's 17, so I'm
18 going to bring you what's been marked as State's 17.
19 State's 17 is the projectile that was found in defect G
20 in the middle row seat of the Ford Explorer; is that
21 correct?

22 A. All I have is it's listed as from defect G.

23 Q. Okay. And that's the core, right?

24 A. Yeah. So -- yes, sir, that would've been in the,

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1 again, inside part of a jacketed bullet, so some sort of
2 lead alloy material.

3 Q. And you'd agree with me, that's a projectile with no
4 jacket on it, right?

5 A. That's correct.

6 Q. All right. And based on the physical
7 characteristics you weren't positive that item 17 -- or
8 State's 17, item 10, or that item 47, that would've been
9 State's 26A, the lead core from autopsy, that either of
10 those were loaded into a .9 millimeter, correct?

11 A. Right, again based on the diameter, I can say that
12 it was most consistent with being 30 -- you know, nominal
13 .38 caliber, but you have to take into consideration that
14 if you've got a core that -- you know, it's a certain
15 diameter, you've got a jacket that goes over the top of
16 it, that adds diameter -- diameter to it as well, once
17 it's, you know, on there. So, it doesn't have to be .9
18 millimeter, it's just it includes .9 millimeter, but it
19 could be something else under that -- that nominal .38
20 umbrella.

21 Q. So it could've been fired by any of those under that
22 nominal .38 umbrella?

23 A. Yes, sir.

24 Q. Okay. Let's talk about item 11 that's State's 18.

1 Can you bring that to me that (inaudible)? I'm showing
2 you what's been marked as State's 18. As I indicated,
3 State's 18 is your item 11. And it's really sort of the
4 same thing, right? This is the bullet from the wooden
5 speaker in the Ford Explorer, right?

6 A. That's correct.

7 Q. And we can't say that the bullet from the wooden
8 speaker in the Ford Explorer matches item 47, right?

9 A. Correct.

10 Q. Or were fired by the same weapon?

11 A. That would be correct. Now there were markings on
12 State's Exhibit 18, my item number 11, that I could use
13 to generate that list of possible manufacturers. But
14 since the other jacket -- the other pieces, the jacket
15 fragments, didn't really have impression -- rifling
16 impressions on them, I couldn't determine if they were
17 fired by, you know, the same firearm, different firearms,
18 or what have you. So I -- so I don't know.

19 Q. Okay. And lastly, I'm going to show you State's
20 Exhibit 15, that's again -- this is your SLED item eight.
21 State's 15 is the bullet jacket from the Ford Explorer
22 that was in the back row; is that correct? Your item
23 eight.

24 A. Yes, that's right.

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1 Q. And here, again, we're not positive that item eight
2 was a .9-millimeter cartridge, right?

3 A. It doesn't have to be. Again, it -- it uses -- it's
4 got the polygonal rifling -- there are other calibers
5 outside of .9 millimeter that -- that can have, you know,
6 polygonal rifling in that nominal .38 umbrella. So, it
7 could be or it could be something different.

8 Q. And we also can't prove that item eight, which is
9 State's 15, and item 47, State's 26, that either of those
10 were fired by the same firearm, correct?

11 A. Correct.

12 Q. Now I want to talk to you about the class
13 characteristics that you gave, can you repeat? It's
14 called -- what's the word for the rifling of the gun?

15 A. So the two main classes that we used to have
16 categories, polygonal was a rifling, tight, and then
17 there's conventional, and so now a Glock has muddied the
18 waters by introducing the GMB, which is the Glock
19 Marksman Barrel, which is kind of like a hybrid between
20 conventional and polygonal rifling just to confuse
21 things.

22 Q. Okay. And I'm going to ask sort of based on items
23 eight and 11, State's 15 and 18, you weren't able to
24 prove that items eight and 11, or State's 15 and 18, were

1 fired by the third unknown firearm, correct?

2 A. Correct. We -- we don't have a firearm that uses
3 those that has those rifling characteristics. So, again,
4 they -- if I'm understanding you correctly, I -- I don't
5 have a firearm to compare those with so --

6 Q. That's exactly what I was asking. And the same is
7 true for the fourth unknown firearm, correct?

8 A. Correct -- correct, yeah.

9 Q. Now let's talk about those class characteristics,
10 polygonal rifling as you indicated. I think, and I'm
11 going to grab your report, but in looking at your report,
12 the class characteristics that you indicated that are
13 firearms that were consistent with that were a Bersa,
14 right?

15 A. Yes. Yes. So these, just to clarify for the jury,
16 this would be the list of potential manufacturers that
17 make firearms in .9-millimeter Luger caliber that have
18 the 6/right polygonal rifling. So -- so, these are some
19 firearms that we knew -- or back then knew about that use
20 that rifling, or have those rifling specifications.

21 Q. Perfect. And I know that the State only talked to
22 you about Glock, but I'm going to actually talk to you
23 about each one of these, because there's a whole bunch of
24 firearms right here on this list. You indicated there's

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1 Bersa, right?

2 A. Yes, sir.

3 Q. I don't know if it's I-W-I or IWI, how do you --

4 A. I-W-I.

5 Q. I-W-I. Vector, right?

6 A. Correct.

7 Q. Walther, correct?

8 A. Yes, sir.

9 Q. F-I-E, right?

10 A. Yes.

11 Q. Heckler and Koch, correct?

12 A. Yes.

13 Q. Is it Kahr Arms?

14 A. Kahr.

15 Q. Kahr Arms, right?

16 A. Yes.

17 Q. Sights, correct?

18 A. Right.

19 Q. Girsan, right?

20 A. Yes.

21 Q. Either I-M-I or Uzi, correct?

22 A. Right.

23 Q. KRISS USA, correct?

24 A. Correct.

1 Q. How do you pronounce that last one?

2 A. Tanfoglio.

3 Q. Tanfoglio, right?

4 A. Yes.

5 Q. So, it could've been any of those, correct?

6 A. Right. So -- so all those manufacturers are known
7 to have used that type of rifling. Again, they use the
8 6/right polygonal rifling.

9 Q. And you also add, like, a really nice little
10 disclaimer there at the bottom that says, "This is not
11 all-inclusive and is provided for investigative
12 assistance only," right?

13 A. Correct.

14 Q. 'Cause there's more manufacturers than just that
15 that it could possibly be, correct?

16 A. That's right. So, you know, these are just some
17 that we know about. Again, since I issued my report,
18 there may be more firearms that -- that use this six
19 rifling that we don't know about. Again, there's so many
20 different manufacturers popping up throughout the world
21 that like to copy other manufacturers. So, again, we put
22 that disclaimer in there because these are just some of
23 the ones that we do know about.

24 Q. Okay. Thank you so much. I want to ask you and

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1 kind of talk to you now about items that you didn't test.
2 So, this is not a trick question, it won't be on your
3 report, you didn't test them. The State and the Aiken
4 Department of Public Safety, they didn't send to you a
5 copper jacket from evidence marker one in this case, did
6 they?

7 A. No, sir, I don't have anything listed as from being
8 marker one.

9 Q. I got you. And had they sent you that copper jacket
10 Fragment, you would've been able to physically and
11 microscopically analyze it, correct?

12 A. Yes, sir. Yeah, we again, depending on what shape
13 it is, you know, or what shape it's in, you know, we may
14 be limited as to what sort of conclusions we'd come up
15 with, but again if they submitted it, then I could've
16 looked at it to potentially come up with some sort of
17 results for it.

18 Q. Sure, and where appropriate -- sort of like what you
19 were just saying, you could have microscopically compared
20 that item to other items that were sent to you, right?

21 A. Potentially, yeah. If there were marks on there
22 worth -- worth doing anything with, then that is a
23 possibility.

24 Q. So, you could've potentially compared that copper

1 jacket to what you have marked as State's eight -- or
2 SLED eight through 11, but what is State's 15 through 18,
3 correct?

4 A. Correct.

5 Q. You could have compared that copper jacket to see if
6 there were any characteristics that could've helped you
7 identify whether or not it was fired by the State's 27,
8 Reggie's SCCY .9 millimeter, correct?

9 A. Correct.

10 Q. You could've compared that copper jacket to any of
11 the shell casings State's, let me look at my list,
12 State's 34 through 39, and 41 through 45, which were
13 fired by the third unknown firearm, right?

14 A. Well now a copper jacket is you're talking apples
15 and oranges here. Cartridge cases is a different
16 category than what the actual projectile would be. If
17 it's a copper fragment, you know, as a projectile then --
18 then I can't compare a projectile with a cartridge case.
19 I can only compare cartridge cases with cartridge cases
20 and bullets with bullets. So --

21 Q. I understand.

22 A. Right.

23 Q. Okay, all right. But you could've compared it to
24 State's 27, the SCCY .9 millimeter that you compared the

1 other items to, correct?

2 A. Right. Depending -- I mean, we don't know until we
3 look to see what's on it. You know, there may have been
4 rifling impressions on it, you know, that I could use to
5 eliminate certain guns or whatever. You don't know until
6 you try.

7 Q. And we don't know in this case because the State and
8 the Aiken Department of Public Safety never sent it to
9 you, correct?

10 A. I did not receive another item.

11 MR. BUSH: May I beg the Court's indulgence?

12 THE COURT: Yes, sir.

13 MR. BUSH: Thank you, Your Honor. No further
14 questions.

15 THE COURT: Any redirect?

16 MR. RITTGERS: Yes, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. RITTGERS:

19 Q. So, I just want to -- because there's a lot of bags
20 and shell cases here and I don't want to get these
21 baggies mixed up because they kind of have like numbers
22 of shells in some cases here. So if you would, sir,
23 State's Exhibit 13 and 14, which are your numbers six and
24 seven -- said those came from the Smith & Wesson?

1 A. Yes.

2 Q. I've talked to the Defense about this, they don't
3 have any objections -- would write something to put Smith
4 & Wesson on there or S&W as a --

5 MR. BUSH: For the record, Your Honor, we did
6 discuss this and no objection to him writing on the
7 bags -- just for clarification purposes for us and
8 for the jury.

9 THE COURT: All right, sir, thank you.

10 MR. RITTGERS: All right, thank you, sir, I
11 appreciate that. And I'm sorry, 15 through 18 are
12 in evidence, correct? They're just still sitting up
13 here I want to make sure they're --

14 THE COURT: They're in evidence.

15 MR. RITTGERS: They are? Thank you, Your
16 Honor.

17 BY MR. RITTGERS:

18 Q. Okay, and then a little more housekeeping here.
19 State's 34, 48, and 58, which are your -- it's your item
20 -- there's a lot of numbers here.

21 A. (Inaudible).

22 Q. Yeah.

23 A. .45 (inaudible) fired by the SCCY.

24 Q. The SCCY if you could write that, is it S-C-C-Y on

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1 there?

2 A. Yes.

3 Q. I'd appreciate that, thank you. All right. And
4 then, this one has I believe that is --

5 A. Your 33.

6 Q. 33.

7 A. That would've been the fourth firearm. Should I put
8 fourth firearm?

9 Q. Yeah, sure, fourth firearm, that would be great.
10 All right, and then (inaudible).

11 A. (Inaudible).

12 Q. And (inaudible) numbers and make sure (inaudible).
13 Thank you, sir, I appreciate that. All right, okay, so
14 we talked -- Mr. Bush had some questions for you. All
15 right, so you said you used the term "old Glock," the
16 machining basically, right? The parts -- the old Glock
17 versus new Glock.

18 A. So "old Glock," like I said, they redesigned the way
19 that they wanted some -- the firing pin and all that
20 stuff so -- so the shapes are different, the firing pin
21 apertures are different. So, again, old Glock would've
22 been the rectangular-style firing pin aperture, whereas a
23 new Glock is a teardrop shape -- it's a different shape
24 so -- so, yes.

1 Q. But that "old Glock machining" continued on even
2 though you said, "There's five generations of Glocks?"

3 A. There are five generations of Glocks.

4 Q. And so, that old machining continued all the way
5 through the third generation of Glock?

6 A. Right. And I think, and I'm not positive, but I
7 think that some of the fourth generation may -- may have
8 -- there was a certain point where they switched over. I
9 don't think it was as clear-cut as, you know, a fourth
10 generation they started using it. I think some of the
11 early fourth still had some of the old-Glock style
12 features but -- but a fifth certainly do have the newer-
13 style firing pin aperture.

14 Q. Okay, but so -- and just to be clear, what firearm
15 -- what sidearm does SLED use as a standard issue?

16 A. Glock pistol, there are several different models
17 they use but a Glock -- actually Glock is a common for
18 all law enforcement throughout the world.

19 Q. Right. And that's because it's very dependable?

20 A. It's very reliable. It's very easy to fieldstrip,
21 maintain, and it's -- it's good in harsh conditions, so
22 it's -- so it's a good firearm overall.

23 Q. And so it's fair to say that one of the Glock
24 firearm could stay in service and in circulation for a

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1 long time?

2 A. A long time -- as long as you know it's maintained
3 properly. You know, some parts -- springs may need to be
4 replaced every once in a while. You got wear-and-tear
5 items that need to be serviced but -- but overall it can
6 stay for a long time.

7 Q. And so, but it wouldn't surprise you that if a, you
8 know, a Glock with the old tooling was still in -- you
9 know, in active use and in circulation today?

10 A. Oh, absolutely not. We see -- we see "old Glocks"
11 all the time.

12 Q. And again the "old Glock" that's the one with the
13 rectangular imprints on those cartridge casings?

14 A. Correct, yes, sir.

15 Q. And then just in terms of -- you said, "Glock is
16 very common in law enforcement," in fact it's very common
17 within the entire domestic firearms market, right?

18 A. Yes, sir.

19 Q. And so with regard to, you know, the 6/right
20 polygonal rifling that you mentioned -- right, I mean in
21 terms of overall sales, is Glock almost certainly the
22 most common out of the brands that you mentioned?

23 A. I would --

24 MR. BUSH: Objection, Your Honor, outside the

1 scope of this witness' expert testimony -- sales of
2 firearms.

3 THE COURT: Can you rephrase the question?

4 MR. RITTGERS: I can rephrase, Your Honor, but
5 I actually believe that it is within -- Mr. Smith
6 examines -- has examined thousands of firearms, and
7 he is -- is aware of sort of the proportion of what
8 is common and what is not. I think he can speak to
9 this question, Your Honor.

10 THE COURT: Repeat the question.

11 BY MR. RITTGERS:

12 Q. All right, so of all of the brands that Mr. Bush
13 talked to you about, would Glock be the most common out
14 of all those brands in your experience?

15 THE COURT: I think he's qualified to answer
16 that.

17 MR. BUSH: That's fine, he was asking him
18 about sales and the market, Judge, and that's what I
19 was objecting to.

20 THE COURT: Yes, sir.

21 THE WITNESS:

22 A. Glock certainly would be one of the most common that
23 we see that have the polygonal rifling. Again, the other
24 manufacturers that we went through have known to use

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1 those, but -- but I would say overall, you know, we see
2 more Glocks that have polygonal than the other
3 manufacturers.

4 Q. And that would be the most common that you've
5 examined out of that entire list of firearms?

6 A. Yes, sir.

7 Q. And that's, once again, the Glock has -- well, let
8 me back up one second. Have you ever examined a
9 Tanfoglio?

10 A. Yes, every once in a while we do see some of those,
11 it's an Italian-made firearm. It's not real common.
12 Every once in a while we do -- do come across them.

13 Q. Kind of higher end?

14 A. Some of them. They do make some, like, competition
15 match-style pistols that can be, you know, fairly
16 expensive. And again, we don't run into them too -- too
17 often.

18 Q. Okay. So between the two of those, it would be far
19 more -- you've examined far more Glocks than you have a
20 Tanfoglio?

21 A. Yes, sir.

22 Q. And once again that's the most common out of your
23 experience with the 6/right polygonal rifling?

24 A. Correct.

1 Q. And the most common with the rectangular-striker
2 imprint on the primer at the back of a cartridge case?

3 A. I would say so. Again, it's more common nowadays to
4 see other manufacturers, you know, use that. But, you
5 know, typically and traditionally that rectangular-style
6 aperture would call it the Glock style. So, but again,
7 nowadays there's more manufacturers that use it, but --
8 but I would say overall, you know, we would see more
9 Glocks that -- that use it, just because there's so many
10 more Glocks out there.

11 Q. Right. And items eight and 11, the ones recovered
12 from the vehicle -- the projectiles, those are consistent
13 with a 6/right polygonal rifling?

14 A. Right, they've -- they do have 6/right polygonal
15 rifling characteristics on them.

16 Q. And that 6/right polygonal rifling commonly
17 (inaudible) Glocks?

18 A. Yes. Again, other manufacturers could use it but
19 overall, you know, we would see typically more Glocks
20 that use the polygonal than the other manufacturers.

21 Q. Sir, I'm going to show you what's been pre-marked as
22 State's 64.

23 MR. BUSH: Your Honor, we may have a matter
24 that needs to be heard outside the presence of the

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1 jury.

2 THE COURT: Can y'all approach on this side?

3 (Bench conference off the

4 record.)

5 THE COURT: So, Agent Smith, you're going to

6 be shown a photograph, which will be for

7 identification purposes only. Please be very

8 mindful not to show it to the jury.

9 THE WITNESS: Yes, ma'am.

10 BY MR. RITTGERS:

11 Q. All right, Agent Smith, I'm going to ask you to take
12 a look at what's in that folder, once again, please don't
13 show it to the jury, but if you could just take a look at
14 that. Do you see a handgun in that photo?

15 A. Whether or not it's a handgun, I can't confirm.

16 There are replicas of handguns that look a lot like the
17 real thing, so without actually having it to examine, I'm
18 hesitant to say that it's a real firearm or not.

19 Q. All right, but the thing that looks like a firearm
20 in there, does it have characteristics common to a Glock?

21 A. It has characteristics common to a Glock. It does,
22 again, without actually having it, you know, going
23 (inaudible) a photograph, you know, I -- we deal with
24 things that we can actually see and touch. So, I'm

1 hesitant to go much further than it has -- it does have
2 characteristics of a firearm. But, again, I don't even
3 know if it's a real firearm.

4 Q. Okay, but the logo on what appears to be the slide
5 of what appears to be a handgun, it has a insignia
6 consistent with the Glock logo on it?

7 A. It is consistent with that logo, correct.

8 Q. Right. And so the takedown lever on a Glock, which
9 is forward of the trigger guard, between that and the
10 accessory light rail on a Glock is very distinctive,
11 correct?

12 A. I don't know if that, again, has to be by Glock, the
13 only manufacturer. Again, you can buy different frames
14 for a Glock now, aftermarket stuff, to switch parts --
15 parts out. So, again, it -- it shares -- it shares
16 features with the Glock pistol, but again I'm not saying
17 that it is a Glock pistol.

18 Q. Right, and I understand that. But so, and that
19 takedown lever, right, that's very distinct from let's
20 just say, like a Smith & Wesson M&P, where it folds up
21 and it has a lever?

22 A. Right.

23 Q. And that is not present in that picture?

24 A. No, I understand. I mean, it does have -- it does

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1 have those features, but again to go much further I'm
2 hesitant to do so.

3 Q. So another major manufacturer SIG Sauer also has a
4 takedown lever that recesses in and folds up, right --
5 folds up, not a vertical takedown lever?

6 A. Correct.

7 Q. Right. And those brands use a dovetail from the
8 sight where it slides in from the side, correct?

9 A. So, I don't want to go for 100 percent that they
10 have to use those -- those types. Again, there's so much
11 aftermarket presence and availability for Glock pistols
12 and other pistols, not just Glock, you know, but -- so it
13 doesn't have to be a Glock, but it shares features with a
14 Glock pistol.

15 Q. All right, but looking at that photo, you don't see
16 the slot for a dovetail to fit under the front sight in
17 that -- you don't see that? From that profile you don't
18 see that?

19 A. I don't see -- I don't see that specifically. I'm
20 not saying it's not there from this photograph, but --
21 but you can get a Glock -- you can have that done to your
22 pistol to make switching out sights easier. You know, I
23 --

24 Q. And I'm sorry, I wanted to finish what we're saying

1 about that takedown lever. That takedown lever on the
2 item in that photo is consistent with a Glock takedown?

3 A. It's consistent with, yes. But again you can --
4 there's other -- other aftermarket frames that use Glock
5 -- you can use Glock pistol parts on, you know, without
6 actually having the gun to examine, you know, I'm not
7 saying it is a Glock.

8 Q. All right. I don't have anything further from you
9 right now. I'm going to steal this folder from you.
10 Thank you.

11 THE COURT: You may step down Agent, thank
12 you.

13 MR. SMITH: May I be released (inaudible)?

14 THE COURT: Any objection for him to be
15 released?

16 MR. BUSH: No objection from the Defense, Your
17 Honor.

18 THE COURT: Solicitor?

19 MR. RITTGERS: No objection, Your Honor.

20 THE COURT: All right, you're free to go.

21 MR. SMITH: Thank you, Your Honor.

22 MR. RITTGERS: Your Honor, we may -- we have
23 one short witness who has a job that we would like
24 to let him get back to, if we could do one more

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1 before lunch?

2 THE COURT: Certainly. You may call your next
3 witness.

4 MR. RITTGERS: Thank you, Your Honor. The
5 State calls Mr. Kevin James.

6 CLERK: Place your left hand on the Bible,
7 raise your right. The testimony you should give the
8 Court and the jury in this case should be the truth,
9 the whole truth, and nothing but the truth, so help
10 you God?

11 MR. JAMES: Yes.

12 CLERK: You can have a seat in the witness
13 box. Please spell your last name.

14 MR. JAMES: J-A-M-E-S.

15 THE COURT: Your witness.

16 MR. RITTGERS: Thank you, Your Honor.

17 KEVIN JAMES

18 was called as a witness, and having been first duly
19 sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. RITTGERS:

22 Q. Mr. James, you live pretty close, you live in Aiken
23 City, sir? Close to Barnwell and Kershaw?

24 A. Yes.

1 Q. Pretty close to the Stoney-Gallman apartments?

2 A. Yes.

3 Q. Where it kind of -- right by Schofield Middle
4 School, right?

5 A. Yes.

6 Q. And, sir --

7 MS. STEINER: Objection, leading.

8 MR. RITTGERS: These are foundational
9 questions, Your Honor.

10 THE COURT: Proceed, just be mindful to not
11 lead the witness.

12 MR. RITTGERS: Yes, Your Honor.

13 BY MR. RITTGERS:

14 Q. Sir, you're -- you're married, sir?

15 A. Yes.

16 Q. How many kids do you have?

17 A. Six.

18 Q. And one of those children is named Shy'Tavia James,
19 correct?

20 A. Yes.

21 Q. All right. And right about three years ago, was
22 Shy'Tavia dating Kemontee Blocker?

23 A. Yes.

24 Q. And was Shy'Tavia at your place? And we're talking

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1 about the night that the shooting happened April 24th,
2 25th of 2021 -- on that night was Shy'Tavia at your
3 house?

4 A. Yes.

5 Q. And had Kemontee been at your house that night too?

6 A. Yes.

7 Q. And what time did you go to bed that night?

8 A. About 8:00 or 9:00.

9 Q. Okay, 8:00 or 9:00? All right. And then when you
10 go to bed, do you commonly let folks stay in your house
11 overnight -- guests?

12 A. No.

13 Q. All right, and so when you go to bed they have to
14 leave?

15 A. Yes.

16 Q. And so was Kemontee Blocker at your place that
17 night?

18 A. I heard him.

19 Q. Heard him, all right. And so did you -- so did he
20 leave that night?

21 A. Yes.

22 Q. All right. About what time do you think he left,
23 sir?

24 A. What's that?

1 THE COURT: Sir, do you mind speaking up a
2 little bit so --

3 THE WITNESS: What's that?

4 THE COURT: -- the court reporter can hear
5 what you're saying?

6 BY MR. RITTGERS:

7 Q. I'm sorry, sir?

8 A. What's that?

9 Q. What -- oh, when he left, did he leave about the
10 time you went to bed?

11 A. Yeah.

12 Q. Okay, about the time you went to bed, you said,
13 "Between 8:00" -- about 8:00, 9:00, all right. Did he
14 come back after that?

15 A. No.

16 Q. So, he didn't come back to your place after that?

17 A. No.

18 Q. After 9:00?

19 A. No.

20 Q. All right, and then, so you're in bed that night and
21 -- so once you went to bed, was your wife with you there?

22 A. Yes.

23 Q. And so you heard some shots that night, right?

24 A. Yes.

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1 Q. So, when you heard those shots what were you doing?

2 A. Me and my wife were sitting in bed talking. I got
3 up, checked the house out (inaudible) went back to bed.

4 Q. All right, now when you got up to check the house,
5 did you go outside of the house?

6 A. No. I went into the living room, the kitchen, and
7 then I went back upstairs.

8 Q. And then when you went downstairs, was anybody
9 downstairs at that time?

10 A. Yeah, my daughter.

11 Q. Your daughter Shy'Tavia?

12 A. Yeah.

13 Q. And then, just to be clear -- you know -- I know you
14 said you had six kids -- or you have six kids, how old
15 are your youngest right now?

16 A. Eleven.

17 Q. Eleven. You have one that's eight too?

18 A. No, I got one 11.

19 Q. Oh, I'm sorry -- so three years ago they would've
20 been -- he would've been eight?

21 A. Yeah.

22 Q. And then so when you went downstairs to go see --
23 the downstairs when the shots happened, was your youngest
24 child down there?

1 A. No, they was in bed.

2 Q. They were in bed. And the bedrooms are upstairs?

3 A. Yes.

4 Q. And just to be clear -- when you went downstairs --
5 when the shots rang out was Kemontee Blocker downstairs
6 at your house?

7 A. No.

8 Q. Sir, I don't have anymore questions for you. The
9 Defense counsel may have some questions for you.

10 MS. STEINER: No questions.

11 THE COURT: You may step down Mr. James, thank
12 you. Ladies and gentlemen of the jury, it's about
13 12:20, so it's a good time for us to take our lunch
14 break. Did you have sufficient time yesterday with
15 one hour, or do you need an hour and 15?

16 UNIDENTIFIED JUROR: Sure.

17 THE COURT: An hour and 15 will be a little
18 better for you? All right, so we'll take about an
19 hour and 15, that would put us at -- let's do 10
20 'till 2:00, hopefully that will give you sufficient
21 time to grab something, and get back in your jury
22 room. Again, please remember my previous
23 instruction not to discuss the case amongst
24 yourselves or with anyone else. Have a nice lunch.

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1 All right, Counsel, anything before we recess for
2 lunch?

3 MS. HAMMACK: Not from the State.

4 MS. STEINER: No, Your Honor.

5 THE COURT: All right, have a nice lunch.

6 (Off the record.)

7 (Recess.)

8 (On the record.)

9 CLERK: Thank you everyone, please have a
10 seat.

11 THE COURT: Parties ready to proceed?

12 MS. HAMMACK: Yes, Your Honor.

13 MR. BUSH: We are, Your Honor.

14 THE COURT: All right, let's have our jury
15 please. You may have a seat. Welcome back, ladies
16 and gentlemen of the jury. I hope that you enjoyed
17 your lunch. We're now ready to proceed. You may
18 call your next witness.

19 MS. HAMMACK: The state calls Shy'Tavia James.

20 CLERK: Place your left hand on the Bible,
21 raise your right. The testimony you should give the
22 Court and jury in this case should be the truth, the
23 whole truth, and nothing but the truth, so help you
24 God?

1 MS. JAMES: Yes.

2 CLERK: You may have a seat in the box.

3 Please state your full name, spelling your last.

4 Please watch your step.

5 MS. JAMES: J-A-M-E-S.

6 UNIDENTIFIED MALE: How do you spell your
7 first name?

8 MS. JAMES: S-H-Y-T-A-V-I-A.

9 THE COURT: Your witness.

10 MS. HAMMACK: Thank you, Your Honor.

11 SHY'TAVIA JAMES

12 was called as a witness, and having been first duly
13 sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. HAMMACK:

16 Q. Shy'Tavia, how old are you?

17 A. Twenty-two.

18 Q. Are you from Aiken?

19 A. No, ma'am.

20 Q. Where are you from originally?

21 A. Orangeburg, South Carolina.

22 Q. Have you lived in Aiken in the past?

23 A. Yes, ma'am.

24 Q. Tell me, Shy'Tavia, did you know Joseph Copeland?

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1 A. Yes.

2 Q. How did you know Joseph?

3 A. From school.

4 Q. Did you know Reggie Jones?

5 A. Yes.

6 Q. Do you know Kemontee Blocker?

7 A. Yes.

8 Q. And how did you know Kemontee?

9 A. From my old neighborhood.

10 Q. At some point, were you in a relationship with
11 Kemontee?

12 A. Yes.

13 Q. In April and May of 2021, were you in a relationship
14 with Kemontee?

15 A. Yes.

16 Q. Tell me, Shy'Tavia, where were you staying in April
17 of 2021?

18 A. In -- on -- well, on Kershaw Street in Stoney-
19 Gallman.

20 Q. At Stoney-Gallman?

21 A. Uh-huh (affirmative).

22 Q. Is that the apartments right across from Schofield
23 Middle School?

24 A. Yes.

1 Q. And that's here in Aiken County?

2 A. Yes.

3 Q. And who were you living with there?

4 A. My mom and dad.

5 Q. What's your daddy's name?

6 A. Kevin James.

7 Q. And when you were living with them, did Kemontee
8 ever come over to your house?

9 A. Yes.

10 Q. Now, I want to talk to you specifically about
11 Saturday, April 24th, going into Sunday, April 25th of
12 2021, do you remember those days?

13 A. Not really but, yeah.

14 Q. Well, let's talk about some specifics from those
15 days and see if you remember. Did you see Kemontee that
16 day?

17 A. Yes.

18 Q. What time on that Saturday did you see Kemontee?

19 A. It was about 1:00 -- 1:00, 2:00-ish.

20 Q. 1:00 -- 2:00-ish like --

21 A. In the afternoon.

22 Q. Afternoon, okay. And where did you see him then?

23 A. He was in Stoney-Gallman.

24 Q. Okay. Was he there to see you?

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1 A. Yes.

2 Q. Did he ever come to Stoney-Gallman for any other
3 reason?

4 A. No, not that I know of.

5 Q. And when he came to see you, how long did he stay
6 with you that day?

7 A. Until about 9:00 -- 9:00, 8:00.

8 Q. At night?

9 A. Uh-huh (affirmative).

10 Q. Was it dark outside?

11 A. Yes, it was.

12 Q. Between 1:00-ish to 8:00, 9:00-ish -- what did y'all
13 do?

14 A. Nothing really, we just sat around outside -- just
15 hang out.

16 Q. And when y'all would typically hang out, is that
17 what y'all would do -- just sit around?

18 A. Yes.

19 Q. Did you ever sit around in a car and hang out?

20 A. Well, yes, in my daddy's truck.

21 Q. And whenever you were hanging out with Kemontee,
22 would you ever, like, take videos or selfies of the two
23 of y'all?

24 A. Yes.

1 Q. Now, Shy'Tavia, I'm going to show you what's been
2 pre-marked as State's Exhibit 64. Do you recognize that?

3 A. Yes.

4 Q. What is that?

5 A. A picture of me and him putting a gun in the camera.

6 Q. Who took that picture?

7 A. I did.

8 Q. Did you take that picture on your phone?

9 A. Yes.

10 Q. And that's a picture of you in that selfie?

11 A. Yes.

12 Q. And you said that's him putting a gun in the frame
13 of that picture?

14 A. Yes.

15 Q. Do you remember when you took that picture?

16 A. April -- April, it was around April.

17 Q. Of 2021?

18 A. Yes, ma'am.

19 MS. HAMMACK: Your Honor, at this time we
20 would move State's 64 into evidence.

21 THE COURT: Any objection?

22 MS. STEINER: Yes, Your Honor. I believe we
23 have a matter to take up outside the presence of the
24 jury.

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1 THE COURT: Why don't you come to the sidebar,
2 and then we'll put it on the record afterwards.

3 (Bench conference off the
4 record.)

5 THE COURT: Objection as to relevancy and
6 cumulative is overruled. You may proceed.

7 MS. HAMMACK: And for the record, State's 64
8 is admitted into evidence?

9 THE COURT: Yes, ma'am.

10 (State's Exhibit 64
11 was introduced into evidence)

12 MS. HAMMACK: Your Honor, permission to
13 publish to the jury?

14 THE COURT: Yes, ma'am.

15 MS. HAMMACK: You can just pass that around.

16 BY MS. HAMMACK:

17 Q. In that picture that we were just talking about, who
18 is holding that gun?

19 A. Kemontee.

20 Q. Now, Shy'Tavia, on that same day, April 17th, 2021,
21 did you also make any videos with your phone of you and
22 Kemontee?

23 A. Yes.

24 Q. And those were videos that you took with your own

1 phone?

2 A. Yes.

3 Q. And who was in those videos?

4 A. Me and Kemontee.

5 Q. And what were y'all doing in those videos?

6 A. He was flashing a gun and I was just taking a video.

7 Q. And did you ultimately send him those videos on
8 Facebook?

9 A. Yes.

10 Q. Do you remember your Facebook name at the time?

11 A. Yes.

12 Q. What was your Facebook name?

13 A. It was ShyGlizzy.

14 Q. Do you remember his Facebook name at the time?

15 A. Trues, I think.

16 Q. And so, after you took these videos, you sent them
17 to him on his Facebook?

18 A. Yes.

19 Q. Shy'Tavia, I'm showing you what's been pre-marked as
20 State's Exhibit 65. Do you recognize that?

21 A. No, ma'am.

22 Q. Tell me this, what does it look like to you?

23 A. A CD?

24 Q. Well, you tell me what does it look like?

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1 A. A CD.

2 Q. A CD. Whose initials are that on the CD?

3 A. Mine.

4 Q. Did you put your initials on that CD?

5 A. Yes.

6 Q. Did you put your initials on that CD after you got a
7 chance to see what was on the CD?

8 A. Yes.

9 Q. Do you remember what was on the CD?

10 A. Yes.

11 Q. What was on that CD?

12 A. The videos of him.

13 Q. And those videos that were on the CD, are those the
14 same videos that you took and sent to Kemontee?

15 A. Yes.

16 MS. HAMMACK: Your Honor, at this time we
17 would move State's 65 into evidence?

18 THE COURT: Any objection?

19 MS. STEINER: Yes, Your Honor.

20 (Bench conference off the
21 record)

22 THE COURT: Ladies and gentlemen, if you don't
23 mind stepping outside to your jury room for just a
24 minute. We'll be right back with you. All right,

1 Counsel, will you please state the basis for your
2 objection?

3 MS. STEINER: Thank you, Your Honor. For the
4 videos, I believe that there are four of them.
5 They're all from Facebook. All four of them have rap
6 music in the background. One of the videos is just
7 Mr. Blocker, the other videos have Ms. James and Mr.
8 Blocker in it. I believe two of them actually have
9 a child in it or someone else, I can't really tell
10 exactly who. But one has someone else's voice
11 talking, in addition to the rap music. And one, you
12 can see someone else in the background as well.
13 Your Honor, I believe at this point that all the
14 videos fall under 403 for being prejudicial.
15 They're cumulative. They already have the photo
16 into evidence. The -- there's well-established case
17 law under State vs. Cheeseboro about the rap lyrics,
18 and whether or not that is allowed in. I do have
19 for, Your Honor, if you wish to view the videos, I
20 have printed out copies of the lyrics that are
21 contained in it -- in the videos which are
22 incredibly prejudicial. The probative value to
23 these videos is now minimal because we have Ms.
24 James here to testify. We already have the photo

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1 into evidence. She can testify that Mr. Blocker had
2 that red gun, which she already did. So, there's
3 little probative value in these videos. There's
4 also these -- videos provide character evidence --
5 improper character evidence for Mr. Blocker. They
6 are -- the State's basically trying to say that Mr.
7 Blocker has a tendency for violence based upon him
8 having this gun, which is improper character
9 evidence. Your Honor, there's just absolutely no
10 probative value at all in these Facebook videos, and
11 any probative value that there may be is
12 significantly outweighed by the prejudicial value.
13 They are immensely -- immensely prejudicial.

14 THE COURT: All right, Solicitor, what's your
15 position?

16 MS. HAMMACK: Your Honor, the State's position
17 is that these videos were exceedingly probative to
18 facts in question in this case, as opposed -- and I
19 would distinguish these videos from the photo that
20 was just entered into evidence because the photo
21 that was entered you see a gun, but you do not see
22 the Defendant in the frame of that photo. These
23 videos put this gun in the hands of the Defendant.
24 You can see that on the video. It also shows him

1 utilizing the laser sight attached to the gun. All
2 of this is extremely probative because it goes
3 towards the description of the gun carried by one of
4 the assailants, as given by the eyewitness in prior
5 testimony. So, this is direct evidence of what has
6 been testified to and corroborates a prior witness's
7 testimony in this case. So this is evidence that is
8 not shown in that picture, but goes directly to an
9 issue in this case, and so we would argue that it is
10 exceedingly probative. If Ms. Steiner was able to
11 decipher those lyrics, then she's doing better than
12 I am. I never heard what they said, and I don't
13 know that you can. I'm not concerned with rap
14 lyrics. I don't think that has anything to do with
15 character evidence or anything at all. The
16 probative value of this evidence and the reason the
17 State would be entering it into evidence is because
18 it puts a gun matching the description of a murder
19 weapon in the hands of the Defendant and you
20 (inaudible) very specific features of that gun that
21 have been previously described.

22 THE COURT: Thank you, Counsel. I'll go ahead
23 and take a look at the video.

24 (The video was played.)

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1 (The video was paused.)

2 MS. HAMMACK: And Your Honor, as we're doing
3 this, I will say I don't intend to elicit any
4 testimony about rap lyrics, or what they say or
5 anything like that.

6 (The video was played.)

7 (The video was paused.)

8 THE COURT: Yes, ma'am, anything further?

9 MS. STEINER: Yes. Now that you've seen the
10 videos, I'd like to go through each one
11 specifically. For the first video -- that is -- I
12 believe that the stamp on it is from two weeks
13 prior, or at least the Facebook records are from at
14 least two weeks prior. The --

15 THE COURT: Can you repeat that? I couldn't
16 understand you.

17 MS. STEINER: I believe that the Facebook
18 records at least show that was from at least two
19 weeks prior, so it's not relevant in terms of time
20 under 401. The lyrics -- that video depicts Mr.
21 Blocker holding a firearm, pointing it at the
22 camera. There is the music box beneath it that says
23 that, "It's Lil Baby's 9To5 song that's playing."
24 The lyrics of 9To5 that are played in that video

1 include, "I cannot work me no nine to five. I ran
2 up them racks for a living. Try me, it's going to
3 be a homicide." That is extremely, extremely
4 prejudicial. And there is little to no probative
5 value in that video whatsoever. For the second song
6 -- or the second video, that song I was unable to
7 make out what the song was playing in the
8 background, but that video depicts Mr. Blocker and
9 what looks to be a ski mask that is rolled up onto
10 the top of his head, and holding the gun as well.
11 And the third video -- the rap song that is in the
12 third and the fourth videos is a song called,
13 "What's the Matter?" by I believe it's DaeDalTM.
14 It's D-A-E, capital D-A-L, capital T, capital M --
15 all one word. The lyrics from that video -- or the
16 lyrics from that song are included in both of those
17 videos include, "What's the matter? I might tell
18 you if you ask me. Feel like he getting lost" -- or
19 sorry, yeah, "Feel like he lost getting buried
20 inside this casket." That is extremely prejudicial.
21 Mr. -- Ms. James has already testified that Mr.
22 Blocker was holding a gun in the photo -- and that
23 made videos of him holding guns in the past. All
24 these videos are extremely prejudicial and

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1 Cheeseboro -- and State v. Cheeseboro -- and that's
2 from a South Carolina Supreme Court from 2001 -- and
3 if Your Honor would like a copy I can pass it up.
4 Would you --

5 THE COURT: That's okay, I've got it right
6 here.

7 MS. STEINER: Okay. There is a discussion
8 about the admission -- admissibility of the Ruckus
9 lyrics and the -- the Supreme Court in Cheeseboro
10 had said, "The lyrics are not admissible." And they
11 have found that, "There's minimal probative value
12 and it's unfairly prejudicial as it's evidence of
13 the appellant's bad character." These lyrics, like
14 in Cheeseboro, are being used to show improper
15 character evidence and they should not be admitted
16 at all. Thank you.

17 THE COURT: Your response? Anything further?

18 MS. HAMMACK: Without having seen State v.
19 Cheeseboro, or having a chance to look at it to see
20 if it's distinctive factually -- the 403 analysis as
21 whether the probative value substantially outweigh
22 about unfair prejudice. In this case, there's a
23 very high probative value with seeing this
24 particular gun -- not any gun, but this particular

1 gun, in his hands shortly before this incident took
2 place. As I've stated, I'm not going to elicit any
3 testimony about rap lyrics. If Your Honor felt like
4 a cautionary instruction in the jury charges would
5 be appropriate -- but the crux of these videos is,
6 we're not entering lyrics written out for a jury to
7 read. We're not talking about lyrics. The crux of
8 these videos is that gun in his hands.

9 THE COURT: All right, thank you Counsel. And
10 taken into consideration, and after viewing the
11 videos, and looking at the Cheeseboro case, I do
12 find that the probative -- the material issue --
13 that the videos are probative of a material issue
14 other than to -- other than character, and they're
15 offered for a purpose other than for non-propensity
16 purposes -- the probative value is outweighed by the
17 -- the prejudicial effect is outweighed by the
18 probative value. So, I think they are more
19 probative than prejudicial in considering the fact
20 that it is a gun, such as it was described by Mr.
21 Allen, it corroborates his testimony and as far as
22 the time is concerned, I think it's certainly
23 relevant to have a gun in his possession that
24 matches the description by the victim, Allen, two

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1 weeks prior to the time in question. As far as the
2 lyrics is concerned State v. Cheeseboro talked more
3 about the Defendant's own rap lyrics as an admission
4 of guilt. I think what we can do to protect
5 anything confusing, as far as that's concerned for
6 the jury, why don't we just -- we'll just mute the
7 lyrics but show the video, 'cause certainly that's
8 corroborative and probative as to the testimony.
9 So, I'll admit the videos but we'll just mute the
10 lyrics.

11 MS. STEINER: Your Honor, my concern about
12 them being muted is that when the evidence is sent
13 back to --

14 THE COURT: We won't let them listen to it in
15 the back. If they want them to listen to it, we can
16 bring them out.

17 MS. STEINER: Thank you, Your Honor.

18 THE COURT: All right, so we'll proceed. Can
19 we have our jury back.

20 MS. HAMMACK: And Your Honor, as he's going to
21 get them, I just want to make sure that it's muted
22 before we play it in front of anybody.

23 THE COURT: Yes. Please be seated. You may
24 proceed, Solicitor.

1 MS. HAMMACK: Your Honor, at this time we
2 would move State's 65 into evidence.

3 THE COURT: It's admitted.

4 (State's Exhibit 65
5 was introduced into evidence)

6 MS. HAMMACK: Permission to publish.

7 THE COURT: Yes, ma'am; subject to the Court's
8 ruling.

9 (The video was played.)

10 (The video was paused.)

11 BY MS. HAMMACK:

12 Q. Now, Shy'Tavia, going back to Saturday, April 24th
13 of 2021, you said that, "You and Kemontee were hanging
14 out at Stoney-Gallman where you were staying?"

15 A. Yes.

16 Q. And you said that, "Y'all were just kind of hanging
17 out?"

18 A. Yes.

19 Q. And what time did you tell the jury that he left
20 that night?

21 A. At 9:00.

22 Q. And is there a reason why he left at 9:00 that
23 night?

24 A. Yes, because my daddy was -- well, he was going

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1 somewhere, and then he was going to bed I think

2 (inaudible).

3 Q. Your daddy was going to bed?

4 A. Uh-huh (affirmative).

5 Q. Does your daddy let people stay at the house after
6 he goes to bed?

7 A. No.

8 Q. What did you do after Kemontee left at 9:00?

9 A. Well, I fixed me something to eat, and then I sat
10 downstairs and watched TV.

11 Q. Did you ever hear anything that night that was out
12 of the ordinary?

13 A. Yes.

14 Q. What'd you hear?

15 A. Gunshots.

16 Q. And where were you when you heard gunshots?

17 A. Downstairs.

18 Q. Was anybody with you downstairs when you heard
19 gunshots?

20 A. No.

21 Q. And what did the other people in your house do when
22 you heard gunshots?

23 A. Well, my momma -- she freaked out, and my siblings --
24 - they all ran to my momma's room and I ran upstairs --

1 go ask them did they hear the -- hear the shots.

2 Q. Was there anybody besides your family in your house
3 when the gunshots went off?

4 A. No.

5 Q. Did you see Kemontee again that night?

6 A. No.

7 Q. Did you see him at all in the early morning hours
8 that Sunday morning?

9 A. No.

10 Q. Shy'Tavia, after these gunshots and the days
11 following that, did the police come talk to you?

12 A. Yes. They came -- I think it was, like, a few days
13 later.

14 Q. And did you talk to them about what you saw and
15 heard that night?

16 A. Yes.

17 Q. They talked to your daddy?

18 A. Yes.

19 Q. After all of this was going on, did Kemontee call
20 you?

21 A. Yes.

22 Q. And when he called you, did he talk to you about
23 that night?

24 A. No.

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1 Q. Did he say anything to you about what you should
2 tell the police about that night?

3 A. Yes.

4 Q. What did he tell you you should tell the police
5 about that night?

6 A. That he was with me.

7 Q. Was he with you that night?

8 A. No -- well, he was with me earlier that night.

9 Q. Was he with you when the gunshots happened?

10 A. No.

11 Q. Shy'Tavia, do you see Kemontee Walker in the
12 courtroom today?

13 A. Yes.

14 Q. Can you tell me where he's at -- or can you tell me
15 where he is and what he's wearing?

16 A. A suit.

17 Q. Well, there's a whole bunch of people in this room
18 wearing suits, can you --

19 A. (Inaudible) over here, in the gray tie.

20 Q. And where is he sitting, Shy'Tavia?

21 A. Over there.

22 MS. HAMMACK: Your Honor, let the record
23 reflect the witness has identified the Defendant.

24 THE COURT: Yes, ma'am.

1 MS. HAMMACK: Shy'Tavia, I don't have any
2 questions for you. Please answer any questions that
3 the Defense attorney may have for you, okay?

4 THE WITNESS: Okay.

5 THE COURT: Cross-examination?

6 MS. STEINER: No questions, Your Honor.

7 THE COURT: You may step down, ma'am. Thank
8 you.

9 THE COURT: You may call your next witness.

10 MR. RITTGERS: If I may have a moment, Your
11 Honor. The State calls Jason Griffin, Your Honor.

12 CLERK: The testimony you should give the
13 Court and the jury in this case should be the truth,
14 the whole truth, and nothing but the truth, so help
15 you God.

16 MR. GRIFFIN: I do.

17 CLERK: You can have a seat in the witness
18 stand. Please state your full name, spelling your
19 last.

20 MR. GRIFFIN: My name is Jason Griffin. My
21 last name is spelled G-R-I-F-F-I-N.

22 THE COURT: Your witness.

23 JASON GRIFFIN

24 was called as a witness, and having been first duly

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1 sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. RITTGERS:

4 Q. Mr. Griffin, where do you work at?

5 A. Aiken Department of Public Safety.

6 Q. And you already said you're a Lieutenant there?

7 A. I am.

8 Q. How long have you been working there?

9 A. January was 20 years.

10 Q. How did you initially come to be involved in this
11 case?

12 A. I responded to the hospital, Aiken Regional, the
13 night of the shooting to assist other investigators that
14 were already on the scene.

15 Q. What did you do then?

16 A. Just got briefed about what was going on. I didn't
17 really have much involvement there, other than when we
18 towed the car that the victim was brought to the hospital
19 in. I followed that car on the tow truck to our forensic
20 garage at the Sheriff's office -- oh, I'm sorry, the
21 Public Safety facility to secure it in the bay.

22 Q. And before it was transported, did you do anything
23 to indicate that it had been secured?

24 A. We -- I did the -- at the -- our Public Safety

1 facility.

2 Q. What'd you do there?

3 A. Secured it with crime -- or evidence tape to show
4 that the doors were shut and were not opened back up,
5 because if the seal would've been broken at that point --
6 all four doors and the cargo area at the back.

7 Q. And so just to be clear, you're saying -- you said
8 it was towed there?

9 A. It was.

10 Q. And so from that hospital parking lot to the bay
11 where it was processed, did you follow it?

12 A. I did follow it.

13 Q. And was it disturbed at all between the hospital
14 parking lot and the bay at Public Safety?

15 A. Not disturbed. The tow-truck driver had to get in
16 to put it on the rollback. Other than that, I followed
17 it the whole way to the fire bay.

18 Q. All right. And did you collect any other evidence
19 in this case?

20 A. I did. That same night -- once we got it in the
21 fire bay, there was a cell phone -- I believe it was an
22 Apple iPhone, found on the front passenger floorboard. I
23 did secure that phone -- it was photographed and secured,
24 and then the doors were sealed.

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1 Q. What did you do with that phone?

2 A. It was turned over to Detective Hunter, which was
3 placed into evidence.

4 Q. All right. I'm retrieving State's Exhibit 2, 3, 4,
5 and 5. They should be in evidence up here.

6 MR. BUSH: What's the number?

7 MR. RITTGERS: Two, 3, 4, and 5, it's the
8 lineup. Sorry, it should be (inaudible).

9 BY MR. RITTGERS:

10 Q. Lieutenant Griffin, I'm handing you State's Exhibits
11 2, 3, 4, and 5. What are those?

12 A. Exhibit Number 2 is a photographic lineup affidavit
13 form, and then Number 3 -- Exhibit 3 is a photographic
14 lineup. Four is another affidavit form, and then 5 is
15 another lineup.

16 Q. And is your signature on those?

17 A. They are.

18 Q. And so you did the photo lineups?

19 A. I did.

20 Q. And who was given the lineup identifications?

21 A. Micheal Allen on both.

22 Q. Now just to back up, were you the primary
23 investigator on this case?

24 A. I was not.

1 Q. And so even though you weren't the primary
2 investigator, why were you the one to administer the
3 photo lineups?

4 A. The lead investigator does not show their own lineup
5 if it's their case. So, another investigator would come
6 in and show the lineup.

7 Q. And why do you do it that way?

8 A. Just that there's no mention of influence, whether
9 on accident or on purpose. So, the lead investigator
10 never shows their own lineups -- somebody not directly
11 related to the case would show it.

12 Q. And so at this point, you haven't gone and
13 interviewed a bunch of witnesses or anything?

14 A. No.

15 Q. And so -- essentially so that you're not suggesting
16 who to pick?

17 A. Correct.

18 Q. And so does Aiken Department of Public Safety have a
19 database of photos to make those lineups from?

20 A. We do not.

21 Q. Who does that?

22 A. The State Law Enforcement Division will create our
23 photo lineups.

24 Q. And so, all of the people in those lineups, are they

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1 all -- what do they all look like generally, you know,
2 sort of generally?

3 A. Just very similar complexion, facial features. We
4 would send the State Law Enforcement Division the
5 information of who we -- our suspect is, and then once
6 they have that information, they create the lineups and
7 send them back to us.

8 Q. So generally, they're all of the same race and sex,
9 and --

10 A. Correct.

11 Q. Okay.

12 A. Yeah, similar hairstyles, facial features, things of
13 that nature.

14 Q. And so when you came in, you read Mr. Allen the
15 affidavit form?

16 A. I did.

17 Q. Which one did you do first?

18 A. Let's see, the -- Mr. Blocker was first.

19 Q. And so -- and what does that form have on it?

20 A. It's -- we would enter the -- the case number, which
21 is relevant to this case, the location where it was shown
22 at, the date and time. And then, there's a whole
23 paragraph we read to the person we're showing the lineup,
24 to which is basically instructions. They initial to --

1 initial that they understand what the instructions are.

2 And once the lineup is shown, they have two options they
3 can choose from.

4 Q. And those two options are what?

5 A. One is 100 percent positively identified. If they
6 make a selection in the lineup, they would put the number
7 to be the person I saw commit a crime, or I am unable to
8 positively identify anyone from this photographic lineup
9 as the person I saw commit the crime.

10 Q. And so on that one -- you showed that to Mr. Allen,
11 and did he make a selection?

12 A. He did.

13 Q. What number did he select?

14 A. He selected number four.

15 Q. And which two options did he check?

16 A. That I have 100 percent positively identified number
17 -- he wrote the number four, to be the person I saw
18 commit the crime.

19 Q. And when you showed him that form, did he take a
20 long time to pick somebody?

21 A. He did not.

22 Q. He didn't, like, 50/50 one of these two guys?

23 A. No, not on this one.

24 Q. Okay. And he checked 100 percent certain on that

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1 one?

2 A. He did.

3 Q. And then, did you read the whole form fresh when you
4 moved to the next lineup?

5 A. I did not read the form verbatim about the next one
6 -- it is the same form. Since we were showing two
7 lineups, I did ask him if he needed me to read it that I
8 would, but it was the same thing -- but I did just make
9 sure he understood the form from the second as well.

10 Q. Okay. And did he make a selection in that one as
11 well?

12 A. He did make a selection in that one. He selected
13 number three on the -- on the lineup.

14 Q. And number three is who?

15 A. Reggie Jones.

16 Q. That is Reggie Jones. Okay -- and I'm sorry, I'm
17 not sure if I asked you -- on the first lineup, number
18 four, who is number four?

19 A. The four where he was 100 percent positively
20 identified is the picture of Kemontee Blocker.

21 Q. Okay. Thank you. Let me retrieve those from you,
22 and put those back into evidence. Thank you, sir.

23 Lieutenant Griffin, I'm showing you what's been pre-
24 marked as State's 66. What is that?

1 A. This is a digital scale?

2 Q. How do you know that?

3 A. I'm sorry?

4 Q. How do you know that?

5 A. It's labeled -- it's on our property and evidence
6 label -- right here it's labeled as a digital scale, and
7 it's got the case number for this case.

8 Q. I'm going to go ahead and have you crack the seal on
9 that bag. Did you want some scissors? I think -- oh,
10 the scissors are over there.

11 A. Did you want me to take -- take it out?

12 Q. Please.

13 A. Okay.

14 Q. All right -- and so -- and what is that?

15 A. This is a digital scale.

16 Q. And what did you do with this piece of evidence?

17 A. I processed this in our lab at Public Safety.

18 Q. How did you do that?

19 A. A fuming chamber -- we put it in a fuming chamber,
20 and then once the fuming process is done, we'll take it
21 into the other portion of the lab, and fingerprint it
22 with fingerprint dust to see if there's any visible
23 fingerprints.

24 Q. And did you wear gloves when you were handling it?

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1 A. I did.

2 Q. And is that a pretty good surface to lift a print
3 off of?

4 A. It is -- it's a relatively smooth surface.

5 Q. And what kind of training do you have in lifting a
6 fingerprint?

7 A. I went through a crime scene processing school at
8 the Criminal Justice Academy in Columbia, it's a week-
9 long school.

10 Q. And so you said you lifted that print, you've done
11 that before?

12 A. I have.

13 Q. How many times do you think you've done that?

14 A. I've probably fingerprinted items at least 50 times
15 throughout my career.

16 Q. And so once you've handled that evidence and lifted
17 that print, what did you do with that?

18 A. So if we identify a print on the piece of evidence
19 for processing, we will then lift it with a piece of tape
20 -- evidence tape, and then -- or lifting tape, and then
21 we will put it on a -- a latent print card is what we
22 call them, and then once we do that we drop that card
23 into evidence for further analysis.

24 Q. Hold one second, please. And Lieutenant Griffin,

1 where did that scale come from?

2 A. This came from the -- this was given by -- to me by
3 Detective Eagerton.

4 Q. So you got it from Detective Eagerton?

5 A. Yes.

6 Q. And so then that -- after you said, "After you got
7 it from Detective Eagerton that's when you did all the
8 processing on it?"

9 A. Yes.

10 MR. RITTGERS: Your Honor, at this point the
11 State moves to admit State's 66 (inaudible)
12 identification into evidence as State's 66.

13 THE COURT: Any objection?

14 MR. BUSH: No objection, Your Honor.

15 THE COURT: All right, it's in.

16 (State's Exhibit 66
17 was introduced into evidence)

18 MR. RITTGERS: Thank you.

19 BY MR. RITTGERS:

20 Q. Look at the print card next -- so you can go ahead
21 and put it back in the bag right quick.

22 A. This came out of that (inaudible).

23 Q. All right, thank you very much. And I'm handing you
24 what's been pre-marked as State's 67. Lieutenant

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1 Griffin, what is that?

2 A. This is a -- Exhibit 67 is a latent print card,
3 which is also identified on the label as well as the case
4 number.

5 Q. And is that the print card -- well, you can go ahead
6 and open it. And is that the print card that you lifted
7 off of that scale?

8 A. It is.

9 Q. And how do you know that?

10 A. This is dated 4/26/2021, the case number, it shows
11 the location which is at the top of the scale, and then
12 my name, badge number, and APS on the (inaudible).

13 Q. That's your handwriting right there?

14 A. Correct.

15 Q. And then once you lifted the print, what did you do
16 with all of those items?

17 A. They're placed back in our evidence, and then they
18 will be submitted to the lab for examination later on.

19 MR. RITTGERS: Thank you. At this point, the
20 State moves to admit what's been marked 67 for
21 identification into evidence as 67.

22 MR. BUSH: No objection, Your Honor.

23 THE COURT: All right, it's in.

24 (State's Exhibit 67

1 was introduced into evidence)

2 MR. RITTGERS: Thank you. Thank you, sir.

3 Lieutenant Griffin, at this point, I don't have any
4 more questions for you. The Defense may have some
5 questions. Thank you.

6 THE COURT: Cross-examination?

7 MR. BUSH: Thank you very much, Your Honor.
8 May it please the Court?

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. BUSH:

12 Q. Lieutenant Griffin, hey, afternoon to you.

13 A. Good afternoon.

14 Q. Hey, thanks for being here today. You indicated
15 when on direct examination with Mr. Rittgers that you
16 first got called out to the hospital; is that correct?

17 A. Right.

18 Q. And while you were at the hospital after Mr. Allen
19 had met with Officer Blades, Sergeant Palmer, and
20 Detective Hunter, you also had the opportunity to meet
21 with him, correct?

22 A. Yeah, I -- I briefly spoke with him.

23 Q. And in that brief conversation that you had, you
24 were kind of talking with him a little bit about what

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1 happened that night, right?

2 A. I don't really remember what the conversation was
3 about -- but I spoke with him briefly.

4 Q. How about this -- if really important facts would've
5 been given to you, you would really remember them, right?

6 A. Sure.

7 Q. Because you're a highly-trained detective --

8 A. Sure.

9 Q. -- you've been doing this for 20 years, right?

10 A. Yes.

11 Q. So, that night after Mr. Allen had met with all
12 those other officers and another detective, Mr. Allen --
13 sorry I couldn't find him -- Mr. Allen, he never once
14 told you that he had fired a firearm that night, correct?

15 A. I don't recall.

16 Q. Had he told --

17 MR. RITTGERS: Objection, hearsay.

18 MR. BUSH: Judge, it's not -- it's a prior
19 consistent statement already from both -- frankly
20 every officer that's been on the witness stand
21 throughout this trial.

22 THE COURT: I'll allow it.

23 MR. BUSH: Thank you very much.

24 MR. RITTGERS: I'll renew the objection,

1 (inaudible) except every other officer.

2 THE COURT: Motion -- your objection is
3 overruled. You may proceed.

4 MR. BUSH: Thank you very much, Your Honor.

5 BY MR. BUSH:

6 Q. So I'll ask it again, Lieutenant Griffin -- Mr.
7 Allen never told you that night that he had fired a
8 firearm, correct?

9 A. I don't recall if he did or not.

10 Q. Had he told you that he had fired a firearm, you
11 would've made a note about it, right?

12 A. That or it would've been on body cam, I would
13 imagine -- so, yes.

14 Q. Sure. And it would've been a really important fact
15 in your investigation, correct?

16 A. Sure.

17 Q. Also that night when you met with Mr. Allen, Mr.
18 Allen never told you that he had hid two firearms,
19 correct?

20 A. Again, I don't recall the conversation, but that
21 would've been an important fact that, if he would've said
22 that -- and I would've probably jotted that down.

23 Q. How about this -- if Mr. Allen would've told you
24 that he had hidden two firearms across the street from

1 where you were standing, you probably would've went and
2 got those firearms, right?

3 A. Yes.

4 Q. You didn't go get any firearms, right?

5 A. I did not.

6 Q. Because Mr. Allen didn't tell you they were over
7 there, correct?

8 A. I don't recall if he told me or not, but if he would
9 have -- I mean, yes, I would've got them.

10 Q. And you didn't get them?

11 A. No.

12 MR. BUSH: Thank you, no further questions,
13 Your Honor.

14 THE COURT: Any redirect?

15 MR. RITTGERS: No, Your Honor.

16 THE COURT: You may step down Lieutenant,
17 thank you.

18 MR. GRIFFIN: Thank you.

19 THE COURT: You may call your next witness.

20 MR. RITTGERS: Your Honor, may we have a brief
21 break?

22 THE COURT: Sure. All right, ladies and
23 gentlemen, we're going to take a very brief recess.
24 We'll resume in 10 minutes. Again, please remember

1 my previous instruction not to discuss the case
2 amongst yourselves or with anyone else. We'll be
3 right back with you.

4 (Off the record.)

5 (Recess.)

6 (On the record.)

7 CLERK: Thank you everyone, please have a
8 seat.

9 THE COURT: Parties ready to proceed?

10 MR. RITTGERS: Yes, we are, Your Honor.

11 MR. BUSH: We are, Your Honor.

12 MS. STEINER: Your Honor, (inaudible) put on -
13 - can we note the objection from the sidebar --

14 THE COURT: Oh, yes, ma'am, for the picture?

15 MS. STEINER: Yes.

16 THE COURT: Yes, ma'am.

17 MS. STEINER: Your Honor, at the sidebar I had
18 objected to -- I believe it's State's 64 under the
19 grounds that for 401 and 403 -- that it wasn't
20 relevant, and that it was more prejudicial than
21 probative. I think I also argued that it was
22 cumulative as well.

23 THE COURT: Yes, ma'am, and the Court's ruling
24 on that is as follows: That the probative value

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1 outweighs the prejudicial effect. It's certainly
2 relevant considering the testimony of Mr. Allen to
3 corroborate to what he testified to, and I do not
4 find that it is cumulative. Your objection is
5 overruled.

6 MS. STEINER: Thank you, Your Honor.

7 THE COURT: All right, let's have our jury
8 please. You may have a seat. Welcome back ladies
9 and gentlemen of the jury, we're ready to proceed.
10 You may call your next witness.

11 MR. RITTGERS: Thank you, Your Honor, the
12 State calls Clay Adams.

13 CLERK: The testimony you should give the
14 Court and jury in this case should be the truth, the
15 whole truth, and nothing but the truth, so help you
16 God.

17 MR. ADAMS: I do.

18 CLERK: You can have a seat in the witness
19 stand. Please state your full name, spelling your
20 last.

21 MR. ADAMS: Martin Clay Adams, A-D-A-M-S.

22 THE COURT: Your witness.

23 MR. RITTGERS: All right.

24 MARTIN CLAY ADAMS

1 was called as a witness, and having been first duly
2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. RITTGERS:

5 Q. Mr. Adams, where do you work?

6 A. I work at the Aiken County Sheriff's Office.

7 Q. What do you do there?

8 A. I am the Lieutenant of forensic investigations for
9 the Sheriff.

10 Q. And how long have you been doing that?

11 A. I've been with the forensic section since 2001.

12 Q. Okay. And what specialized training do you have in
13 the forensics field?

14 A. I am a nat -- internationally-certified latent print
15 examiner through the international association of -- for
16 identification. I've had numerous classes in latent
17 fingerprint development, and latent fingerprint
18 identification, crime scene investigations, basic
19 detective, and so forth.

20 Q. And do you also have a degree in the forensic field?

21 A. I have a master's degree of public safety from the
22 University of Virginia. I have a bachelor of science
23 from (inaudible) University, and associates of science
24 from Gaston College.

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1 Q. And do you have a degree in fire investigations as
2 well?

3 A. That's the bachelor's degree in fire, arson, and
4 explosions investigations.

5 Q. And how long have you been doing fingerprint
6 identification?

7 A. I started fingerprint identification in 2003 under
8 the tutelage of Ray Drayor, who is a retired FBI
9 fingerprint expert, who worked at the Aiken County
10 Sheriff's Office. I then continued my training under
11 Chris Scott, who's a certified latent print examiner as
12 well. In 2011, I myself became certified.

13 Q. How many times have you testified in court in this
14 field?

15 A. In this field --

16 Q. Well, let me back up. How many times have you
17 testified in court?

18 A. Numerous times -- 26 times as an expert, more than
19 times than that as not.

20 Q. You were qualified as an expert in what field?

21 A. Latent print identification.

22 MR. RITTGERS: At this point, the State moves
23 that you recognize Mr. -- Lieutenant Adams as an
24 expert in the field of latent print identification?

1 THE COURT: Any voir dire?

2 MR. BUSH: No voir dire, no objection, Your
3 Honor.

4 THE COURT: All right, he's qualified.

5 BY MR. RITTGERS:

6 Q. Lieutenant Adams, what was your involvement in this
7 case?

8 A. I identified a latent fingerprint in this case.

9 Q. I'm going to go ahead and retrieve State's Exhibit -
10 - the last two we just put up here in a bag. Oh, I'm
11 sorry, it's right there. I am handing you State's
12 Exhibit 66 and 67, I've got some gloves here. If you
13 want to go ahead and -- if it opens -- you can open them
14 up and take a look at those. Okay?

15 A. Yes, sir.

16 Q. Do you recall indentifying or examining those items
17 in conjunction with this investigation?

18 A. Yes, sir.

19 Q. Please tell the jury about that.

20 A. These items were brought to me -- these items were
21 brought to me April 27th, 2021 -- identified as a black
22 in color DigitZ DZ3-600 digital scale.

23 Q. And what did you do with that? And had the scale
24 already been fumed?

JURY TRIAL

1 A. Yes, these items had already been processed.

2 Q. And could you describe exactly what that process
3 does to help highlight those prints for you?

4 A. So, in this case, this scale had been fumed using
5 cyanoacrylate ester fuming -- superglue fumes, basically.
6 The fumes then attach -- or heated in a chamber, turned
7 into a vapor that those fumes then adhere to the water
8 and moisture of the fingerprint, causing it to solidify,
9 and then making it basically permanent.

10 Q. And so, had those prints been preserved in that
11 manner for your identification on April 27th, 2021?

12 A. Yes, sir.

13 Q. All right. What did you find looking at those
14 prints?

15 A. I found that the card -- the latent lift in this
16 didn't really show a lot of detail. So, looking at the
17 actual scale, I was able to see enough detail that would
18 allow me to make an identification to a specific
19 individual.

20 Q. And so, you were given some prints to compare that
21 to?

22 A. I was, yes, sir.

23 Q. Whose prints were you given?

24 A. I was given Kemontee Devonta Blocker and a Joseph

1 Jana Copeland -- I can't quite read the middle name.

2 Q. But the last name is Copeland?

3 A. Copeland, correct.

4 Q. And what did you conclude when you compared the
5 prints on the scale to the prints on this card?

6 A. This print that was on the digital DZ3-600 --
7 digital scale was identified as the number one, which is
8 the right thumb finger of the person whose prints appear
9 on the fingerprint card bearing the name Kemontee Devonta
10 Blocker.

11 Q. And did you do anything afterwards to go back and
12 confirm identification?

13 A. Whenever I'm presented with a fingerprint card or
14 where I make an identification on a specific person, once
15 that person is then arrested for the crime and booked
16 into our jail, I then print a 10-print card of their
17 fingerprints from booking, and compare them to the 10-
18 print card of the one that I used to identify, to ensure
19 that it's the same person.

20 Q. And so, you did that in this case?

21 A. Yes.

22 Q. All right. And what was your result when you looked
23 at those prints?

24 A. That it was the same person.

JURY TRIAL

1 Q. And what's your level of certainty as to that
2 conclusion?

3 A. One hundred percent.

4 Q. Also -- while we're talking about fingerprints, you
5 said, "The prints are made of water that's left after the
6 finger touches a surface?"

7 A. Correct, so a fingerprint is a basically a sweat
8 impression of the ridge -- the friction ridge skin from
9 your hands and your fingers. A fingerprint is primarily
10 water but it does have some acids -- some amino fat --
11 amino acids and nitric acids, also have some metals in
12 your -- in your sweat. But what happens is as you sweat,
13 you know, sweat pores in your hands and on your fingers,
14 and that lubricates the -- and cools the -- the friction
15 ridge skin that's on your hands, fingers, and bottom of
16 your feet. And then when you handle or touch an item, it
17 then leaves an impression of the ridge detail -- the
18 ridge, the friction ridge skin, on that item. So, when
19 you transfer your print or the image of your print from
20 your finger to the item, you're transferring basically
21 water.

22 Q. Okay, but there are certain things that could wipe a
23 fingerprint away, right?

24 A. Absolutely. A fingerprint is perhaps one of the

1 most delicate forms of forensic science. The detail that
2 we require in order for us to identify it to a specific
3 person, the distance between the ridges, and the friction
4 ridge of the skin is -- is roughly about the seventh of a
5 diameter of a human hair. So, you can imagine that it
6 doesn't take much to destroy that. When I describe a
7 fingerprint, I describe -- describe it like this, you
8 have a glass of ice water and you set it down on the
9 table and your mom, grandmom, father, whoever, yells at
10 you, "Go pick that thing up and put a coaster down."
11 When you pick it up -- well what's on the table, there's
12 a water ring. That's a fingerprint, that's just on a
13 bigger, much bigger scale. That's exactly what a
14 fingerprint is. And to get rid of it you say, "Sorry" and
15 you just take your hand and just wipe it off. That is
16 how fingerprints can be destroyed.

17 Q. So, exposure to chemicals and heat could also remove
18 fingerprints as well?

19 A. Environmental factors, human factors, natural
20 factors -- everything is possible to destroy a
21 fingerprint.

22 Q. So, let's just suppose -- hypothetically -- that
23 someone handled some cartridges for a handgun and loaded
24 those cartridges into a magazine, put the magazine into

JURY TRIAL

1 the handgun, and then fired the handgun, would it be a
2 high probability of finding fingerprints on those cases
3 afterward and after they had fired that?

4 A. Fingerprints on shell casings is possible. However,
5 when you're dealing with shell casings in particular,
6 it's a rounded surface, and there's not much surface area
7 that will allow for a print to adhere to that -- that
8 item. Also, the extreme amount of heat that creates when
9 that firearm is discharged can destroy prints. The
10 ejection of the -- of the cartridge from the -- from the
11 firearm, be it friction, can destroy it. So, yes,
12 there's -- there's numerous ways that a fingerprint can
13 be destroyed. So, a high probability of a print being
14 developed on a discharged shell casing is not high.

15 Q. Okay. So very low probability?

16 A. Low probability.

17 MR. RITTGERS: Thank you, no further
18 questions. The Defense may have some for you.

19 THE COURT: Cross-examination?

20 MR. BUSH: No questions for this witness, Your
21 Honor.

22 THE COURT: You may step down Lieutenant,
23 thank you. You may call your next witness.

24 MR. RITTGERS: Your Honor, the State calls Jon

1 Eagerton.

2 CLERK: The testimony you should give the
3 Court and jury in this case should be the truth, the
4 whole truth, and nothing but the truth, so help you
5 God?

6 MR. EAGERTON: Yes, ma'am.

7 CLERK: You may have a seat in the witness box.
8 Please state your full name, spelling your last.
9 Watch your step.

10 MR. EAGERTON: Jon Eagerton, E-A-G-E-R-T-O-N.

11 THE COURT: Your witness.

12 MR. RITTGERS: Thank you, Your Honor.

13 JON EAGERTON

14 was called as a witness, and having been first duly
15 sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. RITTGERS:

18 Q. Mr. Eagerton, where do you work at?

19 A. Aiken Public Safety.

20 Q. What do you do there?

21 A. I'm sorry?

22 Q. What do you at Public Safety?

23 A. I'm a detective.

24 Q. And how long have you been working at the Public

JURY TRIAL

1 Safety?

2 A. Almost 30 years, but I've been sworn 25 years.

3 Q. So Detective Eagerton, are you the primary
4 investigator on this case?

5 A. Not initially, but -- yes in the end -- or after a
6 day or two, yes.

7 Q. And so to be clear you didn't respond out to the
8 scene -- to the shooting or the hospital?

9 A. Correct.

10 Q. But you became involved later?

11 A. Yes.

12 Q. So later on that day, the 25th of April of 2021, if
13 you can tell the jury, sort of how you got involved in
14 the investigation, and what you performed?

15 A. Early that morning -- I think around 6:00 a.m., my
16 captain woke me up -- I was asleep. He informed me of
17 the incident that occurred the night before, and he asked
18 if I could respond to our Public Safety Station 6 to help
19 SLED crime scene process the vehicle that had been
20 involved in the incident.

21 Q. And so, were you present at the Public Safety bay
22 where it was processed?

23 A. I was.

24 Q. I apologize, we left these exhibits here to kind of

1 (inaudible) return 66 and 67 to the Clerk. Thank you.

2 All right, so you were present when it was processed.

3 Were you involved in collecting the scale -- what we just
4 heard Lieutenant Adams testify about?

5 A. I was.

6 Q. Okay. Please tell us how that happened?

7 A. While SLED was processing the crime scene of the
8 vehicle or the vehicle itself, we made note of the scale.
9 Once we were through with the vehicle, I gave -- or we
10 just made note of the scale and left it in the vehicle.
11 We gave Mr. Allen his vehicle back. He drove home. We
12 had already had an interview with Mr. Allen, so then we
13 gave Mr. Allen his vehicle back after the interview. And
14 as soon as he made it home he looked in his vehicle, saw
15 the scale, called me right away, I responded to his house
16 and picked it up off the floor where we saw it -- when
17 SLED was looking at it (inaudible).

18 Q. And why didn't SLED take the scale?

19 A. It wasn't known at the time that it was involved in
20 the crime. You can search lots of vehicles and there's
21 scales in vehicles.

22 Q. And at that time did SLED collect drug evidence?

23 A. Yes.

24 Q. So -- but you got the scale from Micheal Allen?

JURY TRIAL

1 A. Yes.

2 Q. How long did he have the vehicle after they released
3 it (inaudible)?

4 A. I believe it was as soon as he arrived home, he
5 opened up the doors and was going to clean -- clean the
6 vehicle out, noticed the scale, and called right away.

7 Q. Did he say anything about touching it or putting any
8 fingerprints on it himself?

9 A. No.

10 Q. What did you do once you took it into custody?

11 A. I drove it straight back to headquarters, and
12 packaged it up, and put it in our evidence locker.

13 Q. All right. So, when you talked about doing the
14 interview with Micheal Allen, did that also happen on the
15 25th of April?

16 A. It did.

17 Q. And that was -- so the same day the vehicle was
18 processed?

19 A. Correct.

20 Q. And I guess technically because the shooting
21 happened after midnight -- the same day of the shooting?

22 A. Yes.

23 Q. All right, so the same day. What time of day do you
24 think you talked to Micheal Allen?

1 A. I believe it was around 2:00 p.m. I'm not 100
2 percent certain. It was early afternoon.

3 Q. So, you're familiar with the timing on the case, Mr.
4 Allen had been released from the hospital sometime in
5 early morning?

6 A. Correct.

7 Q. And so, there's probably what, like, a 12-hour time
8 gap between when he was released from the hospital and
9 when he showed up to talk to you?

10 A. To my knowledge, yes, 'cause I hadn't seen him -- we
11 were supposed to meet somewhere in the early afternoon,
12 and I believe it was around 2:00.

13 Q. So like a 12-hour gap?

14 A. Possibly, yes.

15 Q. Okay. And now we heard a lot of testimony about how
16 Mr. Allen didn't tell law enforcement initially about the
17 guns in the car or anything. Did he properly disclose
18 that to you?

19 A. In our interview -- we started out just in the
20 initial interview. And I don't believe how -- I don't
21 remember the timing -- but after maybe 10, 15 minutes he
22 did jump ahead in the chronological order of the story
23 that he -- we were discussing, and stated that he did
24 hide some guns and then he elaborated on that and said,

JURY TRIAL

1 "He did fire a pistol two to three times."

2 Q. From inside the vehicle?

3 A. From inside the vehicle, yes.

4 Q. And so he's giving you this interview, what did you
5 do with that information once you got that?

6 A. There was a second detective with me at the time.

7 He -- we kind of jumped ahead a little bit. I spoke with
8 Mr. Allen, he described the location of the -- the pistol
9 and the bag that they were near. That second detective
10 left immediately, went and located the firearms.

11 Q. Now, just to be clear, you've also been to Mr.
12 Allen's house?

13 A. Correct.

14 Q. And he lives maybe five miles from where the guns
15 were put?

16 A. Right, right.

17 Q. About that?

18 A. Yes, sir.

19 Q. Right. So, if he had borrowed a car, he could've
20 gone and gotten those guns and chucked them in the river
21 if he wanted to?

22 A. Correct.

23 Q. In fact, he probably could've walked there and
24 gotten the guns and gotten back --

1 MS. STEINER: Objection.

2 THE COURT: Can you repeat that?

3 MR. RITTGERS: I'll move on, Your Honor.

4 BY MR. RITTGERS:

5 Q. So, he promptly told you about the guns once you got
6 into the interview?

7 A. Yes.

8 Q. And you collected them from that location?

9 A. Another detective did, but, yes, they were collected
10 as soon as he brought it to our attention.

11 Q. And so, did you also interview the Defendant in this
12 case?

13 A. I did. Two.

14 Q. Two defendants, all right, both Mr. Jones and Mr.
15 Blocker. We'll talk about Mr. Blocker today. All right,
16 and so with regard to Mr. Blocker, how was he taken into
17 custody?

18 A. I issued a -- so I believe it was just one warrant
19 initially. And then after a couple of days we went to
20 his residence -- I believe it's his residence -- a family
21 residence, on the eastside of Aiken County and located
22 him at that residence.

23 Q. So once you took him into custody, where did you go
24 after that?

JURY TRIAL

1 A. Took him straight to headquarters -- interviewed
2 him.

3 Q. And so, you interviewed him promptly thereafter?

4 A. Yes.

5 Q. So let's talk about what you do in an interview.

6 I'm going to go ahead and hand you what's been pre-marked
7 as State's Exhibit 68. All right, take a second to look
8 at that. Detective Eagerton, what is that?

9 A. This is a advice and Miranda rights. It's a
10 department-issued sheet of paper where before we
11 interview, have a conversation -- interrogate if you
12 will, whichever word you want to use, I prefer
13 conversation. When someone's arrested or we think --
14 when someone's arrested, detained, we read them their
15 Miranda rights.

16 Q. And what rights are those?

17 A. This is -- would you like for me to read them out?

18 Q. Sure.

19 A. Okay. Basically, it's advice of Miranda rights
20 before we ask you any questions you must understand your
21 rights. And basically for these next six bullet points,
22 we explain that if you understand what we've read, we
23 have them initial each bullet point that they understood
24 each statement. The first one is: You have the right to

1 remain silent. The second is: Anything you say can and
2 will be used against you in a court of law. Third is:
3 You have the right to talk to a lawyer for advice before
4 we ask you any questions and to have them with you during
5 questioning. Number four: If you cannot afford a lawyer
6 -- if you cannot afford a lawyer, the Court will appoint
7 one to represent you without cost if you wish. Number
8 five: If you decide to answer questions now without a
9 lawyer present you still have the right to stop answering
10 at any time. You also have the right to stop answering
11 at any time until you've talked to a lawyer. Number six
12 is: I have read this statement of my rights and I
13 understand what my rights are.

14 Q. And so the Defendant initialed at each of those
15 blocks?

16 A. Yes.

17 Q. And did he ask for an attorney?

18 A. No.

19 Q. And so he spoke to you willingly?

20 A. Yes.

21 Q. And did he indicate any hesitation or -- you know,
22 any kind of hesitation about that at all?

23 A. Not at all. There's actually one more line down at
24 the bottom that I didn't read yet.

JURY TRIAL

1 Q. What was that?

2 A. This is actual waiver of rights. Basically, we
3 explain -- if they initial -- I'll read the statement
4 first: I'm willing to make a statement and answer
5 questions. I do not want a lawyer at this time. I
6 understand and know what I'm doing, no promises or
7 threats have been made to me and no pressure of any kind
8 has been used against me. And then of course, we say,
9 "Initial that if you understand that and if you'd like to
10 -- to talk, sign below that, and date, and time."

11 Q. And did the Defendant sign that?

12 A. Yes.

13 Q. Did you also sign that?

14 A. I did.

15 MR. RITTGERS: At this time the State moves to
16 admit what's been marked as Exhibit 68 into evidence
17 as State's Exhibit 68.

18 THE COURT: Any objection?

19 MS. STEINER: No objection.

20 THE COURT: All right, it's in.

21 (State's Exhibits 68
22 was introduced into evidence)

23 BY MR. RITTGERS:

24 Q. So, you sat down and talked with the Defendant?

1 A. Yes.

2 Q. So, I'm going to show you -- well, let me back up.
3 So, you reviewed the video of the interview, correct?

4 A. Correct.

5 Q. All right. And so there are some things that are
6 not in the interview. Is it fair to say that you were
7 cordial with the Defendant?

8 A. Cordial?

9 Q. You were friendly with him?

10 A. Yes.

11 Q. And why were you friendly with this guy, if he's
12 been -- you know, a suspect in a murder case -- why do
13 you do that?

14 A. That's just my personality.

15 Q. Okay.

16 A. We try not to mistreat anyone verbally or
17 physically.

18 Q. You get more flies with honey?

19 A. Yes.

20 Q. All right. And actually -- well, what is this?

21 A. This is the video of the interview.

22 Q. And how do you know that?

23 A. My initials are on that.

24 Q. I'm sorry, let me show you the witness -- this is

JURY TRIAL

1 State's 69 for identification. So, now that video has
2 been cut a little bit, correct?

3 A. Correct.

4 Q. So according to the rule of Court, some things have
5 been taken out, but what's on there -- that's a fair and
6 accurate depiction of what occurred during the interview
7 with the Defendant?

8 A. Absolutely, correct.

9 MR. RITTGERS: At this time the State moves to
10 admit what's been marked as State's 69 into evidence
11 as Exhibit 69.

12 MS. STEINER: No objection.

13 THE COURT: All right, it's in.

14 (State's Exhibit 69
15 was introduced into evidence)

16 MR. RITTGERS: Move to publish, Your Honor.

17 THE COURT: Yes, sir.

18 (The video starts playing)

19 MALE VOICE:

20 You need a little water or anything?

21 MR. BLOCKER:

22 No, I'm good.

23 MALE VOICE:

24 All right. Kemontee, I'm Jon Eagerton. I'm an

1 investigator with the Aiken Public Safety, okay,
2 (inaudible) we're investigators. Sorry to have to
3 come to your house. I mean, everything went kind of
4 smooth, no issues, but we appreciate your
5 cooperation that -- that shows a lot, kind of shows
6 who you are. So, basically what I want to do is
7 just have a conversation with you, okay. You good
8 with that? But I do want to say -- anything that we
9 say -- I just want to know the truth, okay. We've
10 been investigating -- myself and Jeremy, have been
11 investigating this incident for a while, okay. So,
12 we've talked to a lot of people and, you know, we've
13 -- we've learned a lot. So basically my -- my
14 advice to you -- personal advice, is just -- just to
15 be honest, okay. If we -- if we come up with
16 something we're talking about -- just be honest, all
17 right. Before we go I just -- you know, have to
18 read you your rights -- it's your right to have them
19 read to you (inaudible). Let's see -- let me fill
20 out all the information at the top first. What's
21 your middle name?

22 MR. BLOCKER:

23 Devonta.

24 MALE VOICE:

JURY TRIAL

1 Devonta. T-A?

2 MR. BLOCKER:

3 Uh-huh (affirmative).

4 MALE VOICE:

5 That's what I thought. You know your Social right
6 off? Okay. All right, I'm just gonna read off this
7 one. This is the one we're going by, okay. I'm
8 going to read you some things, and you're welcome to
9 read along with me. And when we get done, if you
10 understand each little bullet point that I've read
11 to you, what I want you to do is just initial it,
12 okay? Before we ask you any questions you must
13 understand your rights. You have the right to
14 remain silent. Anything you say can and will be
15 used against you in a court of law. You have the
16 right to talk to a lawyer for advice before we ask
17 you any questions and to have him with you during
18 questioning. If you cannot afford a lawyer, the
19 Court will appoint one to represent you without cost
20 if you wish. If you decide to answer questions now
21 without a lawyer present, you will still have the
22 right to stop answering at any time. You also have
23 the right to stop answering at any time until you
24 talk to a lawyer. Most people want to know about

1 that and quite don't understand that. So, do you
2 understand that -- everything I've read to you so
3 far?

4 MR. BLOCKER:

5 (Inaudible).

6 MALE VOICE:

7 Okay. I've read this statement of my rights and I
8 understand what my rights are. So if you understand
9 -- if you just want to initial right there. All
10 right, then down to the bottom -- basically if you
11 want to have a conversation with me that's what this
12 is about, okay. I'm willing to make a statement and
13 answer questions. I do not want a lawyer at this
14 time and I understand that I know what I'm doing, no
15 promises or threats have been made to me, and no
16 pressure of any kind has been used against me. So,
17 if you understand -- you just initial but then if
18 you want to then you print and sign and we'll date,
19 and then we'll have a conversation, okay. All
20 right, I appreciate it. All right, now up here I
21 put the beginning time, which was 11:35, so when
22 we're done I'll go ahead and put the time in there
23 and then this is duplicate so then you get a copy of
24 that, okay, no matter what. Sound good? Okay. You

JURY TRIAL

1 understand why we have you here today?

2 MR. BLOCKER:

3 Not all the way.

4 MALE VOICE:

5 All right, what do you understand so far? How much?

6 MR. BLOCKER:

7 I was caught in something.

8 MALE VOICE:

9 Okay. Do you know what?

10 MR. BLOCKER:

11 Uh-uh (negative).

12 MALE VOICE:

13 Okay. 'Cause your brother seemed -- your cousin

14 seemed to know.

15 MR. BLOCKER:

16 I guess they talking about my grandmother say

17 (inaudible) at the time.

18 MALE VOICE:

19 No, uh-uh, you walked out the door.

20 MR. BLOCKER:

21 I know, but I'm saying one of the police officers

22 walked in the house in my grandmother's house.

23 MALE VOICE:

24 Okay. All right. So, anyway, let's -- let's start

1 back -- back not this weekend but last weekend.

2 Where were you -- just kind of all weekend long.

3 MR. BLOCKER:

4 With my girlfriend.

5 MALE VOICE:

6 All right. Who's your girlfriend?

7 MR. BLOCKER:

8 Shy.

9 MALE VOICE:

10 Shy, okay, what's her full name? Is that her

11 nickname?

12 MR. BLOCKER:

13 That's her nickname.

14 MALE VOICE:

15 All right. What's her full name?

16 MR. BLOCKER:

17 Damn I forgot her real name. I know she staying in

18 the Bricks. Shy.

19 MALE VOICE:

20 In the Bricks -- which Bricks?

21 MR. BLOCKER:

22 On (inaudible).

23 MALE VOICE:

24 All right, with -- some apartments?

JURY TRIAL

1 MR. BLOCKER:

2 No.

3 MALE VOICE:

4 Where at? Do you know? Know the street?

5 MR. BLOCKER:

6 I don't know the street.

7 MALE VOICE:

8 Okay.

9 MR. BLOCKER:

10 I think it's on 154, if I'm not mistaken.

11 MALE VOICE:

12 154, okay. You don't know the street? You know
13 about where it's at?

14 MR. BLOCKER:

15 Uh-huh (affirmative).

16 MALE VOICE:

17 What is there, some other big building around that
18 you might be able to recognize (inaudible).

19 MR. BLOCKER:

20 There's a church bell near.

21 MALE VOICE:

22 A church bell, okay.

23 MR. BLOCKER:

24 There's a church near.

1 MALE VOICE:

2 All right. Is there a hospital, anything big, any -
3 - any big buildings around it or?

4 MR. BLOCKER:

5 No.

6 MALE VOICE:

7 Okay. Is there any schools around it?

8 MR. BLOCKER:

9 There's a school.

10 MALE VOICE:

11 Okay, do you know what school?

12 MR. BLOCKER:

13 Schofield.

14 MALE VOICE:

15 Okay. All right, so you just know her by Shy, you
16 really don't her real name?

17 MR. BLOCKER:

18 Uh-uh (negative), I don't know how to pronounce her
19 real name but I know it.

20 MALE VOICE:

21 Can you spell it?

22 MR. BLOCKER:

23 It's S-H-A-T-I-V-A.

24 MALE VOICE:

JURY TRIAL

1 V-A-?

2 MR. BLOCKER:

3 Uh-huh (affirmative). V-I.

4 MALE VOICE:

5 V-I-A. You know her last name?

6 MR. BLOCKER:

7 Uh-uh (negative).

8 MALE VOICE:

9 S-H-A-T-I-V-I-A?

10 MR. BLOCKER:

11 Uh-huh (affirmative).

12 MALE VOICE:

13 And you call her Shy? All right. About how old is
14 she?

15 MR. BLOCKER:

16 She's 18.

17 MALE VOICE:

18 18, all right. So you're hanging out with Shy all
19 last weekend? Is that where you kind of stay --
20 where you live?

21 MR. BLOCKER:

22 No, I don't live -- I live on New Holland.

23 MALE VOICE:

24 New Holland.

1 MR. BLOCKER:

2 But she (inaudible).

3 MALE VOICE:

4 Okay. Was she out there this morning then?

5 MR. BLOCKER:

6 Uh-huh (affirmative).

7 MALE VOICE:

8 Okay. But she has a place up here at 154?

9 MR. BLOCKER:

10 Yeah.

11 MALE VOICE:

12 Is it in her name or is it her mom or --

13 MR. BLOCKER:

14 Her father's.

15 MALE VOICE:

16 Father. What's the father's name?

17 MR. BLOCKER:

18 Kevin.

19 MALE VOICE:

20 Kevin? You don't know --

21 MR. BLOCKER:

22 Kevin James.

23 MALE VOICE:

24 Kevin James, okay. I'm just writing this down. I'm

JURY TRIAL

1 getting old I can't remember everything. All right,
2 so y'all were hanging out there all weekend, right?
3 Y'all spend the night there or you go back?

4 MR. BLOCKER:

5 I go home. I go to my house.

6 MALE VOICE:

7 All right.

8 MR. BLOCKER:

9 (Inaudible).

10 MALE VOICE:

11 All right, so Friday night y'all were hanging out
12 there all weekend?

13 MR. BLOCKER:

14 Uh-huh (affirmative).

15 MALE VOICE:

16 Okay. What do y'all doing? Just hanging out, video
17 games, UNO?

18 MR. BLOCKER:

19 Playing with her little brothers and stuff, and UNO.

20 MALE VOICE:

21 All right. So what about all day Saturday?

22 MR. BLOCKER:

23 Saturday we was at my house.

24 MALE VOICE:

1 At your house, all right.

2 MR. BLOCKER:

3 Uh-huh (affirmative).

4 MALE VOICE:

5 When were you at her place Saturday?

6 MR. BLOCKER:

7 Saturday I had went -- we had went to go pick up her
8 clothes, so I stayed (inaudible) 2:00 in the
9 afternoon, and then we went back to my house 'cause
10 my people's cooking over there.

11 MALE VOICE:

12 Uh-huh (affirmative). Okay. So you were -- you
13 went -- were over at her place about 2:00, and then
14 you went back out to New Holland sometime around
15 there. All right, what'd y'all do that evening?

16 MR. BLOCKER:

17 We ate, we cooked chicken and hot dogs, ribs, mashed
18 potatoes, and (inaudible) and we had -- me and her
19 had (inaudible) date like, we watched a movie in my
20 room until we went to sleep.

21 MALE VOICE:

22 This was at New Holland?

23 MR. BLOCKER:

24 Uh-huh (affirmative).

JURY TRIAL

1 MALE VOICE:

2 Okay. So y'all weren't over at her place Saturday
3 night then?

4 MR. BLOCKER:

5 No.

6 MALE VOICE:

7 Okay. At all?

8 MR. BLOCKER:

9 At all.

10 MALE VOICE:

11 Ever?

12 MR. BLOCKER:

13 Never.

14 MALE VOICE:

15 Okay. You know what I didn't ask you, what is your
16 date of birth?

17 MR. BLOCKER:

18 [REDACTED], 2001.

19 MALE VOICE:

20 And your address is New Holland, right? What's your
21 telephone number?

22 MR. BLOCKER:

23 [REDACTED]-7730.

24 MALE VOICE:

1 7730, is that your cell number?

2 MR. BLOCKER:

3 Uh-huh (affirmative).

4 MALE VOICE:

5 Okay. What's a home number for you?

6 MR. BLOCKER:

7 I don't know the home phone.

8 MALE VOICE:

9 So just that -- that's the way people get in touch
10 with you? Okay. All right. Is that through
11 Verizon or...?

12 MR. BLOCKER:

13 I think it's through Verizon.

14 MALE VOICE:

15 Through Verizon, okay. All right, so you're hanging
16 out at the cookout on New Holland and y'all were
17 there the rest of the night?

18 MR. BLOCKER:

19 Uh-huh (affirmative).

20 MALE VOICE:

21 Okay. Did you hear about somebody getting hurt over
22 there near the Bricks?

23 MR. BLOCKER:

24 Yeah, somebody called to check (inaudible) they

JURY TRIAL

1 thought we was out there too, but we had (inaudible)
2 in the country.

3 MALE VOICE:

4 Yeah. Okay. Who called you?

5 MR. BLOCKER:

6 Her father.

7 MALE VOICE:

8 Her father?

9 MR. BLOCKER:

10 Uh-huh (affirmative).

11 MALE VOICE:

12 And that's Mr. James, right?

13 MR. BLOCKER:

14 Uh-huh (affirmative).

15 MALE VOICE:

16 Okay. Well, we've been doing a lot of investigation
17 -- talking to a lot of people and your name has come
18 up in the investigation, okay -- that's how we were
19 able to get a warrant for you today. We do have a
20 warrant; it's -- I don't have it in my hand. It's up
21 in dispatch, and before we leave here today you'll
22 see it, okay. Your family was kind of upset about
23 not having the warrant, but typically we don't take
24 the warrant in the field -- we do all our paperwork

1 business up here, okay. You understand that?

2 MR. BLOCKER:

3 Yes, sir.

4 MALE VOICE:

5 All right. So why would your name be brought up in
6 this mess?

7 MR. BLOCKER:

8 I don't know. I don't know why.

9 MALE VOICE:

10 Okay, all right. Is there any way you can prove to
11 me that you were on New Holland?

12 MR. BLOCKER:

13 Yeah.

14 MALE VOICE:

15 How?

16 MR. BLOCKER:

17 My family.

18 MALE VOICE:

19 Your family? Okay. And your girlfriend?

20 MR. BLOCKER:

21 Uh-huh (affirmative).

22 MALE VOICE:

23 Okay. And you don't know her last name?

24 MR. BLOCKER:

JURY TRIAL

1 It should be James too -- so probably her last name
2 James.

3 MALE VOICE:

4 All right. What if I were to tell you that we have
5 other people that said you were over at the Bricks
6 Saturday night? There's lots of people around, you
7 know, it's kind of a happening place. So, what
8 would you say to that?

9 MR. BLOCKER:

10 I wasn't there.

11 MALE VOICE:

12 You wasn't there?

13 MR. BLOCKER:

14 Uh-uh (negative).

15 MALE VOICE:

16 Okay. Do you sell drugs?

17 MR. BLOCKER:

18 No.

19 MALE VOICE:

20 And I'm not looking to get you in trouble for that.
21 I'm just asking. I mean, that's a way of life for
22 some people.

23 MR. BLOCKER:

24 Yeah, it is but I don't sell drugs.

1 MALE VOICE:

2 Okay, all right. You don't do anything like that at
3 all?

4 MR. BLOCKER:

5 Uh-uh (negative).

6 MALE VOICE:

7 Okay. Have you read the paper in the past day or
8 two?

9 MR. BLOCKER:

10 Paper, no, I don't read that.

11 MALE VOICE:

12 Facebook?

13 MR. BLOCKER:

14 No, I just look at the news.

15 MALE VOICE:

16 The news, local news?

17 MR. BLOCKER:

18 My grandma.

19 MALE VOICE:

20 You seen anything on the local news in the past day?

21 MR. BLOCKER:

22 Uh-uh (negative).

23 MALE VOICE:

24 About this case?

JURY TRIAL

1 MR. BLOCKER:

2 No.

3 MALE VOICE:

4 Not at all?

5 MR. BLOCKER:

6 Uh-uh (negative).

7 MALE VOICE:

8 Okay. So you don't -- you don't really look at the

9 news then?

10 MR. BLOCKER:

11 Uh-uh (negative).

12 MALE VOICE:

13 Okay.

14 MR. BLOCKER:

15 I look at it to see what the weather is.

16 MALE VOICE:

17 Yeah, okay. We have been pretty busy with this

18 case, all right. I have some stuff here, but then I

19 have other stuff in my office. We have got some

20 evidence back and we're still waiting for some

21 evidence. So, that's kind of why we didn't -- we

22 didn't just pick you out, okay. There's a reason

23 why we have you in here. I couldn't just come

24 arrest you for nothing, okay. There's a reason why.

1 We have evidence against you, okay. That's why
2 you're here. So, I think you saying that you
3 weren't there -- I want to believe what you're
4 saying but I know that not to be true.

5 MR. BLOCKER:

6 (Inaudible) me.

7 MALE VOICE:

8 Okay. All right.

9 MALE VOICE:

10 Do you know a guy named Reggie?

11 MR. BLOCKER:

12 Reggie, uh-uh (negative).

13 MALE VOICE:

14 No? You sure?

15 MR. BLOCKER:

16 Yeah, positive.

17 MALE VOICE:

18 Kind of got some dreads, living on the southside?

19 You know him?

20 MR. BLOCKER:

21 Never heard of him.

22 MALE VOICE:

23 Okay. You use Cash App?

24 MR. BLOCKER:

JURY TRIAL

1 Yeah.

2 MALE VOICE:

3 Yeah? What's your name on that Cash App?

4 MR. BLOCKER:

5 My Cash App in my Momma name.

6 MALE VOICE:

7 What's your mom's name?

8 MR. BLOCKER:

9 Aretha Blocker.

10 MALE VOICE:

11 Aretha Blocker?

12 MR. BLOCKER:

13 Uh-huh (affirmative).

14 MALE VOICE:

15 So you don't have one in your name?

16 MR. BLOCKER:

17 No.

18 MALE VOICE:

19 No? Did you know the guy that got killed?

20 MR. BLOCKER:

21 Yeah, I went to school with him.

22 MALE VOICE:

23 Yeah?

24 MR. BLOCKER:

1 He was a close friend.

2 MALE VOICE:

3 Right. So you weren't around that night that he got
4 shot over there?

5 MR. BLOCKER:

6 No.

7 MALE VOICE:

8 So you think somebody's making a Cash App under your
9 name?

10 MR. BLOCKER:

11 No. There's a (inaudible). I lost my social
12 security (inaudible) like, four weeks ago.

13 MALE VOICE:

14 Okay, and where was that at?

15 MR. BLOCKER:

16 In the Bricks.

17 MALE VOICE:

18 Did you make a police report?

19 MR. BLOCKER:

20 Uh-uh (negative).

21 MALE VOICE:

22 Why not?

23 MR. BLOCKER:

24 'Cause I (inaudible) I went to the unemployment

JURY TRIAL

1 office to talk to them.

2 MALE VOICE:

3 Right.

4 MR. BLOCKER:

5 So now I got to call them 'cause I'm supposed to get
6 paid for unemployment (inaudible) supposed to get
7 paid (inaudible).

8 MALE VOICE:

9 Did you put a fraud alert on your credit so
10 (inaudible) open anything in your name?

11 MR. BLOCKER:

12 No.

13 MALE VOICE:

14 No? So your phone has got service -- you say it's
15 through Verizon -- it's not an app or anything is
16 it?

17 MR. BLOCKER:

18 Uh-uh (negative).

19 MALE VOICE:

20 You have an actual -- where's your phone at now?

21 MR. BLOCKER:

22 It should be home.

23 MALE VOICE:

24 It should be at home? Was it in your room when you

1 got arrested?

2 MR. BLOCKER:

3 Uh-huh (affirmative). It'd be on the kitchen
4 counter, or it would be by the (inaudible).

5 MALE VOICE:

6 What's your girlfriend's name on Facebook?

7 MR. BLOCKER:

8 ShyGlizzy.

9 MALE VOICE:

10 ShyGlizzy?

11 MR. BLOCKER:

12 Uh-huh (affirmative).

13 MALE VOICE:

14 But you don't know her real name? How do you know
15 that you're going to the right apartment when you go
16 to her house?

17 MR. BLOCKER:

18 'Cause I know her father.

19 MALE VOICE:

20 Is he standing outside every time when you come
21 there?

22 MR. BLOCKER:

23 Yeah.

24 MALE VOICE:

JURY TRIAL

1 So you know you're going to the right one. So 154
2 is correct? (Inaudible) another one?

3 MR. BLOCKER:

4 Uh-uh (negative).

5 MALE VOICE:

6 Who lives around them?

7 MR. BLOCKER:

8 I don't know. I don't know (inaudible).

9 MALE VOICE:

10 You're hanging out at the Bricks -- this ain't the
11 first time that you've been over there.

12 MR. BLOCKER:

13 With my girlfriend.

14 MALE VOICE:

15 I know. But you hang out there routinely. You know
16 people. You know a lot of people. It sounds like
17 you walk in and you walk out of the Bricks.

18 MR. BLOCKER:

19 Walk in and walk out.

20 MALE VOICE:

21 Walk in and walk out -- don't hang out at all?

22 Never -- never -- never just kind of chilled out at
23 the Bricks?

24 MR. BLOCKER:

1 Uh-uh (negative).

2 MALE VOICE:

3 I don't believe that. I know you know Reggie.

4 MR. BLOCKER:

5 I don't know Reggie. (Inaudible) know nobody named
6 Reggie.

7 MALE VOICE:

8 Ain't never heard of nobody named Reggie?

9 MR. BLOCKER:

10 Uh-uh (negative).

11 MALE VOICE:

12 Just hang out together, but you don't know
13 (inaudible). Maybe he goes by something else, I
14 don't know. So everything's just I don't know?
15 You're in here on a murder investigation. The only
16 thing you can give me is "I don't know."

17 MR. BLOCKER:

18 I don't know.

19 MALE VOICE:

20 It's like I told you in the very beginning, honesty.

21 MR. BLOCKER:

22 That's what I'm doing, honesty.

23 MALE VOICE:

24 You know -- you know we've already made an arrest,

JURY TRIAL

1 right?

2 MR. BLOCKER:

3 Yeah.

4 MALE VOICE:

5 Yeah. So how do you know that guy?

6 MR. BLOCKER:

7 It was on Facebook.

8 MALE VOICE:

9 I know, but how did you know him?

10 MR. BLOCKER:

11 I don't know him.

12 MALE VOICE:

13 You don't know him?

14 MR. BLOCKER:

15 Uh-uh (negative).

16 MALE VOICE:

17 At all?

18 MR. BLOCKER:

19 (Inaudible).

20 MALE VOICE:

21 Y'all just happened to be at the same place together
22 and don't know -- don't know each other?

23 MR. BLOCKER:

24 (Inaudible) nobody but my girlfriend.

1 MALE VOICE:

2 Okay. At the Bricks?

3 MR. BLOCKER:

4 No, at my family house in the country (inaudible)
5 road.

6 MALE VOICE:

7 Is there anybody other than your family who can
8 vouch for you that you were there on Saturday night
9 into Sunday morning?

10 MR. BLOCKER:

11 My girlfriend.

12 MALE VOICE:

13 Anybody other than somebody that would lie for you?

14 MR. BLOCKER:

15 Why would they have to lie?

16 MALE VOICE:

17 Because you're in a murder investigation. Most
18 people don't tell us the truth the first time we ask
19 them.

20 MR. BLOCKER:

21 If you ain't got nothing to hide, you're gonna tell
22 the truth, right?

23 MALE VOICE:

24 I would think so, yeah. But we can put you there.

JURY TRIAL

1 MALE VOICE:

2 Well, if we couldn't put you there, we wouldn't have
3 you in here. You're not going to get me to believe
4 that you don't know Reggie. Just tell me what
5 happened.

6 MR. BLOCKER:

7 I don't know.

8 MALE VOICE:

9 Let me ask you a question, did they have guns?

10 MR. BLOCKER:

11 What you mean?

12 MALE VOICE:

13 The people that got shot and killed, and the guy
14 driving the car.

15 MR. BLOCKER:

16 I don't know. That's what it said in the article
17 that I read. I don't know.

18 MALE VOICE:

19 It said they had guns?

20 MR. BLOCKER:

21 No, it say they was shot at -- I don't know.

22 MALE VOICE:

23 Right. I guess what kind of baffles us is the drug
24 deal was done. Everybody had already got their

1 money. They had already gotten the dope; everyone
2 just start having a gun fight -- I'm just -- just
3 curious.

4 MALE VOICE:

5 You know what I think --

6 MALE VOICE:

7 I was wondering if maybe they -- if they tried to
8 rob y'all and y'all started shooting.

9 MR. BLOCKER:

10 (Inaudible).

11 MALE VOICE:

12 Yeah, somehow it went sideways.

13 MR. BLOCKER:

14 I wasn't there.

15 MALE VOICE:

16 Okay.

17 MALE VOICE:

18 Okay.

19 MALE VOICE:

20 We got enough evidence to put you there. What I'd
21 like to hear is really what happened from -- from
22 you and --

23 MR. BLOCKER:

24 I don't know what happened.

JURY TRIAL

1 MALE VOICE:

2 We've talked to Reggie. And here you are.

3 MALE VOICE:

4 And there's physical evidence too -- physical
5 evidence.

6 MALE VOICE:

7 You know, we wouldn't -- it's not just somebody
8 saying something.

9 MR. BLOCKER:

10 What do you mean by physical evidence?

11 MALE VOICE:

12 Physical evidence -- forensic evidence -- forensic.

13 MALE VOICE:

14 Just -- just curious -- did they try to rob y'all?

15 MR. BLOCKER:

16 Who tried to rob who? I wasn't there.

17 MALE VOICE:

18 The dead guy, did he try to -- did he try to rob
19 y'all --

20 MR. BLOCKER:

21 I wasn't there.

22 MALE VOICE:

23 -- after the drug deal?

24 MR. BLOCKER:

1 I wasn't there.

2 MALE VOICE:

3 So what have you heard? Since you wasn't there but
4 -- but her dad thought you might be there -- who
5 lives there -- so why would he think you might be
6 there when he lives there -- if you ain't there?

7 MR. BLOCKER:

8 I was at my house.

9 MALE VOICE:

10 Okay. All right, so what have you heard about this
11 shooting?

12 MR. BLOCKER:

13 A guy got killed.

14 MALE VOICE:

15 That's it? A guy you know from school got killed,
16 that -- that's all you heard? You ain't heard who,
17 why, when.

18 MR. BLOCKER:

19 No, none of that.

20 MALE VOICE:

21 Man, come on. I've been doing this longer than
22 you've been alive. And you're not going to get me
23 to believe you, that a place that you hang out,
24 where your girlfriend lives --