

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KENNETH DAWSON,

APPELLANT

APPELLATE CASE NO. 2025-000114

RECORD ON APPEAL

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INDEX

INDEX	I
TRIAL TRANSCRIPT DATED JANUARY 13-15, 2025.....	1
OPENING STATEMENT BY MR. HILL	104
OPENING STATEMENT BY MS. ARORA.....	106
TESTIMONY	
LAKESHA JACKSON	109
DEBORAH JACKSON	127
MARTEZ JOHNSON	136
MARQUELL JACKSON	159
KENDRA MOSELEY	177
JAMES GANN	194
KAILYN MONAGHAN	206
THOMAS BEAVER.....	211
JONATHAN LYNCH	235
MELVIN WALLACE	250
MICHAEL POWITCHKO	264
DAVID PRITCHARD	273
NEKISHA GOFF	308
KENNETH DAWSON	321
CLOSING ARGUMENT BY MS. HALIENA	366
CLOSING ARGUMENT BY MS. ARORA	379
CLOSING ARGUMENT IN REPLY BY MS. HALIENA.....	387

VERDICT	406
SENTENCING	424
INDICTMENTS & SENTENCING SHEETS	427
CERTIFICATE OF COUNSEL	437

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EX. 6 (BODY CAM VIDEO), STATE’S EX. 7, 14, 15, 16 (PHOTOGRAPHS),
STATE’S EX. 30 (VIDEO INTERVIEW OF DEFENDANT)**

State of South Carolina	)	Court of General Sessions
County of Charleston	)	Ninth Judicial Circuit
	)	
STATE OF SOUTH CAROLINA,	)	Case Numbers:
	)	2024-GS-10-02850
Plaintiff,	)	2024-GS-10-02851
	)	
vs.	)	
	)	
KENNETH DAWSON,	)	JURY TRIAL
	)	
Defendant.	)	TRANSCRIPT OF RECORD
	)	

January 13-15, 2025
Charleston, South Carolina

B E F O R E:

The Honorable Frank R. Addy

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

MS. MALLORY V. HALIENA
and MR. J. DURHAM HILL,
Assistant Solicitors,
for the Plaintiff;

MS. RACHAEL C. ARORA
and MR. W. TED SMITH,
Assistant Public Defenders,
for the Defendant.

Jamie Bickett
Official Court Reporter

INDEX

Day 1 - January 13, 2025.....	5
Day 2 - January 14, 2025.....	176
Day 3 - January 15, 2025.....	319

JURY VOIR DIRE.....	23

PRETRIAL MOTIONS.....	56

TRIAL

OPENING STATEMENTS

<u>NAME</u>	<u>PAGE</u>
Mr. Hill.....	104
Ms. Arora.....	106

WITNESSES

<u>NAME</u>	<u>PAGE</u>
Lakesha Jackson	
Direct Examination by Ms. Haliena.....	109
Cross-Examination by Ms. Arora.....	122
Redirect Examination by Ms. Haliena.....	125
Deborah Jackson	
Direct Examination by Ms. Haliena.....	127
Cross-Examination by Ms. Arora.....	133
Martez Johnson	
Direct Examination by Mr. Hill.....	136
Cross-Examination by Ms. Arora.....	150
Redirect Examination by Mr. Hill.....	156
Marquell Jackson	
Direct Examination by Mr. Hill.....	159
Cross-Examination by Ms. Arora.....	171
Kendra Moseley	
Direct Examination by Ms. Haliena.....	177
Cross-Examination by Ms. Arora.....	189
James Gann	
Direct Examination by Mr. Hill.....	194
Cross-Examination by Ms. Arora.....	203
Kailyn Monaghan	
Direct Examination by Ms. Haliena.....	206
Cross-Examination by Ms. Arora.....	209
Thomas Beaver	
Direct Examination by Mr. Hill.....	211
Cross-Examination by Ms. Arora.....	229

INDEX

WITNESSES (Cont.)

<u>NAME</u>	<u>PAGE</u>
Jonathan Lynch	
Direct Examination by Ms. Haliena.....	235
Cross-Examination by Ms. Arora.....	244
Redirect Examination by Ms. Haliena.....	248
Melvin Wallace	
Direct Examination by Ms. Haliena.....	250
Cross-Examination by Ms. Arora.....	256
Michael Powitchko	
Direct Examination by Mr. Hill.....	264
David Pritchard	
Direct Examination by Ms. Haliena.....	273
Cross-Examination by Mr. Smith.....	295
Redirect Examination by Ms. Haliena.....	307
Nekisha Goff	
Direct Examination by Mr. Hill.....	308
Cross-Examination by Mr. Smith.....	311
Kenneth Dawson	
Direct Examination by Ms. Arora.....	321
Cross-Examination by Ms. Haliena.....	337

EXHIBITS

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>EV</u>
State's 1	CD - 911 call	119
State's 2	Google map	116
State's 3	Google street view	116
State's 4	Google map	116
State's 5	Google map	148
State's 6	CD - Gann body-worn camera	200
State's 7	Photo - stab wound	221
State's 8	CD - Wallace body-worn camera	241
State's 9	CD - Wallace body-worn camera	254
State's 10	Photo - house	179
State's 11	Photo - house	179
State's 12	Photo - sidewalk	179
State's 13	Photo - driveway	179
State's 14	Photo - house	179
State's 15	Photo - porch	179
State's 16	Photo - porch floor	179
State's 17	Photo - hotel exterior	182
State's 18	Photo - Dorchester Road	182
State's 19	Photo - hotel stairway	182
State's 20	Photo - Room 228 doorway	182
State's 21	Photo - Room 228 interior	182
State's 22	Photo - bath vanity	182

INDEX

EXHIBITS (Cont.)

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>EV</u>
State's 23	Photo - bag	182
State's 24	Photo - knives	182
State's 25	Photo - bathtub	182
State's 26	Photo - front of shorts	182
State's 27	Photo - back of shorts	182
State's 28	Photo - trash can	188
State's 29	Photo - pocketknife	188
State's 30	CD - defendant's interview	277
State's 33	Miranda form	277

CLOSING ARGUMENTS

<u>NAME</u>	<u>PAGE</u>
Ms. Haliena.....	366
Ms. Arora.....	379
Ms. Haliena.....	387

CHARGE OF THE COURT.....	390
VERDICT OF THE JURY.....	406
SENTENCE OF THE COURT.....	424
CERTIFICATE OF COURT REPORTER.....	426

1 (Court called to order at 11:26 a.m., Monday,
2 January 13, 2025, outside the presence of the potential
3 jurors.)

4 THE COURT: All right. We are on the record. And if
5 I'm not mistaken, this is 2024-GS-10-2850 and 51, the State
6 versus Kenneth Dawson. Of course, the record will reflect
7 that Mr. Dawson is present with counsel.

8 Before I came out here, Ms. Arora, you indicated to me
9 that there might be a representation issue?

10 MS. ARORA: Yes, your Honor. We had previously filed a
11 motion to be relieved as counsel, me and Mr. Ted Smith. This
12 was at the direction of our client Kenneth Dawson. I told
13 him it's his motion and he's free to argue it this morning if
14 he still wishes to go forward with it.

15 THE COURT: Mr. Dawson?

16 THE DEFENDANT: May I address the Court, your Honor?

17 THE COURT: If you could stand so I can hear you maybe
18 just a little bit better.

19 THE DEFENDANT: I apologize.

20 THE COURT: That's all right.

21 THE DEFENDANT: I've been in Charleston County Detention
22 Center four and a half years. Okay? I haven't been out on
23 bond, and I was in the jurisdiction. Okay? I just got
24 indicted -- I just got indicted, sir. I just got indicted
25 last year. I have brought it to Ms. Arora's attention that I

1 hadn't been, you know, indicted.

2 Like I said, I've never been on bond. I wasn't in
3 another jurisdiction. I've, you know, been in the detention
4 center, you know, since 2020. When I told -- I told her
5 about July 19 of last year I received -- your Honor, I just
6 had it downstairs. I apologize, sir.

7 THE COURT: You got your discovery or you got your
8 indictment --

9 THE DEFENDANT: Yeah.

10 THE COURT: -- in July?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay.

13 THE DEFENDANT: I have the indictment.

14 Yeah, I got it right here. I apologize.

15 THE COURT: That's okay.

16 MR. SMITH: Judge, may I approach?

17 THE COURT: Please.

18 THE DEFENDANT: Thank you, your Honor.

19 Anyway, sir, those two indictments right there was sent
20 to me July 26, 2024. The State does not have a reason why
21 the indictment says 2024 because I've never -- like I said, I
22 wasn't out on bond. I wasn't in another jurisdiction. And
23 it's a violation of my rights.

24 Now, I'm not a lawyer. You know what I'm saying? But
25 that's a violation of my constitutional rights because I did

1 not get indicted in four years -- in four and a half years.

2 Now, I was told by Ms. Arora that I was indicted in
3 2021. When I asked her for the indictment, she said that she
4 couldn't go back that far.

5 But I got that indictment there.

6 THE COURT: Okay. Solicitor, either of you want to
7 speak to that?

8 MS. HALIENA: Yes, Judge.

9 If I may get into a template of procedural history with
10 this case?

11 THE COURT: Please, yeah, if you could.

12 MS. HALIENA: This defendant was originally arrested on
13 June 14 of 2020 and charged with murder and possession of a
14 weapon during the commission of a violent crime. His
15 original defense attorney was Tola --

16 THE DEFENDANT: Familoni.

17 MS. HALIENA: -- Familoni in the public defender's
18 office. He did file a bond motion for this defendant on
19 October 27 of 2020. That motion for bond was denied by
20 Judge McCoy on November 17 of 2020.

21 In April of 2022, after Mr. Familoni left the office,
22 then that is when Ted Smith took over as the attorney. This
23 defendant's first motion to be relieved was filed on July 12
24 of 2022, and that was denied by Judge McCoy on November 3 of
25 2022. This defendant again filed a motion to relieve on

1 January 31, 2023. That was granted by Judge Price in
2 February of 2023.

3 Then once this defendant did not obtain another
4 attorney, Judge Price reappointed Ted Smith as the attorney
5 in June of 2023. In August 21 of 2023, this defendant filed
6 a motion to relieve counsel. On February 13 of 2024, he
7 withdrew this motion in front of Judge Jefferson.

8 THE DEFENDANT: Your Honor?

9 THE COURT: One second. I want to try and make sure
10 I've got an understanding --

11 THE DEFENDANT: Yes, sir.

12 THE COURT: -- of the procedural background.

13 THE DEFENDANT: I apologize.

14 THE COURT: That's okay.

15 So -- okay. He -- when did that -- the motion was
16 refiled. When was it withdrawn before Judge Jefferson?

17 MS. HALIENA: It was withdrawn on February 13 of 2024.
18 Then a new motion to be relieved was filed on April 23 of
19 2024, and then it was again withdrawn in front of Judge
20 Jefferson on July 12 of 2024.

21 This case was originally on the September 16, 2024,
22 trial docket, but it was continued the week beforehand. And
23 so that's why it was continued onto this docket this week.
24 In the interim, between that first trial docket being
25 scheduled and this one, the defendant then filed a fifth

1 motion to be relieved, and that was on November 13 of 2024.

2 In terms of the indictment, this defendant was
3 originally indicted in April of 2021, which is less than a
4 year since the actual incident occurred, which was actually
5 pretty quick based on what was going on in the COVID era. An
6 offer was extended then on September 14 of 2022. When it
7 became clear that this was not going to be resolved via plea,
8 that's when -- as a matter of policy between the 2021 and
9 2025 period, our office began reindicting things that went to
10 trial to ensure that there was a testifying witness signature
11 on the indictment.

12 So there's nothing new on the indictment. It was just a
13 matter of policy that this was reindicted.

14 THE COURT: Okay. When this matter -- I assume you've
15 been involved in the prosecution of this for the last several
16 years?

17 MS. HALIENA: I have.

18 THE COURT: Were you there when Judge Price initially
19 granted his motion in February of '23?

20 MS. HALIENA: I believe that I may have been out on
21 maternity leave at that point.

22 THE COURT: Okay.

23 MS. HALIENA: But I do recall that was, I believe,
24 handled by my team leader --

25 THE COURT: Okay.

1 MS. HALIENA: -- Mr. Simpson, if I'm not mistaken.

2 THE COURT: And the reason I ask is if anyone knows -- I
3 know that from time to time somebody might say, "I have a
4 lawyer that's going to be representing me. John Smith is
5 going to be retained by my family." Is that kind of the
6 situation that we had here, or do you recall?

7 Or does anyone know?

8 MR. SMITH: Judge, I can --

9 THE COURT: Yes, sir.

10 MS. ARORA: -- speak to that if you like.

11 THE COURT: Mr. Smith?

12 MR. SMITH: Yes, your Honor. Ted Smith.

13 Judge, at the time that that motion was filed,
14 Mr. Dawson just wanted at that point for me to be relieved
15 from the case. He did not have -- there was not a private
16 attorney to step in. Mr. Dawson had requested from the Court
17 that he receive conflict counsel from our panel. Judge Price
18 denied that and just let Mr. Dawson stay without counsel.

19 THE COURT: Okay. And then he subsequently reappointed
20 your office to represent him?

21 MR. SMITH: He did. We approached him and asked to be
22 reappointed because Mr. Dawson had not been able to hire
23 counsel at that point.

24 THE COURT: I understand.

25 All right. Mr. Dawson, yes, sir.

1 THE DEFENDANT: The reason why that I had filed a motion
2 to relieve him, my sister who died last year, she was like,
3 you know, my support. She called the public defender's
4 office on several occasions. Okay? Her job was down on Rose
5 Avenue at the water company and, you know, she did, you know,
6 armed, you know, security work. She -- you know, she called
7 him on several occasions.

8 He, at one point, your Honor, set an appointment to
9 conference, you know, with my sister. When I called her that
10 night, her exact -- she said, "Boy, I went down there. I had
11 to find parking space." Right? She said she went down there
12 and she spoke -- and she went inside and told the
13 receptionist that she was here for -- I'm sorry, she was
14 there for an appointment to see William Ted Smith. The lady
15 got on the phone, and she said, "Well, ma'am, he's not here,
16 and he didn't leave me anything stating y'all had an
17 appointment."

18 Your Honor, this man hadn't seen me in a whole year.
19 And like I said, I was at the county jail, and he hadn't seen
20 me in a whole year. Twelve months. Now, I understand he has
21 more clients than me, but he hadn't seen me in a whole 12
22 months. Every time I try to call, you know, he's not in the
23 office. I write him; he don't write back. So I got
24 frustrated.

25 But like I say, you know, this is a serious case. You

1 know, I'm not afraid -- you know what I'm saying? -- you
2 know, to, you know, come to trial. But a whole year? I
3 mean, that's a long time. And even if I had been out on the
4 street and tried to contact him, you know, I would -- you
5 know, I would be frustrated. And he did not have an excuse
6 for not seeing me in a whole year.

7 Now, let me put this out there, sir. When I did see
8 him, I cussed him out. I did. I'm 62 years old, you know,
9 and I'm man enough to, you know, admit what I did. I cussed
10 him out and I called him all kind of names. I sure did.

11 I spoke to Cameron Blazer, the chief public defender.
12 She -- her and him came to the jail. Right? This was before
13 Ms. Arora, you know, came along. And she spoke to me. She
14 calmed me down. I said, "Okay. We're going to go again."
15 She said, "What I'm going to do, Kenneth, I'm going to assign
16 somebody else."

17 About a week later, Ms. Arora came along. Okay? She
18 said, "Well," you know, "let's talk like -- you know, like
19 grown people. Let's talk." We talked. We talked.

20 And he still can't -- right up to this day, sir, he
21 still can't explain why he -- I didn't see him in a whole
22 year. And I received one letter from him when Ms. -- I'm
23 sorry, when Mr. FAMILONI left. I've seen one letter from
24 him. One.

25 I tried to call him several times on three-way. I'd

1 call my sister at night. And she got to the point where she
2 said, "Bro, I love you and I'm -- you know, I'm with you on
3 this. But I cannot do this with him." And I understood
4 that. You know? She said, "I can't do this with him, you
5 know, so you're going to have to keep writing or write
6 somebody." You know what I'm saying?

7 And once Ms. Arora came along, you know, I must say we
8 talked. I said, "Okay. I'll give him another chance." You
9 know? And I did that because, you know, she spoke to me.

10 Now, her and I has been through some things. You know
11 what I'm saying? But -- was it two weeks ago I spoke to
12 Ms. Blazer? Oh, the day before Christmas I spoke to her, and
13 the both of them came up there. And, you know, I calmed down
14 once again.

15 Judge, I'm not hard to get along with, but I'm fighting
16 for my life. I'm 62 years old. Chances are I'll never get
17 out of prison again. But like I said, all I want is a fair
18 trial. All I want is a fair trial.

19 THE COURT: And that's exactly what I want for you.

20 THE DEFENDANT: Right. Right. Right.

21 THE COURT: Let me approach it this way.

22 THE DEFENDANT: Okay.

23 THE COURT: Mr. Dawson, it appears that you and
24 Ms. Arora are -- that y'all are getting along perhaps better
25 than you and Mr. Smith did. Is that fair to say?

1 THE DEFENDANT: That's fair to say.

2 THE COURT: Okay. Where we are, Mr. Dawson, is
3 basically here. And where here is is, you know, in a short
4 while we're going to have a jury coming up here and we'll
5 move forward with picking that jury. And I imagine that
6 Judge Price and Judge Jefferson and the other judge that they
7 mentioned, Judge McCoy, that they probably had that
8 conversation with you about the fact that you need a lawyer.

9 Am I right?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Right now -- okay? Right now, Ms. Arora is
12 your lawyer. And I think you appreciate -- I saw where you
13 graduated high school. They sent me the video in advance,
14 and I had a chance to look at that this morning.

15 THE DEFENDANT: Yeah.

16 THE COURT: But you have some tech under your belt. You
17 went to high school. You understand the dangers of
18 representing yourself in this court, right?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. I'm assuming you don't want to
21 represent yourself. Am I right?

22 THE DEFENDANT: No, I don't.

23 THE COURT: Okay.

24 THE DEFENDANT: No, I don't. You know, it would be --

25 THE COURT: It would be bad.

1 THE DEFENDANT: -- ignorant for me to represent
2 myself --

3 THE COURT: Right.

4 THE DEFENDANT: -- because I don't -- you know, I'm not
5 a lawyer.

6 THE COURT: Right. Okay. So Ms. Arora is your
7 attorney. All right? And if Mr. Smith stays in the
8 courtroom or not, I mean, that's really between the three of
9 y'all. If you're saying that you're not comfortable with him
10 representing you or being involved with this, then, you know,
11 that's really a conversation that the three of y'all can
12 have. And Ms. Arora could ask maybe somebody else to
13 parachute in here. She wants another attorney in the room
14 because two heads are always better than one. There might be
15 some question that she forgets to ask a witness --

16 THE DEFENDANT: Mm-hmm.

17 THE COURT: -- and that other lawyer can remind her to
18 ask that question before she sits down. So that's why
19 usually it's a good idea, especially, like you say, on
20 charges as serious as this case.

21 THE DEFENDANT: Right.

22 THE COURT: That's why it's better to have more lawyers
23 than fewer.

24 THE DEFENDANT: Right.

25 THE COURT: So I imagine that she's hoping that

1 Mr. Smith will be able to stay in here because he does have
2 some background on this case. He has represented you
3 previously.

4 THE DEFENDANT: I understand that, sir.

5 THE COURT: And so it'd be probably better if he stayed
6 in here than if she got somebody who was just cold to the
7 file, didn't know anything about the background or any what
8 of the witnesses have said or anything that's in your
9 statement or anything like that.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: So what I'm hearing is that you do agree
12 that you need to be represented --

13 THE DEFENDANT: Mm-hmm.

14 THE COURT: -- and that you're doing better with
15 Ms. Arora. And you're comfortable with her continuing to
16 represent you here?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay.

19 THE DEFENDANT: And she asked me --

20 When did you come to the jail last week?

21 MR. SMITH: Friday.

22 THE DEFENDANT: Friday. She -- and I will say this, you
23 know, before I continue.

24 THE COURT: Sure.

25 THE DEFENDANT: I was furious with him.

1 THE COURT: I understand.

2 THE DEFENDANT: I was to the point where I was going to
3 do something stupid. You know, no pun intended. Okay? I
4 was furious because I don't understand the games that he
5 play. I mean, I don't understand. I mean, he was -- he -- I
6 mean, he didn't see me in a whole year. And then he would
7 have my sister, who had just got diagnosed with, you know,
8 colon cancer, you know, come up there and he wasn't around.
9 I mean, I do not understand the games.

10 THE COURT: And I get that that got frustrating.

11 Let me give you some background because you don't know
12 me from Adam's house cat. Okay?

13 THE DEFENDANT: Okay.

14 THE COURT: I've had their job. All right? I've had
15 your attorneys' job. I was the public defender in Greenwood
16 County for two years.

17 THE DEFENDANT: Okay.

18 THE COURT: I've been an assistant solicitor and then a
19 deputy solicitor for four years. So I've had their job. All
20 right?

21 THE DEFENDANT: Okay.

22 THE COURT: And sometimes there's a delay in getting an
23 indictment issued. Sometimes you have to direct an
24 indictment. Sometimes policies change.

25 And as far as the indictment, it sounds like they wanted

1 a witness's signature on the indictment. And that's probably
2 because of some snafu or some problem that happened with some
3 particular case that I'm not even privy to. But that would
4 be my guess.

5 THE DEFENDANT: Okay.

6 THE COURT: So I've had their job.

7 THE DEFENDANT: Yes, sir. Yes, sir.

8 THE COURT: And when I was in Greenwood, I had one
9 person that worked with me. All right? One person who was
10 with me. And this, of course, was in the late '90s. But
11 when you get -- when you are the sole person responsible for
12 every single case on the docket with the exception of the one
13 assistant, it's really hard sometimes to make it over there.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: And, you know, that's -- I'm hearing that
16 you got frustrated. I understand that. But very often
17 that's sometimes what happens.

18 But I'm hearing that you are comfortable with Ms. Arora.
19 Obviously, this is a serious case, and we're going to be
20 moving forward with it today. So let's just leave it -- if
21 we could, let's just leave it at this. If -- I'm going to
22 let y'all at some point this morning have a discussion.
23 Maybe over lunch. And if you're insistent -- personally, I
24 think you should -- you'd be better off to have Mr. Smith
25 here. Even though y'all had those problems, I think you'd be

1 better off to have him here at second chair to help
2 Ms. Arora.

3 THE DEFENDANT: All right.

4 THE COURT: But I'll let y'all have that discussion
5 later. And if for whatever reason Mr. Smith isn't here when
6 I come back, I'm going to assume that y'all just decided that
7 the case was going to move more smoothly, from your defense
8 perspective, if he's not in the courtroom.

9 Is that okay?

10 THE DEFENDANT: Yes, sir.

11 Right quick, your Honor?

12 THE COURT: Yes, sir.

13 THE DEFENDANT: I understand that she basically needs
14 him, you know.

15 THE COURT: Well, I mean, she -- I think she'd feel more
16 comfortable having him.

17 THE DEFENDANT: You know, I understand that. And I'm
18 not putting her down, but I understand that she's not as
19 experienced in murder trials as he is.

20 Is that what you told me somewhat the other day?

21 MS. ARORA: When we met, me and Ms. Blazer --

22 THE DEFENDANT: I already said that. You know.

23 MS. ARORA: -- both expressed to him that it's better to
24 have Mr. Smith here --

25 THE DEFENDANT: Right. Right.

1 MS. ARORA: -- better for the case. I can't try a
2 murder --

3 THE DEFENDANT: I guess because he --

4 MS. ARORA: -- trial by myself --

5 THE DEFENDANT: -- was on the case --

6 MS. ARORA: -- without second eyes.

7 THE DEFENDANT: You know --

8 THE COURT: Yeah.

9 THE DEFENDANT: I guess because he's been on the case,
10 you know, longer than her. I apologize.

11 THE COURT: And that's why they'd rather have him here.

12 But let's just -- we'll put a pin in that. I hope that
13 when we come back in here after lunch, or whenever, that
14 Mr. Smith is here because I feel like that would inure to
15 your benefit. That would benefit you in your defense.

16 And understand, Mr. Dawson, the law presumes you're not
17 guilty of this charge. You don't have any burden to prove
18 anything in this case. But at the same time, based on the
19 stakes of this, even though right now you're an innocent man
20 in the eyes of the law, Mr. Dawson --

21 THE DEFENDANT: Yes, sir.

22 THE COURT: -- right now you're better served to have
23 two people, one on each side of you -- one on your right and
24 one on your left. That would be my suggestion.

25 THE DEFENDANT: Okay. But can they reset my motions?

1 THE COURT: Um --

2 THE DEFENDANT: Because I have to pay by the minute. I
3 refuse to ask.

4 THE COURT: Show it to your lawyer first because we are
5 on the record here and you may not be wanting to make
6 statements right now that relate to facts. But perhaps let
7 her take a quick look at what you want to put out there.

8 We have a number of motions that we're going to be
9 hearing this morning, and whatever motions you have may very
10 well already be on that list. But we're going to pick a jury
11 and then deal with the motions and see where we are then.
12 Okay? Is that cool?

13 THE DEFENDANT: Yes, sir. She was telling me about the
14 empanelment documents, you know, from the grand jury. I
15 understand that I have to bring that forth before trial.

16 THE COURT: Before the jury is sworn, correct. Yes.

17 THE DEFENDANT: Okay.

18 THE COURT: But we'll be addressing that before -- the
19 idea is to only pick the jury this morning. They won't be
20 sworn until after I do all the pretrial motions and stuff,
21 and that's one of the ones I think she had --

22 THE DEFENDANT: Okay.

23 THE COURT: -- wanted to bring to my attention. Okay?

24 THE DEFENDANT: And your Honor, once again, you know,
25 I'm not afraid to face this. The only thing I want is a fair

1 trial.

2 THE COURT: You'll get a fair trial.

3 THE DEFENDANT: I want a fair trial. That's all I ask.

4 THE COURT: All right. I've been doing this -- I've had
5 this job for 14 years. I've only done trial work for the
6 last 30 years of my life. You're going to get a fair trial
7 because I know what that looks like. All right, Mr. Dawson?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. You'll have to trust me on that.
10 All right, sir?

11 THE DEFENDANT: Okay.

12 THE COURT: Fair enough.

13 Do we have a jury panel yet?

14 CLERK OF THE COURT: I do need to go downstairs. It
15 will be about ten minutes --

16 THE COURT: All right.

17 CLERK OF THE COURT: -- to get them upstairs.

18 THE COURT: We'll be at ease for about ten minutes, and
19 then we'll be right back on the record. Okay? So they'll
20 bring the jury panel up.

21 THE DEFENDANT: Can we sit up here?

22 THE COURT: Yeah, I'm fine with that.

23 THE DEFENDANT: Okay.

24 THE COURT: Yeah, if y'all need to sit there while she
25 pops downstairs.

1 We'll be at ease for a few moments. Make sure we got
2 their contact information and they got yours, mine, or
3 whatever. And there we go.

4 (Court recessed.)

5 (Court resumed in the presence of the potential jurors.)

6 THE COURT: Okay. We have the jury panel present.

7 Solicitor, if you'll proceed with calling the case for
8 trial, please.

9 MS. HALIENA: Thank you, Judge.

10 This is the State of South Carolina versus Kenneth
11 Dawson, Indictment Number 2024-GS-10-02850, murder, and
12 2024-GS-10-02851, possession of a weapon during the
13 commission of a violent crime.

14 THE COURT: All right. Ladies and gentlemen, we're
15 about to begin the trial of the case versus -- the State of
16 South Carolina versus Kenneth Dawson. The indictments in
17 this case, ladies and gentlemen, charge Mr. Dawson with the
18 offenses of murder and possession of a weapon during the
19 commission of a violent crime.

20 At the outset, ladies and gentlemen, I want to instruct
21 you that the fact that Mr. Dawson has been charged and
22 indicted for these offenses is not evidence. Okay? These
23 are merely the documents that bring this case before the
24 Court. They're the charges made against the defendant.

25 In this case, Mr. Dawson has pled not guilty to these

1 charges. That plea in and of itself puts the burden firmly
2 on the State to prove Mr. Dawson's guilt beyond a reasonable
3 doubt. If you're selected on the jury, I'll give you a more
4 detailed explanation of that before we begin the trial.

5 Now, in this case, ladies and gentlemen, the State is
6 represented by Ms. Haliena and Mr. Hill.

7 Ms. Haliena, if you'd care to introduce yourself and
8 cocounsel to the jury.

9 MS. HALIENA: My name is Mallory Haliena. I work for
10 the Ninth Circuit Solicitor's Officer.

11 MR. HILL: I'm Durham Hill. I'm an assistant solicitor
12 here in the Ninth Circuit as well.

13 THE COURT: Thank you.

14 The defendant in this case, Mr. Dawson, is being
15 represented by Ms. Arora and Mr. Smith.

16 Ms. Arora, if you'd care to introduce yourself, your
17 client, and Mr. Smith to the jury panel, please.

18 MS. ARORA: Thank you, your Honor.

19 I'm Rachael Arora. I represent Mr. Kenneth Dawson
20 today. This is Mr. Kenneth.

21 And I'll let Mr. Smith introduce himself.

22 MR. SMITH: And I am Ted Smith. I'll be assisting
23 Ms. Arora.

24 THE COURT: Thank you very much.

25 Ladies and gentlemen, I now have some initial questions

1 that I need to ask you concerning this case. We'll use the
2 same procedure as before. If a question applies to you, I'll
3 simply ask that you stand up and give me a response to that
4 question.

5 First question, ladies and gentlemen, is there any
6 member of the jury panel who is related by blood or marriage
7 or anyone who has any close business or social relationships
8 with the defendant in this case, Kenneth Dawson? Any member
9 of the jury panel related to him or connected with him
10 socially or professionally? If so, please stand.

11 All right. No one is standing.

12 You've been introduced to the attorneys involved in this
13 case. Is there any member of the jury panel who's related by
14 blood or marriage to any of the lawyers in this case? Anyone
15 who has any close business or social relationships with the
16 attorneys? Or anyone who has previously or is currently
17 being represented by any of the lawyers involved in this
18 case? If so, please stand.

19 No one is standing.

20 Now, ladies and gentlemen, it's alleged that this
21 incident took place on or about June 13 of 2020.

22 Solicitor, would you give me the location where this is
23 alleged to have taken place again, please, and the
24 approximate time. I believe it was around 2:00.

25 MS. HALIENA: Yes, Judge. It was around 2:00 and it was

1 off of Bennett Yard Road in North Charleston.

2 THE COURT: Okay. And the decedent's name in this case?

3 MS. HALIENA: Is Olivia Goff.

4 THE COURT: Olivia Goff? G-O-F-F?

5 MS. HALIENA: Correct.

6 THE COURT: All right.

7 Ladies and gentlemen, the State alleges this incident
8 took place around 2:00 in the afternoon on June 13 of 2020 on
9 Bennett Yard Road. I believe --

10 Is it alleged that this was a stabbing? Am I correct in
11 that factually?

12 MS. HALIENA: That is correct, Judge.

13 THE COURT: It's alleged that Ms. Goff -- Olivia Goff
14 was stabbed and that that ultimately led to her passing away.

15 Is there any member of the jury panel that thinks they
16 may know anything about this case or has formed or expressed
17 any opinion about the allegations involved in this case? If
18 so, please stand.

19 No one is standing.

20 Is there any member of the jury panel who is related by
21 blood or marriage or anyone who has any close business or
22 social relation- -- or had any close business or social
23 relationships with the decedent in this case, Olivia Goff?
24 If so, please stand.

25 No one is standing.

1 I thought I had your -- okay. Here we go. I got the
2 witness list. All right.

3 Okay. Could counsel approach real quick, please.

4 (An off-the-record discussion was held at the bench.)

5 THE COURT: All right. Ladies and gentlemen, I'm going
6 to read a list of possible witnesses in this case. I do not
7 anticipate all these individuals will be testifying. But
8 after I read this list, I'm going to ask if there's any
9 member of the jury panel who's related by blood or marriage
10 or if anyone has any close business or social relationships
11 with any of these folks. Okay?

12 Here are the possible witnesses in this case: David
13 Pritchard, who works at the North Charleston Police
14 Department; Jared, J-A-R-E-D, Martin, also with the Police
15 Department of North Charleston; Craig Akins or Akins,
16 A-K-I-N-S, of the police department; Sierra, S-I-E-R-R-I --
17 er, sorry, S-I-E-R-R-A, Shivers, S-H-I-V-E-R-S, with the
18 police department; Officer Danielle Cockrum, C-O-C-K-R-U-M,
19 with the police department; Charity Steinbrunner,
20 S-T-E-I-N-B-R-U-N-N-E-R, who's also an officer; Kailyn,
21 K-A-I-L-Y-N, Monaghan, M-O-N-A-G-H-A-N, her unmarried name --
22 her maiden name is Risher, R-I-S-H-E-R, and she works at
23 Charleston County EMS; Beth Thomas, previously with the
24 police department; James Gann, G-A-N-N, also previously with
25 the police department; Jonathan Lynch, who used to work with

1 the North Charleston Police Department; Melvin Wallace, who
2 is a former officer with the police department --

3 Is that Michael or Michelle?

4 MS. HALIENA: Michael.

5 THE COURT: Michael.

6 Michael Powito- -- I'm going to spell it,
7 P-O-W-I-T-C-H-K-O, Powitchko, who was previously an officer
8 with the police department; Kendra Moseley, with the police
9 department; Dr. Thomas Beaver, who works at MUSC; Lakesha
10 Jackson; Deborah Jackson; Martez, M-A-R-T-E-Z, Johnson;
11 Marquell Jackson; Elbert Simpkins, S-I-M-P-K-I-N-S; and
12 Nekisha, N-E-K-I-S-H-A, Goff.

13 Is there any member of the jury panel related by blood
14 or marriage or anyone who has any close business or social
15 relationships with those potential witnesses? If so, please
16 stand.

17 No one is standing.

18 Is there any member of the jury panel who has previously
19 been represented by the Charleston County Public Defender's
20 Office or has previously been prosecuted by the Charleston
21 County Solicitor's Office? Anybody who's previously been
22 represented by the public defender or prosecuted by the
23 solicitor? If so, please stand.

24 No one is standing.

25 Does any member of the jury panel have any strong

1 feelings one way or another, either for or against law
2 enforcement in general which would preclude you from being
3 fair and impartial in this trial? Any member of the jury
4 panel who feels strongly either for or against law
5 enforcement to the extent that you feel like you couldn't be
6 fair in this particular case? If so, please stand.

7 Yes, ma'am. Your name, please.

8 POTENTIAL JUROR: Jenny West, 281.

9 THE COURT: Sorry. What's your number?

10 POTENTIAL JUROR: 281.

11 THE COURT: 281?

12 POTENTIAL JUROR: Yes.

13 THE COURT: All right, Ms. West. And your feelings are?

14 POTENTIAL JUROR: Are pro -- I work at MUSC at the
15 National Crime Victim Center for several years and work
16 closely with North Charleston Police Department and several
17 other agencies.

18 THE COURT: All right. I gotcha. You feel like you
19 need to sit this one out then, is what I'm hearing.

20 POTENTIAL JUROR: I do.

21 THE COURT: All right. Very good. You're excused. If
22 you'll go back downstairs with the other folks, please.

23 Thank you.

24 POTENTIAL JUROR: Thank you.

25 THE COURT: No one else is standing.

1 All right. Is there any member of the jury panel who
2 has been involved in any case previously prosecuted by the
3 Ninth Circuit Solicitor's Office or defended by the Ninth
4 Circuit Public Defender's Office? Anybody -- any member of
5 the jury panel who's previously been involved in a criminal
6 case involving either the prosecutor or the public defender's
7 office?

8 Yes, ma'am. Your name and number, please.

9 POTENTIAL JUROR: 285, Elizabeth Wieters.

10 THE COURT: And?

11 POTENTIAL JUROR: I clerked for the summer with the
12 public defender's office when I was in law school many, many
13 moons ago.

14 THE COURT: All right. How many moons ago was that,
15 ma'am?

16 POTENTIAL JUROR: 2008.

17 THE COURT: 2008. Okay. And that was just a summer
18 clerkship?

19 POTENTIAL JUROR: Yes, your Honor.

20 THE COURT: Thank you for that information, ma'am.

21 All right. Is there any member of the jury panel or a
22 close family member who has ever been accused of or the
23 victim of a serious or violent crime? Any member of the jury
24 panel who is a member -- er, and again, if you need to speak
25 with me privately down here, I'll let you do that. But is

1 there any member of the jury panel who's ever been the victim
2 of a serious or violent crime, a family member who's ever
3 been a victim of a serious or violent crime, or you or a
4 family member have been prosecuted for a violent or a serious
5 crime? If so, please stand.

6 All right. Would you prefer to speak with me down here?

7 POTENTIAL JUROR: No.

8 THE COURT: Okay. Give me your name and number, please.

9 POTENTIAL JUROR: Leyna Hanson, 118.

10 THE COURT: Yes, ma'am.

11 POTENTIAL JUROR: I was in a relationship with someone
12 who was kidnapped and attacked.

13 THE COURT: Okay.

14 POTENTIAL JUROR: Yes.

15 THE COURT: All right. And the individual was the
16 victim in that?

17 POTENTIAL JUROR: Yes.

18 THE COURT: You were in a relationship with them?

19 POTENTIAL JUROR: Yes.

20 THE COURT: All right. I assume that you're not in the
21 relationship --

22 POTENTIAL JUROR: Right.

23 THE COURT: How long ago was this, ma'am?

24 POTENTIAL JUROR: Ten years ago.

25 THE COURT: Ten years? All right.

1 Would those -- would that event affect your ability to
2 be fair and impartial to both sides in this case, ma'am?

3 POTENTIAL JUROR: I can be fair.

4 THE COURT: You can be fair?

5 POTENTIAL JUROR: Yes.

6 THE COURT: Very good. Thank you, ma'am. You can have
7 a seat.

8 And yes, sir. Your name and number again, please.

9 POTENTIAL JUROR: Paul Fisher, 93.

10 THE COURT: Yes, sir.

11 POTENTIAL JUROR: And we spoke, um --

12 THE COURT: Right. And if you could just put that on
13 the record in here, if you don't mind.

14 POTENTIAL JUROR: Certainly.

15 THE COURT: If you're comfortable doing so.

16 POTENTIAL JUROR: My daughter's fiance was murdered in
17 North Charleston a month ago.

18 THE COURT: A month ago? Okay. When we spoke
19 downstairs, you indicated that you could still be fair and
20 impartial and set that aside and be fair to everybody
21 involved in this. Is that still the case, sir?

22 POTENTIAL JUROR: Yes, sir.

23 THE COURT: All right. Very good. Thank you, sir. You
24 can have a seat.

25 Yes, ma'am. Your name and number, please.

1 POTENTIAL JUROR: Ann Bonvallet, Number 33.

2 THE COURT: And would you like to approach, ma'am?

3 POTENTIAL JUROR: Sure.

4 THE COURT: Y'all care to join?

5 (The following discussion was had at the bench in the
6 presence of the potential jurors but outside the hearing of
7 the potential jurors.)

8 THE COURT: Yes, ma'am.

9 POTENTIAL JUROR: My husband's sister was shot and
10 killed by her husband. (Inaudible.)

11 COURT REPORTER: I'm sorry. I can't hear her.

12 THE COURT: All right.

13 POTENTIAL JUROR: My husband's sister was shot and
14 killed by her husband.

15 THE COURT: It was a domestic issue?

16 POTENTIAL JUROR: Mm-hmm.

17 THE COURT: Okay. And how many years ago was that?

18 POTENTIAL JUROR: Probably 30.

19 THE COURT: Thirty?

20 POTENTIAL JUROR: Yes.

21 THE COURT: Okay. Would that affect your ability to be
22 fair and impartial in this case, ma'am?

23 POTENTIAL JUROR: I want to say no, but --

24 THE COURT: If you feel like it could have some bearing,
25 I'll let you sit this out. The key thing --

1 POTENTIAL JUROR: I think it would be best, yes.

2 THE COURT: Okay.

3 POTENTIAL JUROR: It's affected the family.

4 THE COURT: Very good. I understand. Very good. I
5 appreciate that. And that's very important.

6 (The following proceedings were had in open court.)

7 THE COURT: Juror Number 33 is going to sit this one
8 out. Okay?

9 Ma'am, if you want to go back downstairs. Okay? You
10 can go back downstairs.

11 And yes, ma'am. Your name and number.

12 POTENTIAL JUROR: Tina Jones, 143.

13 My mother was assaulted in a parking garage probably 20
14 years ago.

15 THE COURT: Okay. The fact that that occurred to your
16 mother, would that affect your ability to be fair and
17 impartial in this case, ma'am?

18 POTENTIAL JUROR: No.

19 THE COURT: It would not?

20 POTENTIAL JUROR: No.

21 THE COURT: Thank you. You can have a seat.

22 Yes, sir. Your name and number, please.

23 POTENTIAL JUROR: Adam Robinovitz, 232.

24 My niece was murdered.

25 THE COURT: Okay. And was that here or somewhere else?

1 POTENTIAL JUROR: It was in Florida.

2 THE COURT: In Florida? And how long ago was that, sir?

3 POTENTIAL JUROR: Six years ago.

4 THE COURT: Six years ago?

5 This also involves a homicide. I need to know if you're
6 able to judge the case only on the law and on the facts. If
7 you feel like there's some problem or that you feel like that
8 incident from six years ago could affect you, you just tell
9 me. Can you be fair and --

10 POTENTIAL JUROR: Totally fair.

11 THE COURT: Totally fair. Very good. Thank you, sir.
12 You can have a seat.

13 All right. Is there any member of the jury panel who
14 contributes to any organization the primary purpose of which
15 is the promotion of law enforcement or victim's rights like
16 Mothers against Drunk Driving, Citizens Against Violent
17 Crime, things of that nature? Is there any member of the
18 jury panel who, to your recollection, has either contributed
19 to or is a member of any organization the primary purpose of
20 which is the promotion of law enforcement or victim's rights?
21 If so, please stand.

22 All right. No one is standing.

23 Ladies and gentlemen, it may be that this case involves
24 allegations of domestic violence. Is there any member of the
25 jury panel who has lost a family member or a very close

1 friend -- and if you've already told us, you don't have to
2 tell us again. But is there any member of the jury panel who
3 has previously lost a family member or a close friend to a
4 domestic violence incident or because of a domestic violence
5 incident? If so, please stand.

6 All right. And ma'am, do you want to come down here and
7 talk to me privately, or are you okay telling me in --

8 POTENTIAL JUROR: I'm okay.

9 THE COURT: All right. What's your name and number,
10 please?

11 POTENTIAL JUROR: Tiffany Gauch, 102.

12 THE COURT: All right.

13 POTENTIAL JUROR: My very close friend that I grew up
14 with was murdered by her boyfriend from domestic violence.
15 It involved a stabbing and he left her there.

16 THE COURT: I understand.

17 How long ago was that, ma'am?

18 POTENTIAL JUROR: Four years ago.

19 THE COURT: Four years ago? All right. Did it take
20 place here or somewhere else?

21 POTENTIAL JUROR: James Island.

22 THE COURT: Where?

23 POTENTIAL JUROR: James Island.

24 THE COURT: James Island?

25 POTENTIAL JUROR: Mm-hmm.

1 THE COURT: All right. Ma'am, the fact that you
2 experienced that loss of your friend, would that affect your
3 ability to be fair and impartial to both sides in this case?

4 POTENTIAL JUROR: No, sir.

5 THE COURT: All right. Very good. Thank you, ma'am.
6 You can have a seat.

7 All right. Is there any member of the jury panel who is
8 actively involved in any organization that tries to curb
9 domestic violence? Any member of the jury panel involved in
10 any kind of, like, counseling organization, therapeutic
11 organization, the primary purpose of which is an effort to
12 curb domestic violence? If so, please stand.

13 No one is standing.

14 All right. Ladies and gentlemen, I'll read the next
15 question and, again, if you need to come forward and speak
16 with me privately, we can talk down here. Okay?

17 Is there any member of the jury panel or a close family
18 member who has ever been the victim of a domestic
19 violence-type of an incident, whether that was charged or
20 not? Is there any member of the jury panel or a close family
21 member who has ever been the victim of a domestic violence
22 incident, or for that matter, accused of a domestic
23 violence-type incident? If so, please stand.

24 And do you want to speak to me down here, ma'am, or are
25 you okay talking about it?

1 POTENTIAL JUROR: Oh, no. That's fine.

2 THE COURT: All right. What's your name and number,
3 ma'am?

4 POTENTIAL JUROR: Alexis Hodge, 130.

5 THE COURT: Yes, ma'am.

6 POTENTIAL JUROR: I have a paper trail with Charleston
7 County Police Department for domestic violence stuff that
8 went on two years ago.

9 THE COURT: Okay. And that was where you were charged
10 or accused?

11 POTENTIAL JUROR: No. My boyfriend -- well, my
12 ex-boyfriend.

13 THE COURT: Oh, okay. Your ex-boyfriend?

14 POTENTIAL JUROR: Yeah.

15 THE COURT: All right. So that was two years ago?

16 POTENTIAL JUROR: Mm-hmm.

17 THE COURT: All right. If this -- if allegations of
18 domestic violence get involved in this case, would your
19 experience affect your ability to be fair and impartial to
20 both sides, ma'am?

21 POTENTIAL JUROR: Yeah.

22 THE COURT: It would?

23 POTENTIAL JUROR: Yes.

24 THE COURT: All right. In that case, I'll let you sit
25 this one out. You can return downstairs, ma'am.

1 And ma'am, do you need to speak down here with me, or
2 are you okay just talking?

3 POTENTIAL JUROR: I'm okay to speak.

4 THE COURT: Give me your name and number, please.

5 POTENTIAL JUROR: Jessica -- uh, last name?

6 THE COURT: Yes, ma'am.

7 POTENTIAL JUROR: Klawinski. And my jury number is 150.
8 My mom, whenever I was younger, by my dad, and then me,
9 myself, about ten years ago.

10 THE COURT: Okay. I'm sorry about that, Ms. Klawinski.

11 The fact -- again, these allegations may involve the
12 allusion to incidents of domestic violence. Would what you
13 experienced when you were younger, would that affect your
14 ability to be fair to everybody?

15 POTENTIAL JUROR: I can be fair, sir.

16 THE COURT: You can be fair?

17 POTENTIAL JUROR: Yes.

18 THE COURT: Thank you very much. You may have a seat.
19 And yes, ma'am. Your name and number, please.

20 POTENTIAL JUROR: Crissy Hollifield, 132.

21 THE COURT: Yes, ma'am.

22 POTENTIAL JUROR: I grew up in a house where my mother
23 was the victim of domestic violence at the hands of my
24 father.

25 THE COURT: Okay. I'm sorry, ma'am.

1 You're 30-something? Forty?

2 POTENTIAL JUROR: Forty-three.

3 THE COURT: Forty-three. Okay. So that was obviously a
4 long time ago.

5 If allegations of domestic violence come to light in
6 this case, would that affect your ability or your -- what you
7 experienced, would that affect your ability to be fair to all
8 sides?

9 POTENTIAL JUROR: No.

10 THE COURT: Are you sure? You hesitated just a little
11 bit.

12 POTENTIAL JUROR: It might.

13 THE COURT: It may?

14 POTENTIAL JUROR: Yeah.

15 THE COURT: All right. In that case, I'll let you sit
16 this one out, ma'am. You can go back downstairs. Thank you,
17 ma'am.

18 I think I touched on most of the big questions. Is
19 there anything else that y'all want to ask that you feel
20 strongly about, either side? If there's something I may have
21 missed.

22 I just want to make sure I've covered everything. If I
23 missed something, tell me.

24 MS. HALIENA: We don't have anything further, Judge.

25 THE COURT: All right. Anything else from the defense?

1 MS. ARORA: Beg the Court's indulgence.

2 THE COURT: Sure.

3 (Pause in proceedings.)

4 MS. ARORA: Your Honor, I apologize if you touched on
5 this. But if anyone remembers any news media or news story
6 about this?

7 THE COURT: Oh, fair enough. Okay. I did touch on it.

8 Ladies and gentlemen, again, this incident took place in
9 June of 2023. There may have been something in the paper or
10 there may have been something on TV about this. But I just
11 want to make sure that no one's been exposed to anything
12 outside this courtroom factually about these allegations.

13 Is there any member of the jury panel who thinks that
14 they may know anything about these allegations or have seen
15 anything on TV or the internet or in the media about this
16 particular incident, to the best of your knowledge? If so,
17 please stand if you think you have.

18 All right. Again, no one is standing.

19 One last question, ladies and gentlemen.

20 Is there any member of the jury panel who has any deeply
21 held moral or religious beliefs the tenets of which prohibit
22 you from serving on a jury? If so, please stand.

23 All right. No one is standing. Very good.

24 No additional voir dire from anyone.

25 Strikes will be five and ten. We will pick two

1 alternates.

2 Madam Clerk, if you can generate me a list, please.

3 CLERK OF THE COURT: Yes, your Honor.

4 THE COURT: I may have said 2023 a moment ago. It was
5 actually in 2020 -- June of 2020 when I described when this
6 incident is alleged to have occurred. I misspoke. Again, if
7 anyone thinks they may know anything about this, please
8 stand.

9 All right. No one is standing.

10 THE DEFENDANT: Thank you, your Honor.

11 (Pause in proceedings.)

12 THE COURT: All right. Ladies and gentlemen, we're
13 about to select the jury in this case. If your name happens
14 to be called, what I need you to do is simply stand where you
15 are. Okay? Stand where you are. And at that point in time,
16 the State will be given the opportunity to seat you or excuse
17 you. The defense will have the same opportunity. Okay?

18 Now, ladies and gentlemen, if for whatever reason one of
19 the lawyers in this case asks that you not serve on this case
20 and for whatever reason one of them excuses you, folks, I
21 don't want you getting bent out of shape about it. All
22 right? This is not personal. These are simply attorneys
23 trying to do their job as best they can. So again, this is
24 not personal. This is just them doing what they feel like
25 they need to do in the interest of their case. All right?

1 With that, Madam Clerk, at your leisure, if you'll give
2 me a jury, please.

3 CLERK OF THE COURT: Yes, your Honor.

4 All right. Ladies and gentlemen, again, if I call your
5 name, please stand.

6 Juror Number 283, Ashley Wibel.

7 What say you for the State?

8 MS. HALIENA: Please seat this juror.

9 CLERK OF THE COURT: What say you for the defendant?

10 MS. ARORA: Please seat this juror.

11 CLERK OF THE COURT: Ma'am, please gather your
12 belongings and then come and take a seat in the jury box.
13 You have been selected to serve as a juror in the trial of
14 this case.

15 Juror Number 274, Susannah Wakefield.

16 What say you for the State?

17 MS. HALIENA: Please seat this juror.

18 CLERK OF THE COURT: What say you for the defendant?

19 MS. ARORA: Please strike this juror.

20 CLERK OF THE COURT: Ma'am, if you'd just please take a
21 seat, you have not been selected to serve as a juror in the
22 trial of this case.

23 Juror Number 230, Evan Roberts.

24 What say you for the State?

25 MS. HALIENA: Please seat this juror.

1 CLERK OF THE COURT: What say you for the defendant?

2 MS. ARORA: Please seat this juror.

3 CLERK OF THE COURT: Sir, if you'll please gather your
4 belongs and then have a seat in the jury box, you have been
5 selected to serve as a juror in the trial of this case.

6 Juror Number 1, James Abbott.

7 What say you for the State?

8 MS. HALIENA: Please seat this juror.

9 CLERK OF THE COURT: What say you for the defendant?

10 MS. ARORA: Please strike this juror.

11 CLERK OF THE COURT: Sir, if you'd just take your seat,
12 you have been excused from the trial of this case.

13 Juror Number 118, Leyna Hanson.

14 What say you for the State?

15 MS. HALIENA: Please seat this juror.

16 CLERK OF THE COURT: What say you for the defendant?

17 MS. ARORA: Please strike this juror.

18 CLERK OF THE COURT: Ma'am, if you'd just please take
19 your seat, you have been excused from the trial of this case.

20 Defense has exhausted three of their ten strikes.

21 Juror Number 102, Tiffany Gauch.

22 What say you for the State?

23 MS. HALIENA: Please seat this juror.

24 CLERK OF THE COURT: What say you for the defendant?

25 MS. ARORA: Please strike this juror.

1 THE COURT: Ma'am, if you'd please take a seat, you have
2 been excused from the trial of this case.

3 Juror Number 143, Tina Jones.

4 What say you for the State?

5 MS. HALIENA: Please seat this juror.

6 CLERK OF THE COURT: What say you for the defendant?

7 MS. ARORA: Please strike this juror.

8 CLERK OF THE COURT: Ma'am, if you'd take a seat, you've
9 been excused from the trial of this case.

10 The State has exhausted -- er, I apologize. Defense has
11 exhausted five of their ten strikes.

12 Juror Number 76, Michelle Dame.

13 What say you for the State?

14 MS. HALIENA: Please seat this juror.

15 CLERK OF THE COURT: What say you for the defendant?

16 MS. ARORA: Please seat this juror.

17 CLERK OF THE COURT: Ma'am, if you'd please gather your
18 belongings and take a seat in the jury box, you have been
19 selected to serve as a juror in the trial of this case.

20 Juror Number 292, John Wise.

21 What say you for the State?

22 MS. HALIENA: Please seat this juror.

23 CLERK OF THE COURT: What say you for the defendant?

24 MS. ARORA: Please seat this juror.

25 CLERK OF THE COURT: Sir, if you'd please gather your

1 belongings and take a seat in the jury box, you have been
2 selected to serve as a juror in the trial of this case.

3 Juror Number 114, Carissa Graham.

4 What say you for the State?

5 MS. HALIENA: Please seat this juror.

6 CLERK OF THE COURT: What say you for the defendant?

7 MS. ARORA: Please seat this juror.

8 CLERK OF THE COURT: Ma'am, if you'd please gather your
9 belongings and take a seat in the jury box, you have been
10 selected to serve as a juror in the trial of this case.

11 Juror Number 81, Andrew Dellinger.

12 What say you for the State?

13 MS. HALIENA: Please excuse this juror.

14 CLERK OF THE COURT: Sir, if you'd please take a seat,
15 you have been excused from the trial of this case.

16 Juror Number 103, Bonnie Geer.

17 What say you for the State?

18 MS. HALIENA: Please seat this juror.

19 CLERK OF THE COURT: What say you for the defendant?

20 MS. ARORA: Please strike this juror.

21 CLERK OF THE COURT: Ma'am, if you'd please take a seat,
22 you've been excused from the trial of this case.

23 Juror Number 226, Blair Rice.

24 What say you for the State?

25 MS. HALIENA: Please seat this juror.

1 CLERK OF THE COURT: What say you for the defendant?

2 MS. ARORA: Please seat this juror.

3 CLERK OF THE COURT: Sir, if you'd please gather your
4 belongings and take a seat in the jury box, you have been
5 selected to serve as a juror in the trial of this case.

6 Juror Number 205, Manton Paine.

7 What say you for the State?

8 MS. HALIENA: Please seat this juror.

9 CLERK OF THE COURT: What say you for the defendant?

10 MS. ARORA: Please seat this juror.

11 CLERK OF THE COURT: Sir, if you'd please gather your
12 belongings and take a seat in the jury box, you have been
13 selected to serve as a juror in the trial of this case.

14 Juror Number 200, Anthony Nusdeo.

15 What say you for the State?

16 MS. HALIENA: Please seat this juror.

17 CLERK OF THE COURT: What say you for the defendant?

18 MS. ARORA: Please strike this juror.

19 CLERK OF THE COURT: Sir, if you'd please take a seat,
20 you've been excused from trial of this case.

21 The State has exhausted one of their five strikes.

22 Defense has exhausted seven of their ten strikes.

23 Juror Number 86, Dalton Eachues.

24 What say you for the State?

25 MS. HALIENA: Please excuse this juror.

1 CLERK OF THE COURT: Sir, you may take a seat. You've
2 been excused from the trial of this case.

3 Juror Number 216, Whitney Quick.

4 What say you for the State?

5 MS. HALIENA: Please seat this juror.

6 CLERK OF THE COURT: What say you for the defendant?

7 MS. ARORA: Please strike this juror.

8 CLERK OF THE COURT: Ma'am, if you'd please take a seat,
9 you've been excused from the trial of this case.

10 Juror Number 5, Ian Akers.

11 What say you for the State?

12 MS. HALIENA: Please seat this juror.

13 CLERK OF THE COURT: What say you for the defendant?

14 MS. ARORA: Please seat this juror.

15 CLERK OF THE COURT: Sir, if you'd please gather your
16 belongings and take a seat in the jury box, you have been
17 selected to serve as a juror in the trial of this case.

18 Juror Number 179, Erin McMillan.

19 What say you for the State?

20 MS. HALIENA: Please seat this juror.

21 CLERK OF THE COURT: What say you for the defendant?

22 MS. ARORA: Please seat this juror.

23 CLERK OF THE COURT: Ma'am, if you'd please gather your
24 belongings and take a seat in the jury box, you have been
25 selected to serve as a juror in the trial of this case.

1 Juror Number 62, Sarah Clere.

2 What say you for the State?

3 MS. HALIENA: Please seat this juror.

4 CLERK OF THE COURT: What say you for the defendant?

5 MS. ARORA: Please seat this juror.

6 CLERK OF THE COURT: Ma'am, if you'd please gather your
7 belongings and take a seat in the jury box, you have been
8 selected to serve as a juror in the trial of this case.

9 Juror Number 181, Randy Merrill.

10 What say you for the State?

11 MS. HALIENA: Please seat this juror.

12 CLERK OF THE COURT: What say you for the defendant?

13 MS. ARORA: Please strike this juror.

14 CLERK OF THE COURT: Sir, you may take a seat. You've
15 been excused from the trial of this case.

16 Defense has exhausted nine of their ten strikes.

17 Juror Number 207, Pablo Pasiecznik.

18 What say you for the State?

19 MS. HALIENA: Please seat this juror.

20 CLERK OF THE COURT: What say you for the defendant?

21 MS. ARORA: Please seat this juror.

22 CLERK OF THE COURT: Sir, if you'd please gather your
23 belongings and take a seat in the jury box, you have been
24 selected to serve as a juror in the trial of this case.

25 Juror Number 214, Ryan Prater.

1 What say you for the State?

2 MS. HALIENA: Please seat this juror.

3 CLERK OF THE COURT: What say you for the defendant?

4 MS. ARORA: Please seat this juror.

5 CLERK OF THE COURT: Sir, if you'd please gather your
6 belongings and take a seat in the jury box, you have been
7 selected to serve as a juror in the trial of this case.

8 THE COURT: We'll go with two alternates. Strikes will
9 be one and two on each.

10 CLERK OF THE COURT: Now striking for an alternate.
11 Juror Number 93, Paul Fisher.

12 What say you for the State?

13 MS. HALIENA: Please seat this juror.

14 CLERK OF THE COURT: What say you for the defendant?

15 MS. ARORA: Please strike this juror.

16 CLERK OF THE COURT: Sir, if you'd please take a seat,
17 you've been excused from the trial of this case.

18 Juror Number 191, Mackenzie Moore.

19 What say you for the State?

20 MS. HALIENA: Please seat this juror.

21 CLERK OF THE COURT: What say you for the defendant?

22 MS. ARORA: Please strike this juror.

23 CLERK OF THE COURT: Ma'am, if you'd please take a seat,
24 you've been excused from the trial of this case.

25 Juror Number 96, Patricia Forster.

1 What say you for the State?

2 MS. HALIENA: Please seat this juror.

3 CLERK OF THE COURT: Any challenge from the defendant?

4 MS. ARORA: No challenge.

5 CLERK OF THE COURT: Ma'am, if you'd please gather your
6 belongings and take a seat in the jury box, you've been
7 selected to serve as a juror in the trial of this case.

8 Juror Number 162, Jacob Lindsey.

9 What say you for the State?

10 MS. HALIENA: Please excuse this juror.

11 CLERK OF THE COURT: Sir, you can take your seat.
12 You've been excused from this trial.

13 Juror Number 75, John Culpepper.

14 Any challenge from the State?

15 MS. HALIENA: No.

16 CLERK OF THE COURT: Any challenge from the defendant?

17 THE COURT: Actually, they get another bite of the
18 apple.

19 CLERK OF THE COURT: What say you for the State?

20 MS. ARORA: Please seat this juror.

21 I'm sorry. You said the State. I apologize.

22 THE COURT: No. Seat them?

23 MS. ARORA: Seat them, yes.

24 THE COURT: Come on down.

25 CLERK OF THE COURT: Sir, if you'd please gather your

1 belongings and take a seat in the jury box, you've been
2 selected to serve as a juror in the trial of this case.

3 THE COURT: All right. No issues concerning selection
4 of the jury from the State?

5 MS. HALIENA: No, your Honor.

6 THE COURT: None from the defense?

7 MS. ARORA: None, your Honor.

8 THE COURT: All right. Very good.

9 All right. Those of you who are selected on this case,
10 what we're going to do is I'm going to let you go ahead and
11 adjourn to the back, and the bailiff --

12 I assume you've got to get them some badges or
13 something?

14 THE BAILIFF: (Indicated.)

15 THE COURT: Okay. They'll give you some instructions
16 maybe also on what to do when you come back after lunch. I
17 have a few pretrial matters that don't involve you, so I'm
18 going to ask that you not be back here until 3:00. That will
19 give you about two hours to do some Christmas shopping for
20 next year and grab something to eat. Okay? Merchants do
21 know you're in town, so feel free to visit any local
22 establishments and buy something.

23 One word of caution: Please don't discuss the case with
24 anyone anytime that we are on a break. And I'll go into
25 greater detail when I give you some initial instructions

1 after lunch. But it's very important that you not undertake
2 any kind of independent research. Don't discuss this case
3 with anyone. If jurors happen to go to lunch together,
4 that's perfectly fine. Talk about the playoffs a week from
5 tonight or the championship a week from tonight, whether it's
6 Notre Dame or Ohio State, that kind of a thing. Just don't
7 talk about the case. All right?

8 With that, if you'll simply follow the bailiff out. He
9 may have some additional instructions for you. The clerk may
10 as well. All right?

11 I'll see y'all back at 3:00. Thank you.

12 (The jury was released for lunch and exited the
13 courtroom at 12:52 p.m.)

14 (The following proceedings were had outside the presence
15 of the jury.)

16 THE COURT: Madam Clerk, if you'll let the people
17 downstairs know that they can release the other jury panel
18 members with my thanks and appreciation and wish them bon
19 voyage.

20 CLERK OF THE COURT: For the remainder of the day or the
21 remainder of the week?

22 THE COURT: The remainder of the week, I assume. Right?
23 We're done? Yeah.

24 All right. Ladies and gentlemen who are not selected on
25 this case, I'm sorry. Quite honestly, you know, I've been

1 practicing law since 1993 and, candidly, I've never had the
2 chance to serve on a jury. My wife has. My friends have.
3 But I never have and I probably never will just because of
4 this job that I've got. I mean, somebody's going to strike
5 me. Okay? Somebody's going to excuse me. So I doubt I'll
6 ever get that chance.

7 I'm sure that most people, when you got your -- most of
8 you, when you got your juror summons, you probably had a
9 moment of dread. It's like, "Oh, God. I've got to go and do
10 jury duty." My friends feel that way. My wife felt the same
11 way. But once they actually got picked, once they actually
12 got involved in this process, they actually enjoyed it.
13 Okay? So if you have a chance in the future to be a member
14 of a jury, whether it's state, federal, county, city,
15 whatever, I would encourage you to greet it with an -- see it
16 as an opportunity. See it as an opportunity to do something
17 new and really give back to your community and your state.

18 Because if you think about it, ladies and gentlemen,
19 those of you who served in uniform, like my dad, my
20 grandfather, my great-grandfather -- you know, there are only
21 three things that this country can make you do against your
22 will.

23 If we go to war, they can draft you and put a gun in
24 your hand. All right? Thankfully, that hasn't happened
25 since the '70s and Vietnam.

1 They can make you show up on April 15 and pay taxes. We
2 all know how unpleasant that is.

3 And they can make you serve on a jury. All right?

4 So those are really the only three things that your
5 government can make you do against your will, which makes
6 this a great country. And in the grand scheme of things,
7 compared to how painful paying taxes is and how hazardous
8 going to war is, maybe jury duty ain't that bad. All right?
9 So at some point in the future I hope you have that
10 opportunity, but it won't be today. You're excused for the
11 rest of the week with my thanks. Y'all take care.

12 The bailiffs will get those badges from you as y'all
13 exit out. Thank you very much.

14 (The remaining potential jurors were released from
15 service and exited the courtroom at 12:55 p.m.)

16 THE COURT: All right. The jury is out. We'll be off
17 the record for about an hour. Let's reconvene around 2:00
18 and hopefully we can address the pretrial matters prior to
19 the jury being sworn and everything else. Okay?

20 I'll see y'all around 2:00.

21 (Court recessed.)

22 (Court resumed outside the presence of the jury.)

23 THE COURT: Okay. We are back on the record. The
24 record, of course, will reflect the defendant is present with
25 counsel.

1 And we're going to address a few housekeeping matters,
2 if we may. I know that there were a number of motions the
3 defense wanted to make.

4 We briefly -- before we came on the record this morning,
5 we briefly discussed the motion to sequester. I will
6 typically grant those.

7 So Solicitor, you probably need to make sure your
8 witnesses are sequestered with the exception, of course, of
9 the chief investigating officer, if you could.

10 MS. HALIENA: Yes, Judge. Our only -- we have four
11 eyewitnesses who are part of the victim's family. We have no
12 problem with them being sequestered. And then after their
13 testimony, if they may stay in the courtroom.

14 The only other person that we have that we would ask for
15 her not to be sequestered is the victim's sister. We're
16 planning on having her testify at the end. She is not
17 testifying as to anything having to do with the incident
18 because she was not present. But she would just be
19 testifying at the end as to some observations afterwards not
20 having to do with the incident. Basically, the bond hearing
21 afterwards.

22 THE COURT: The what?

23 MS. HALIENA: The bond hearing. The defendant's bond
24 hearing after the incident.

25 THE COURT: Oh. Okay.

1 MS. HALIENA: So she's not testifying as to anything
2 that happened during the incident.

3 THE COURT: Okay. So her testimony wouldn't be parallel
4 or cumulative to any other witness's testimony; it would be
5 something completely different?

6 MS. HALIENA: Correct.

7 THE COURT: What do you anticipate her testifying to as
8 it relates to the bond hearing?

9 MS. HALIENA: She attended the bond hearing that
10 happened the day after this defendant's arrest, and she would
11 be testifying as to what she observed and heard this
12 defendant say.

13 THE COURT: Okay.

14 All right. Did y'all want to be heard on that?

15 MS. ARORA: The Court's indulgence.

16 THE COURT: Sure.

17 (Pause in proceedings.)

18 MS. ARORA: Your Honor, we don't have any argument as to
19 that. We might have an objection later on if something else
20 comes up, but as of right now we do not.

21 THE COURT: Okay. Very good.

22 With that, I know we need to address briefly *Jackson v.*
23 *Denno*, but I'll turn the record over to you for any
24 additional matters you want to bring to the Court's
25 attention.

1 MS. ARORA: Your Honor, I believe Mr. Dawson -- we
2 discussed the motion to relieve counsel and having Mr. Smith
3 in this courtroom, and I believe he's okay with Mr. Smith
4 remaining and working with us on the case.

5 THE COURT: Very good.

6 MS. ARORA: And there was one additional matter in
7 addition to my motions.

8 It was brought to our attention during the break that I
9 believe it was Juror 230 is the husband of the solicitor
10 Ms. Tyra Roberts. And I don't know if that was made apparent
11 during jury selection.

12 My concern with that is Ms. Roberts was also Judge
13 Jefferson's law clerk and sat with Judge Jefferson in August
14 of 2024 and previously in February 2024 when our motion to be
15 relieved was held with Mr. Dawson. I'm not sure if he has
16 any knowledge of Mr. Dawson due to Ms. Roberts' work with
17 Judge Jefferson, but we're concerned about maybe some
18 impartiality on his part.

19 THE COURT: All right. Solicitor?

20 MR. HILL: Yes, your Honor.

21 The State's position is that Mr. Roberts would have the
22 right to serve on the jury as long as he could be fair and
23 impartial. During roll call, when the question was -- er,
24 when his number was called to stand up and present what his
25 occupation was, his wife's occupation, he did disclose that

1 his wife was a solicitor. To our knowledge, Ms. Roberts in
2 our office has had no engagement or interaction or
3 involvement in this case. She's also been instructed by our
4 solicitor, Ms. Scarlett Wilson, that she's not to have any
5 involvement on this case or be a part of this case in any
6 way. She's also been instructed not to discuss this case
7 with her husband.

8 And I think as long as he can acknowledge the same, I
9 think he has a right to serve on the jury. As long as he can
10 be fair and impartial, I don't see that it would negatively
11 impact this case in any way.

12 With respect to him -- er, with respect to Ms. Roberts
13 having served as Judge Jefferson's law clerk, I'm not aware
14 of any in-depth detail on the record with respect to the
15 facts of this case or if Ms. Roberts would even have any
16 recollection or if she was present. I think one of these
17 conversations took -- er, one of these motions was handled
18 while Judge Jefferson was actually at the jail hearing bond
19 hearings. I'm not sure if she was even present for that
20 motion.

21 But again, it's our understanding she's had no
22 involvement and she knows nothing about this case. We have a
23 large office. Ms. Roberts is also relatively new to our
24 office as well, so she wouldn't necessarily have any
25 involvement in this case.

1 And it's our understanding there's been no discussions
2 between the two of them about it. And there would be no
3 discussion between the two of them about this case or her
4 work throughout the remainder of this week.

5 THE COURT: Okay. For Juror 230, on the panel list that
6 I have, I've simply jotted down that Mr. Roberts is 28 years
7 old, he teaches school, and he's married. I did not catch
8 what his wife did for a living. I just indicated there that
9 he did disclose. And I probably -- I just put "works," and
10 that's my shorthand. When I didn't quite hear what the
11 spouse does for a living, I just indicate that they are
12 employed.

13 Did you want to respond to that, Ms. Arora? Or do you
14 have any additional thoughts?

15 MS. ARORA: I don't know if it's possible to bring him
16 out individually and question him if he had any prior
17 knowledge through his wife of the case.

18 THE COURT: I asked every juror if they think that they
19 may know anything about this case. And I feel like if
20 something had been said to him which was so -- if something
21 was said to him about this case that stuck in his mind,
22 obviously he would have mentioned that. And then I think I
23 even talked at the very end about media coverage, heard
24 anything.

25 We'll put a pin in that, but I'm inclined to think that

1 he did not have any -- he did not respond to any of those
2 questions, so it stands to reason that he would know nothing
3 about the case.

4 And candidly, most judges -- and I imagine Judge
5 Jefferson is no different -- you hear so many things during
6 the course of the day, the last thing that you're going to be
7 doing is recounting every single matter that you heard to
8 your spouse. And if you did, you'd probably drive them
9 crazy. So I doubt that she would have related anything to
10 him. And I'm hearing the representation from the State that
11 they haven't had any conversations about it.

12 So we'll put a pin in that, and I'll just ruminate on
13 that a little bit more.

14 MS. ARORA: Thank you, your Honor.

15 MR. HILL: Judge, just briefly to add to that, I will
16 say in all candor to the Court, I have not -- I do not know
17 Mr. Roberts. I don't believe Ms. Haliena knows Mr. Roberts
18 as well. So we certainly -- I think your question earlier
19 was, "Do you know any of the lawyers or anybody involved in
20 the case on either side?" And there was no response to that.
21 But from our end, we don't know Mr. Roberts either.

22 THE COURT: Okay. Obviously, he didn't make the
23 Christmas party this year then. So all right.

24 Additional motions, Ms. Arora?

25 MS. ARORA: Nothing other than what's been filed, your

1 Honor.

2 THE COURT: Okay. Your client did indicate something
3 about the grand jury empaneling documents or anything. Is
4 that something that you wanted to -- because I only had an
5 opportunity to really skim the material that was sent to me
6 Friday afternoon. But anything that you wanted to put on the
7 record concerning that specifically?

8 MS. ARORA: Yes, your Honor. That is one of my pretrial
9 motions. I'm happy to jump into that if the State's ready
10 for that.

11 THE COURT: Sure.

12 MS. ARORA: Mr. Dawson, as you heard earlier, has
13 requested that he have access -- and whether that be just
14 looking over the documents or actual production of the
15 documents -- to the grand jury empanelment documents related
16 to the April 2021 grand jury and then subsequently the June
17 2024 grand jury.

18 He's specifically looking for the qualifications of the
19 jurors who appeared in April and June 2024; a list of all the
20 jurors who were excused or disqualified by the presiding
21 judge at the grand jury and the reasons given by the
22 presiding judge; the name of the testifying witness at the
23 grand jury; the time and date of the commencement of the
24 grand jury; the length of the session of the grand jury; the
25 number of cases that went before the grand jury; the number

1 of cases that were issued a true-bill indictment; and then
2 the number of cases issued a no-bill indictment.

3 Defense believes that the clerk of court would have this
4 information available. In South Carolina Code Section
5 14-7-1530, it specifically states that the clerk of court
6 shall maintain a list of all jurors who are excused or
7 disqualified by the presiding judge and state the reasons
8 given by the presiding judge for excusing or disqualifying
9 the juror. As you heard, Mr. Dawson believes he's entitled
10 to these documents.

11 An indictment is a notice document, and that's *State*
12 *versus Gentry*, 363 S.C. 93. And essentially, the indictment
13 provides the defendant what they're being charged with and
14 notice of what would go forward at trial.

15 In looking too if any of these documents have ever been
16 provided before, I specifically saw that it is -- it was a
17 PCR case that was *Evans versus State*, 363 S.C. 495, and
18 that's 2005. There was a case that it -- *Evans* specifically
19 talked about that. The defendant wanted a copy of his grand
20 jury empanelment documents. And this was for a state grand
21 jury. In it they discussed whether the client had a
22 constitutional right to demand that information per the South
23 Carolina Constitution, Article I, Section 11; and Article V.

24 Essentially what they're saying is if a grand jury
25 wasn't convened properly -- meaning if people were

1 disqualified for improper reasons -- that the notice document
2 would be nullity. And so Mr. Dawson wants to make sure
3 before he goes to trial today that the grand jury that
4 indicted him was a proper grand jury, which would mean he
5 would have proper notice of his case.

6 We believe, based upon the Fifth Amendment and 14th
7 Amendment to the constitution and the South Carolina
8 constitution, that he should be able to inspect these
9 documents from the clerk of court.

10 THE COURT: Solicitor, did y'all want to speak to that?

11 MS. HALIENA: Yes, Judge.

12 First off, we, as the solicitor's office and as
13 assistant solicitors, we don't have any documents other than
14 the true-bill indictments that came from the grand jury, so
15 I'm unable to speak to where or if those documents exist
16 somewhere. It is unclear to us why the defendant would need
17 these documents. It's -- the defendant has a motion to
18 dismiss the indictments but also has this motion to inspect
19 the documents from the grand jury proceedings, so he's kind
20 of talking out of both side of his mouth.

21 But the case law is pretty clear that -- looking at
22 *State v. Thompson*, which is 305 S.C. 496, Court of Appeals
23 from 1991, that court stated, "Proceedings before the grand
24 jury are presumed to be regular unless there is clear
25 evidence to the contrary. Speculation" -- I'm sorry. This

1 is in *State v. Shands*, 424 S.C. 106, Court of Appeals 2018.
2 That court states, "Speculation about potential abuse of
3 grand jury proceedings cannot substitute for evidence of
4 actual abuse."

5 There have not been any allegations of actual abuse.
6 This seems to just be speculation. There are no allegations
7 that there are deficiencies in these indictments. We also
8 have the South Carolina Code 17-19-20: Every indictment
9 shall be deemed and judged sufficient and in good law, which,
10 in addition to the allegations at the time and place as
11 required by law, charges the crime substantially in the
12 language of the common law or the statute.

13 We believe that everything has been done properly in
14 this case. We don't really see there being any reason to, I
15 guess, continue this trial just so there could be some sort
16 of fishing expedition to see what kind of documents may be
17 out there.

18 THE COURT: All right. I assume that the clerk's office
19 would have -- I don't know what the custom is here, whether
20 when the grand jury meets they give a report and then the
21 chief admin judge signs off on it or something like that.
22 You know, how many were true-billed and how many were
23 no-billed.

24 CLERK OF THE COURT: Unfortunately, I wouldn't be able
25 to speak to that matter. I would have to check downstairs to

1 get a better answer.

2 THE COURT: Okay. Because in the Eighth Circuit,
3 they'll have a list of all the cases which are true-billed
4 and those which are no-billed. That would be, perhaps, a
5 fairly easily accessible record, if y'all do that here.

6 Maybe you could just check and see what you would have
7 by way of those documents.

8 And while she's doing that, I'm unaware of any method to
9 -- Ms. Arora, I'm kind of unaware of any method to attack the
10 deliberations of the grand jury. You can't really peek
11 behind the curtain and find out what they talked about. And
12 I understand that it takes them sometimes more time on some
13 cases, less time on others.

14 Legally, what are your thoughts as to perhaps how this
15 could be used, assuming that these records even exist?

16 MS. ARORA: Your Honor, we believe, you know, the grand
17 jury is a process in South Carolina that provides us with
18 adequate notice. And, you know, it's important. Someone is
19 up here facing a certain amount of years on their life, and
20 they want to make sure every precaution was taken to make
21 sure they were given due process of the law. And so
22 Mr. Dawson wants to make sure that the grand jury that
23 indicted him did so properly --

24 THE COURT: Sure.

25 MS. ARORA: -- before he was brought to trial.

1 THE COURT: Sure. Do we even know who the judge was who
2 empaneled or instructed the grand jury for last year -- or
3 2021? And sometimes that's done with a court reporter and
4 sometimes it's done without.

5 While she's checking to see what they may have
6 downstairs as far as the results of the grand jury,
7 additional motions that you need to bring to my attention?

8 MS. ARORA: I think this -- also, there's a long list.
9 This motion is the motion to dismiss the indictments as well.

10 THE COURT: Okay.

11 MS. ARORA: We're ready to go forward on that.

12 THE COURT: All right.

13 MS. ARORA: As you heard earlier today, Mr. Dawson is
14 concerned about the delay in his indictment.

15 And just procedurally background information, Mr. Dawson
16 was indicted in April of 2021. That indictment was
17 subsequently cancel-clocked, as we believe, due to
18 administrative reasons from the solicitor's office. I
19 reached out to the clerk of court just to ask generally what
20 happens when an indictment is cancel-clocked. Do we have
21 access to those documents? And their response was -- what's
22 been told to me is that the indictments are sent back to the
23 solicitor's office for destruction, and so there's no actual
24 copy of that indictment.

25 Mr. Dawson was then subsequently indicted in June of

1 2024, so last year. And he believes that there's a prejudice
2 to him because of the indictment delay. *State versus*
3 *Brazell*, 325 S.C. 65, lays out what happens when there's a
4 delay in indictment. There's a two-prong inquiry when the
5 indictment is delayed when the Court can decide if the
6 defendant's rights have been violated and his rights for fair
7 -- er, due process.

8 The first prong is that -- is that substantial and
9 actual prejudice to his right to a fair trial, which means he
10 must show meaningfully impaired -- he must be meaningfully
11 impaired in his ability to defend against the State's charges
12 to such an extent that the disposition of the criminal
13 proceeding was likely affected. And the prejudice to the
14 defense of a criminal case may result in the shortest and
15 most necessary delay.

16 The second prong states -- or asks that the Court
17 consider the reason for the State's delay and to balance the
18 justification for the delay against the prejudice to the
19 defendant. And under that, we must examine the actual
20 reasons why there was a delay and weigh them against any
21 prejudice to the defendant because of the delay. And the
22 Court must consider whether the government's actions violate
23 the fundamental conceptions of justice or the community's
24 sense of fair play.

25 Mr. Dawson believes that he was prejudiced because his

1 indictment was cancel-clocked and, therefore, it was almost
2 the four-year wait between the time he was arrested and the
3 time that he was indicted before trial last year. He
4 believes, and I think it can be said, that having a trial
5 almost five years after you're arrested, witnesses have an
6 impaired ability to remember.

7 Five years is a large amount of time in between when
8 something actually happened and when they get on the stand to
9 testify. Even if they were to make a written account, it's
10 sometimes hard to remember what you exactly saw. Numerous
11 police officers that are called as witnesses in this case
12 have left their job and gone on to other agencies and lost
13 connection to what happened.

14 And, you know, Mr. Dawson's desires are -- has been --
15 he's entitled to testify at his trial. And the crux of his
16 defense would rely on what he said during his testimony, what
17 he remembers. And having a delayed indictment impairs his
18 ability to remember and, essentially, his ability to prepare
19 his defense.

20 When we go to the second prong in *State v. Brazell*, we
21 have to look at why there was a delay. The reason for the
22 delay, there was a testifying witness's signature not present
23 on the indictment which caused it to be cancel-clocked. Your
24 Honor, our argument is the solicitor's office should have
25 done it right the first time. Indictments are important. It

1 provides us with notice. We want to make sure that if
2 someone's due process rights are going to be violated, that
3 it is done correctly.

4 THE COURT: Okay. Solicitor, do you want to address
5 that?

6 And the custom of a testifying witness signing the
7 indictment, that's new to me. Is that a fairly new office
8 policy? Where did that come from? And why are you even
9 doing that in the first place, if you know?

10 MS. HALIENA: This -- we originally -- everything -- as
11 we discussed earlier, this defendant was originally indicted
12 in 2021. Sometime after that point in time, there was some
13 trial, and it was -- I believe one of our assistant
14 solicitors was in a trial with a public defender, and some
15 issue came up with there not being a witness signature. We
16 believe it was Judge Miller. I am not sure entirely which
17 trial this was, but I believe the agreement -- it's my
18 understanding is the agreement was, "Okay. If we're going to
19 take something to trial, in an abundance of caution, we're
20 going to cancel-clock each indictment and reindict with this
21 witness signature just to ensure that all of the boxes are
22 checked," because this is something that was brought up as an
23 issue a couple years ago.

24 So Mr. Dawson was indicted in 2021. He was given an
25 offer. It was extended, reextended. There were multiple

1 motions in the meantime. Once it became clear that this was
2 not going to be resolved via plea, that's when the State
3 cancel-clocked the original indictment and decided to go
4 forward with the reindictment that had the witness signature
5 that the public defender's office had requested a couple
6 years ago.

7 THE COURT: Okay.

8 THE DEFENDANT: Your Honor, sir?

9 THE COURT: It may be better to -- anything you want to
10 say, make sure you say it through your lawyers just to be on
11 the safe side.

12 THE DEFENDANT: Okay. I apologize.

13 MS. HALIENA: I will briefly, Judge -- I was able to
14 find a copy of the filed murder indictment from 2021, if you
15 want to take a look at it. It's the same wording. It's
16 exactly the same. It's just a different indictment number.

17 I was able to get -- Mr. Hill has a bit more information
18 about that one trial referenced in front of Judge Miller.

19 THE COURT: Sure.

20 MS. HALIENA: It's my understanding that Judge Miller
21 ruled that there was no prejudice without the witness
22 signature. However, based on the public defender's office
23 requesting that being part of the indictment, that's why
24 Solicitor Wilson decided as a matter of policy each
25 indictment would be reindicted and the previous one

1 cancel-clocked even though there's technically nothing wrong
2 with it, just out of an abundance of caution when it comes to
3 trial.

4 THE COURT: But what I'm hearing is that none of the
5 attorneys present know of any statutory requirement or
6 procedural requirement that requires a witness's signature.
7 Am I right? Or can anybody point me to --

8 MS. HALIENA: That's correct.

9 THE COURT: -- a particular provision of the code that
10 mandates it?

11 MS. ARORA: That's my understanding, your Honor.

12 THE COURT: Okay. All right.

13 Ms. Arora, did you want to say anything in response?

14 MS. ARORA: Your Honor, can I beg the Court's
15 indulgence?

16 THE COURT: Sure. Please.

17 (Pause in proceedings.)

18 MS. ARORA: Your Honor, Mr. Dawson just wants to clear
19 up that he believes that there was never an offer given to
20 him during this period before trial. He just wants to make
21 that clear for the record.

22 THE COURT: All right. Fair enough.

23 As it relates to the motion to quash or to otherwise
24 dismiss the indictments, I'll deny that motion.

25 It would appear that he was initially indicted in

1 2001 (verbatim), roundabout a year after this incident took
2 place. To the extent the solicitor found it necessary --
3 since they already offered the indictment, to the extent that
4 the solicitor found it necessary to include a witness
5 statement or a witness signature on the face of the
6 indictment, I would believe that that would be her
7 prerogative and subject to her prosecutorial discretion as
8 far as how she runs her office.

9 And I'm hearing that obviously there was issues with
10 representation over the course of the last several years.
11 That sort of thing obviously delays trial and creates issues.
12 I'm not hearing that there's been specific testimony lost or
13 witnesses who are unavailable to defense or otherwise.

14 I don't necessarily disagree with your representation,
15 Ms. Arora, that with time memory tends to fade. That is, of
16 course, probably a commonsense statement and I think I could
17 probably take judicial notice of it. But at the same time,
18 the question is whether there's any undue prejudice to the
19 defense. And at this stage, I have not heard that there has
20 been due to the delay.

21 And obviously some of the delay was occasioned by the
22 issues with counsel.

23 So that would be my ruling on that issue.

24 Were you able to locate anything as it relates to the
25 grand jury reports or anything?

1 CLERK OF THE COURT: So I did speak with the clerk's
2 office downstairs. They do have someone looking into what
3 could be relevant or responsive, and they were going to
4 follow up with me as soon as possible. They understood that
5 it was a question related to this proceeding.

6 THE COURT: Okay. Obviously, to the extent that a
7 defect in the proceeding, Ms. Arora, would affect subject
8 matter jurisdiction of this Court, that issue can be raised
9 at any point in time. So I don't know that there's
10 necessarily a reason to delay going forward today if they are
11 able to find something responsive which does affect the
12 jurisdiction of this Court or the capacity for this Court to
13 move forward with this case. And as you well know, you can
14 raise subject matter jurisdiction on appeal as well. So I
15 don't know that there's any reason to delay this any further
16 if they are, in fact, able to locate something which is
17 assistive to you or otherwise responsive. And we'll leave it
18 at that.

19 Before we move on to the *Jackson v. Denno*, is there
20 anything else that you want to highlight or bring to my
21 attention, Ms. Arora?

22 MS. ARORA: Your Honor, I had a motion to determine the
23 admissibility of prior convictions if Mr. Dawson does
24 testify.

25 THE COURT: Okay. Typically, I usually handle that kind

1 of when the State rested.

2 You've obviously provided a rap sheet to the defense.

3 Are there offenses on there that you feel like you would
4 use to impeach him if he were to testify?

5 MS. HALIENA: Yes, Judge. We did send written notice to
6 defense on September 13 of last year. We gave them notice
7 that we -- we're not planning on bringing anything up, but we
8 would impeach the defendant should he open the door. There
9 are multiple convictions that we believe would be fair game.
10 These would be the convictions from 2001 through 2019, if
11 your Honor would like me to read those for the record.

12 THE COURT: Okay. Are you saying that you would not be
13 inclined to use those for truth or veracity purposes, but you
14 would if he were to somehow open the door with "I've never
15 been in trouble with the law my whole life," that kind of a
16 statement?

17 MS. HALIENA: That's correct.

18 THE COURT: Okay. I think that's your answer.

19 MS. ARORA: All right. Thank you.

20 THE COURT: They don't intend to impeach him with
21 convictions to show -- er, to attack his capacity for truth
22 or veracity, but if -- there we go.

23 All right.

24 MS. ARORA: Your Honor, my next motion would be to
25 exclude testimony of any prior bad acts.

1 At this time I'm not aware of any prior bad acts of
2 Mr. Dawson that they would be intending to use, but we would
3 ask that under *State v. Wilde* (phonetic) that that would be
4 limited to the five grounds for admission, which would be
5 intent, motive, identity of person, common theme or plan, or
6 absence of mistake.

7 THE COURT: Solicitor, did you want to speak to that?

8 MS. HALIENA: Yes, Judge.

9 The State does have witnesses who would -- the only
10 thing I can think of is they will be testifying as to the
11 behavior of the defendant just prior to this incident, which
12 would go to motive, existence of plan, absence of mistake,
13 and intent. These witnesses are going to testify that the
14 defendant was walking back and forth in front of the victim's
15 residence looking for her and had been not -- what's the
16 right word I'm looking for? He had been trying to find her
17 and had been -- there had been unwanted contact prior because
18 she was not interested in talking with him anymore.

19 But that's the only thing that we would seek to admit.

20 THE COURT: Okay. And that was in the minutes, hours,
21 days before?

22 MS. HALIENA: Days.

23 THE COURT: Days. Okay.

24 MS. HALIENA: Days prior.

25 THE COURT: But he expressed a desire to reach out to

1 her and locate her, find her, and talk to her?

2 MS. HALIENA: Correct.

3 THE COURT: Okay. Obviously, they'd been in a
4 relationship previously. Can you give me some background on
5 that.

6 MS. HALIENA: The defendant and the victim had been in a
7 relationship for a couple months. About two weeks prior to
8 this incident, they -- the victim ended the relationship.
9 And there was really no reason for him to be coming by her
10 residence. He was no longer working at the Little Caesars
11 that was just a couple buildings down. But he still would,
12 you know, go back and forth and be seeking out the victim and
13 be trying to speak with her, asking her family members about
14 her, wanting to talk with her, and she was not interested.

15 THE COURT: Okay. She broke it off or he broke it off?

16 MS. HALIENA: I'm sorry?

17 THE COURT: He broke it off or she broke it off?

18 MS. HALIENA: She broke it off.

19 THE COURT: Oh, she did. Okay.

20 MS. HALIENA: And there's also going to be some
21 testimony that she was fearful of him and this was unwanted
22 contact.

23 THE COURT: And obviously that goes to, in your mind,
24 motive, the reason that this act took place, and the fact
25 that the defendant was the one that committed it.

1 MS. HALIENA: That's correct.

2 THE COURT: Okay. Ms. Arora, do you want to speak to
3 that?

4 MS. ARORA: Your Honor, I think at the time that that's
5 presented, I think we need to make sure, 1, it's not hearsay
6 evidence, and go through that prong as well; and opinion
7 testimony, if they had actual knowledge of any prior bad
8 acts.

9 But I mean, my concern is it would be prejudicial to us.

10 THE COURT: Okay. The State does not intend to go into
11 any sort of discussion of domestic violence or anything along
12 those lines? Is that anywhere in this record? Because I
13 know that was one of the defense voir dires that they brought
14 up.

15 MS. HALIENA: He does -- I mean, that is one -- several
16 of the convictions in his record do have to do with criminal
17 domestic violence. We are not seeking to get out any
18 testimony regarding domestic violence between the two of
19 them, simply that she was fearful of him and felt threatened
20 by him.

21 THE COURT: Okay. And you're going to elicit the
22 testimony about -- I assume it will simply be eyewitness
23 testimony of "I saw him pacing outside her door," "I saw him
24 come to her place of business." Any testimony as far as "I
25 talked to the defendant and the defendant was consumed and

1 really wanted to" -- anything along those lines?

2 MS. HALIENA: It should all be eyewitness testimony of
3 what they observed him do.

4 THE COURT: All right. So nothing as far as what the
5 defendant said to them or anything? Just basically that they
6 were -- that he was coming about? That's what --

7 MS. HALIENA: He was asking for -- a couple times when
8 he came to the house, he was asking for her.

9 THE COURT: That's -- yeah, that's fine.

10 MS. HALIENA: Okay.

11 THE COURT: Okay.

12 Ms. Arora?

13 MS. ARORA: Your Honor, my concern is that they might
14 try to get into some things maybe that Ms. Goff said to
15 family members about their relationship. And I'm
16 specifically looking at it needs to be -- if there's no prior
17 conviction of domestic violence with Ms. Goff, there needs to
18 be clear and convincing evidence of what exactly happened in
19 each of the incidents that they're going to try to bring in.

20 I also just think there needs to be a logical relevancy
21 or connection between any prior bad acts or any conversations
22 that Ms. Goff had with her family about what could have
23 happened that relate to the crime that he's being charged
24 with today. I'm concerned that this might turn into a trial
25 within a trial where there's -- you know, we have to weigh

1 what actually happened here today. And I think under 403 and
2 404(b), they would be prevented from bringing any of that in.

3 THE COURT: Okay. What I'm hearing so far in my mind
4 doesn't really fall into bad-act evidence. That a couple
5 breaks up is not evidence of anything other than they decided
6 to go their separate way for whatever reason, or somebody
7 decided, "Hey, this isn't the right person for me." I'm not
8 hearing that they're going to bring up any allegations of
9 domestic violence between Ms. Goff and the defendant or
10 anything where he was assaultive towards her.

11 So I don't know that we're really getting into the
12 Lyle-type bad-act evidence that the motion relates to. If
13 it's simply that he was calling and asking for her, that's
14 fair game in that it demonstrates, in the State's theory of
15 the case, that the defendant still wanted to have contact
16 with her, was still coming around her.

17 And of course, you know, the other problem with this is
18 we do have his statement to law enforcement.

19 So I don't really see where the State is crossing a line
20 there, but if you feel like we are getting into 403
21 territory, then obviously make your objection when the
22 witness is starting to go there. That would be the easiest
23 way to handle this.

24 MS. ARORA: Thank you, your Honor.

25 THE COURT: Okay. The clerk's office was able to

1 provide me -- and they just handed this to me, but apparently
2 it was filed June 12 of 2024.

3 Do we have the jury here yet?

4 THE BAILIFF: Yes, sir.

5 THE COURT: All right.

6 It was filed June of 2024. And I'll let you look at it,
7 but it would appear that -- and I'm happy to let y'all take a
8 look at this, but it would appear that 13 grand jurors were
9 present, a total of 293 true bills. And then they have
10 page 22 where Mr. Dawson's charges were true-billed. And
11 they have the same thing from April.

12 But let me just hand this down to y'all and you can take
13 a look at it and see if it's perhaps partially responsive to
14 what you were seeking. It looks like the grand jury met on
15 two separate days in April of 2021, on the 20th and on the
16 21st. And then it has where Mr. Dawson's case apparently was
17 true-billed. But I'll have these up here that you can take a
18 look at at your leisure. Okay?

19 MS. ARORA: Your Honor, may I approach?

20 THE COURT: Please. And what I glanced at, it appears
21 that everything was done according to what is required in the
22 law. The requisite number of grand jurors were present, and
23 the foreperson did indicate that the true bills of
24 Mr. Dawson's indictments were -- they did true-bill his
25 indictments.

1 As it relates to the *Jackson v. Denno* matter, can we go
2 ahead and address that? I think that's about the last thing
3 on our list.

4 Obviously there's been a little bit of a change in the
5 law, and the Court is the one that passes upon whether
6 Miranda was given and whether the statement appears
7 voluntary.

8 I did review that first part of the video where Miranda
9 was given. Your client indicated that he had both a high
10 school education and some tech. And I think he indicated he
11 wanted to try and call his cousin in that video, but the
12 officer, you know, wanted to get this taken care of -- er,
13 get the interview taken care of first. And I can't remember
14 your client's exact words, but he was quite cooperative and
15 very eager, it seems, to waive his Miranda rights and go
16 ahead and make a statement to law enforcement.

17 Can you point me to anything else that's in those
18 videos, Ms. Arora, that would indicate a threat? Because,
19 again, it's just been a very cursory review since I got those
20 only this morning. But is there anything in there that
21 indicates a threat or a promise or something along those
22 lines?

23 MS. ARORA: Your Honor, Mr. Smith is actually the
24 attorney who's going to be handling this, so I'll --

25 THE COURT: Okay. Mr. Smith?

1 MS. ARORA: -- let him speak to that.

2 MR. SMITH: Thank you, Judge.

3 In reviewing the tapes in their entirety, we filed this
4 motion to see if there was anything that obviously existed
5 that we could hang our hat on. And unfortunately, I think
6 the Court is correct that Miranda was given in this
7 situation. Therefore, we don't have a motion as far as
8 suppressing the statement at this point.

9 THE COURT: All right. I would tend to concur with you
10 based on what I've been able to review so far.

11 And the snippets that the State provided to me, is that
12 what you intend to play for the jury?

13 MS. HALIENA: Yes, Judge. Both -- I think there's one
14 -- there is one snippet from post-Miranda. The first person
15 to give Miranda warnings to this defendant is Officer Lynch
16 in the hotel room. And it's just that -- we have one snippet
17 from after that. And then the others are all either when the
18 defendant is by himself post-Miranda at City Hall, and I
19 believe there is one where he is with the detective speaking.

20 All of those were provided on a USB drive. But those
21 are all the clips we're intending to admit.

22 THE COURT: Okay. Obviously, Mr. Smith, y'all have had
23 a chance to review those. Is there any part of the substance
24 of any of those that you want to object to under 403 or
25 otherwise that you can think of off the top of your head?

1 MR. SMITH: No, your Honor.

2 THE COURT: Okay. Very good.

3 Anything else housekeeping that we need to address?

4 MS. ARORA: Your Honor, there's one last motion I made,
5 and that was to exclude any photos of what we believe is the
6 victim's dead body or any pictures that would show anything.
7 And my motion is made on the grounds that any pictures that
8 would show a picture of Ms. Goff deceased would be highly
9 inflammatory.

10 The pictures have little or no probative value, and they
11 cannot serve to illuminate any issue before the jury. There
12 are many other ways in which the State can enter evidence of
13 the cause of death without utilizing the pictures. And the
14 prejudicial impact of those pictures so outweighs their
15 probative value as to make their use a violation of the
16 defendant's right to due process under the Fifth and 14th
17 amendments and Article 1, Section 3, of South Carolina's
18 constitution, and that these pictures would outweigh their
19 probative value and make it in violation of Rule 403.

20 Specifically, we rely on the case *State versus Nelson*,
21 440 S.C. 413. In that case, autopsy photos were actually
22 admitted. Mr. Smith was actually the attorney on that case
23 before it went up for appellate review. And the court
24 determined that the photos had little probative value as to
25 any disputed fact.

1 In that case there was two people charged. It was
2 Carmie Nelson and a codefendant. And it was clear the only
3 issue was who killed the victim in that case. And so that
4 came back on appellate -- came back to us. And it was -- the
5 Court stated that it was well established that the
6 photographs calculated to arouse the sympathies and prejudice
7 of the jury, and they relied on *State v. Jones*, 440 S.C. 214.

8 Here we've gone through pictures with the State. And
9 the photos specifically would be State's Exhibit 7, which is
10 a photo of the actual wound; Photo 15, which is a photo of
11 the front porch on Bennett Yard Road where you can see blood
12 spots; and then Photo 16, which is also another picture of
13 the front porch of the house on Bennett Yard Road in which
14 you can see blood spots.

15 Here there is -- we're not contesting that Ms. Goff died
16 of a stab wound. There's -- we're not making that an
17 argument of our case. We agree that she was stabbed, and we
18 don't plan on disagreeing with anything that's in the autopsy
19 report.

20 We believe that there's other ways that the State can
21 enter this evidence. They can have the EMS workers who are
22 called to testify talk about which wounds they saw. Sergeant
23 Gann was the first sergeant on scene. He can talk about
24 which wounds he saw. We can also have the medical examiner,
25 Dr. Beaver, provide us with a diagram. I do believe that

1 these pictures, the impact of them would outweigh their
2 probative value.

3 And I understand that with this, also, I believe
4 addressing there's a portion of body cam that Sergeant --
5 that the State is intending to introduce of Sergeant Gann
6 when he first arrives on scene. You can specifically see
7 when he arrives on scene that Ms. Goff is on the porch.
8 She's unconscious. She has family members around her trying
9 to hold her up. I'm concerned about, you know, the arousal
10 of sympathies that would cause with the jury. And I believe
11 Sergeant Gann can testify to what he saw, but I don't know if
12 it's necessary to bring that in through the body-camera
13 photos -- er, the body-camera footage.

14 And, you know, going along with that, the blood on the
15 front porch. We're not contesting that Ms. Goff ran to this
16 front porch. We're not contesting, you know, the exact
17 location that she went to and EMS picked her up from. So
18 we're not sure what the reason for entering those would be.

19 THE COURT: All right. Solicitor, do you want to speak
20 to the body cam and the photos? I'm assuming you do want to
21 introduce the photos -- those three photos.

22 MR. HILL: Yes, your Honor. I'm happy to pass up
23 State's 7, 15, and 16 for your review.

24 THE COURT: Please.

25 MR. HILL: If I may approach?

1 THE COURT: And this was the only wound suffered by the
2 decedent?

3 MR. HILL: That's correct.

4 THE COURT: Okay.

5 MR. HILL: And that would be, essentially, the only
6 photo we would be offering -- only direct photo of the victim
7 we would be offering in our case-in-chief.

8 It's our position that with respect to that photo,
9 that's evidence of some of the information that the expert
10 used to base his opinion testimony upon. I think that it
11 aids the jury in understanding the scientific nature of the
12 injury.

13 And it's also offered and will be explained through the
14 pathologist to show malice, which of course is an element of
15 murder, in that it was -- there'll be some testimony about
16 how it was a direct puncture wound versus, you know, some
17 sort of like a slash. That also would kind of go to show
18 evidence of premeditation and his intent, which are elements
19 of murder. I think that, coupled with the testimony of
20 Dr. Beaver that there was no defensive injury, helps go to
21 the facts of this case and further explain things for the
22 jury that may normally be outside their purview.

23 Obviously, these are autopsy -- there is an autopsy
24 photo, as in *Nelson*. However, it's the State's position that
25 this photo doesn't really show any of the internal elements

1 or aspects of the victim. In *Nelson*, those photos showed the
2 decomposition in close-up photos. I believe in the case it
3 says you can actually see down to the brain, which was inside
4 of a skull fracture. So it's our position that this photo is
5 certainly nowhere near as gruesome as what was depicted in
6 *Nelson*, and its probative value outweighs any prejudicial
7 effect.

8 Most importantly, here -- it's not my understanding that
9 defense is conceding the elements of the crime in this case,
10 which is what they did in *Nelson*. *Nelson* was simply a
11 question of who did it. And in the defense's opening
12 statements, they admitted that there was malice.

13 Furthermore, there was another case after *Nelson*, *State*
14 *v. Benton*, which is 435 S.C. 250. It allowed photos in of a
15 burned body, and they corroborated other testimony and
16 evidence in the case. And it was found those assisted the
17 jurors to understand the evidence.

18 So the State's position is that this photo is relevant,
19 it would assist the jurors, and the probative value greatly
20 outweighs any prejudicial effect. If your Honor does not
21 agree with that, we could also offer a black-and-white
22 version of the photo as well, which I can show defense or
23 pass up to you as well.

24 With respect to the body-worn camera, Sergeant Gann is
25 the first officer who responds to the scene. I think it's

1 about 55 seconds into the clip we would show, you see a
2 general overview of the scene from afar and you see a couple
3 family members hovering over what is the victim, though you
4 can't really see the victim. You don't really -- you don't
5 see any blood on his body cam. At some point he comes up and
6 assists or aids everybody assisting the victim, and you
7 really only see about -- you don't even see the area where
8 she was stabbed. You maybe only see her head for about a
9 second or so.

10 So I don't think it's overly graphic. I think his body
11 cam kind of paints the scene and describes the scene how he
12 responded to it. That video would also go to corroborate
13 other witnesses' testimony and evidence about their
14 whereabouts and who was kind of doing what and where on
15 scene.

16 So I think that brief clip of Sergeant Gann's body cam
17 is certainly relevant and would outweigh any prejudice that
18 the defendant may face, if any at all.

19 THE COURT: Okay. I've looked at the exhibits. And
20 candidly, any time you have an injury that's fatal, that's
21 obviously concerning and troubling in and of itself. But as
22 far as what's depicted in the image, it's a very clean wound.
23 It's only three-quarters of an inch long. There's no blood.
24 There's not much gore. And quite honestly, if you hadn't
25 told me in your pretrial brief that it was to her torso, her

1 chest, I don't know that I would have been able to identify
2 the location of this.

3 So in my personal experience, this is not unduly
4 graphic, and it's being represented to me that -- well, of
5 course I know as a matter of course that a picture is worth a
6 thousand words. To the extent that the expert can
7 corroborate -- er, use this to corroborate the nature of her
8 injuries, I think that would be relevant and the probative
9 value would not be outweighed by the prejudicial effect.

10 Essentially, the same ruling for 16 and 15. Honestly,
11 it's a very minimal amount of blood. It's on the patio just
12 out in front of the house. And I don't really see the
13 prejudice in those photos because it will give the jury a
14 good idea of the location where the decedent was located.

15 As it relates to the body cam, were you planning on
16 playing audio or just the video? Because it's very often
17 with audio you get problems in the sense of hearsay and
18 everything else under the sun. And usually it's much more
19 chaotic with the audio on than with it off.

20 But what was the State's intention on that?

21 MR. HILL: We were planning on offering it with some
22 audio. There's really not a whole lot going on because it's
23 the officer kind of immediately responding. You don't -- in
24 my recollection of it, you don't get a lot of -- it's not him
25 speaking with a witness directly. It kind of paints the

1 chaotic nature of the scene and would be offered to that and
2 how, you know, information he may have relayed to others
3 because they responded with -- to another scene where the
4 defendant fled to.

5 So we are planning on offering some audio. I think we
6 had previously turned this clip over to the defense. I don't
7 know that there was an objection at that point to that.

8 But the short answer to your question is yes, there was
9 audio.

10 THE COURT: Okay. Did y'all want to speak specifically
11 to the audio? Because I've not heard that -- I've not heard
12 the audio, that is, or seen the video.

13 How long is the video that you intend to play? I guess
14 a minute or two?

15 MR. HILL: I believe it's a minute and 53 seconds.

16 THE COURT: All right.

17 MS. ARORA: Your Honor, we would object to the audio
18 coming in. We believe it's hearsay. You can specifically
19 hear there's crosstalk of the police over their dispatch on
20 the radio. You know, I believe that's hearsay. I don't
21 think that's relevant. If they want to call another officer
22 in about as to why they responded to a certain location, I
23 think that officer can testify as to why they did that.

24 I also just would raise my objection again about seeing
25 Ms. Goff on the porch. Even though the solicitor states

1 that, you know, you can see just -- not the injury, but the
2 top half of her body, her eyes are closed. You can tell that
3 she's not well. And I just believe that's highly prejudicial
4 to us.

5 In regards to the hearsay as well, I don't know what
6 comes in in the video that Sergeant Gann can't testify in
7 court to himself.

8 THE COURT: When do you anticipate him testifying?
9 Today?

10 MR. HILL: At this rate, I'm not sure if we'll get to
11 him today. He was kind of right on the edge of what we were
12 thinking. But if not, it would probably be first thing in
13 the morning.

14 THE COURT: Is his body cam part of what y'all sent to
15 me previously?

16 MR. HILL: It is not.

17 THE COURT: It isn't? Okay.

18 MR. HILL: We do have it queued up if you want to hear
19 it.

20 THE COURT: It's only two minutes long?

21 MR. HILL: A minute and 53 seconds.

22 THE COURT: Let me go ahead and hear it. Can you just
23 -- let me -- er, okay. You're going to put it up there?

24 MS. HALIENA: I can put it on the screen or if you want
25 me to bring my laptop up.

1 THE COURT: Go ahead and play it --

2 MS. HALIENA: Okay.

3 THE COURT: -- on the screen. It might be better for me
4 to see it how the jury would.

5 (Video played in open court.)

6 THE COURT: Okay. And that's the only portion of that
7 body cam that you intend to play?

8 MR. HILL: That's correct.

9 THE COURT: I really don't see where there's a great
10 deal of prejudice in that. It basically just shows the
11 officer arriving, what he observed, and him potentially
12 relating to the EMS people that it was an upper chest stab
13 wound. There's no -- I think there's no prejudicial hearsay
14 either on that. And correct me if anyone feels like I'm
15 wrong. But it's not a lot of screaming like "Yeah,
16 Mr. Dawson did this. Mr. Dawson did this," or anything like
17 that. So my inclination is to allow the State to use that
18 1 minute and 50 seconds of body cam.

19 All right. Why don't we take a few minutes for
20 ourselves and then we'll bring the jury out.

21 I assume, ladies, y'all will be doing the openings?

22 MR. HILL: I will, your Honor.

23 THE COURT: Oh, you will be. All right. Very good.

24 MR. HILL: And your Honor, just for the record, that
25 body cam will be State's 6.

1 THE COURT: State's 6. Got it.

2 All right. About five or so minutes for ourselves, and
3 then we'll bring the jury in.

4 Thank you.

5 (Court recessed.)

6 (Court resumed outside the presence of the jury.)

7 THE COURT: We will go back on the record.

8 Let us have the jury, please. Bring them in.

9 (The jury entered the courtroom at 3:31 p.m.)

10 THE BAILIFF: All jurors are present.

11 THE COURT: All right. The record will reflect that the
12 jury is present.

13 Ladies and gentlemen of the jury, thank you for your
14 patience with us this afternoon. Lunch took a little bit
15 longer for me than I anticipated. And then when I got back
16 here, the motions and other matters that we needed to address
17 before we began the trial, that took a little bit longer than
18 I had expected. So I apologize and thank you for your
19 continued patience with us today.

20 The first order of business for the Court is to appoint
21 a foreperson of the jury.

22 Which of you is Pablo Pasiecznik?

23 JURY FOREPERSON: I am.

24 THE COURT: Mr. Pasiecznik? Am I pronouncing that
25 anywhere close to correctly?

1 JURY FOREPERSON: Yeah, kind of close.

2 THE COURT: Okay.

3 JURY FOREPERSON: Pasiiecznik.

4 THE COURT: Pasie- -- Pas-

5 JURY FOREPERSON: Pasiiecznik.

6 THE COURT: Mr. Pablo.

7 JURY FOREPERSON: Yes.

8 THE COURT: I'm going to make you the foreperson of the
9 jury. And I'll tell you that your primary job is going to be
10 to preside over the deliberations and when everybody -- when
11 the case gets to you for your deliberations, make sure
12 everyone has a chance to have their fair say. Okay? So
13 you're basically first among equals. Your vote, of course,
14 counts no more, no less than that of any juror's vote. So if
15 it's okay with you, I'm going to have you be the foreperson.
16 When we reconvene tomorrow, if you'll sit perhaps in the seat
17 occupied by the gentleman -- yes, right there -- closest to
18 the corner.

19 The two alternates, if y'all could stay in those seats
20 throughout the trial.

21 The rest of you, if you feel the need to move about to
22 hear the testimony or whatever better or see the witnesses
23 better, feel free to do that, change seats. Some people get
24 attached to their seats. Others do not. All right?

25 Just a few other housekeeping matters.

1 While the case is going on, ladies and gentlemen, if you
2 do have trouble hearing the testimony of the witnesses, I
3 want you just to raise your hand, wave at me, get somebody's
4 attention, and I'll ask the witness or the party to speak up.
5 So if you have trouble hearing -- the acoustics here are
6 actually great compared to my courthouse in Greenwood and the
7 other ones in the Eighth Circuit in the Upstate. But if you
8 have trouble hearing anything that's being said during the
9 course of the trial, hand goes up and I'll tell them to speak
10 up. Okay?

11 Now, ladies and gentlemen, before we begin the trial of
12 this case, I will let you know that this case is going to be
13 a little different from what you've seen from trials depicted
14 on TV or in the movies. From what we see in popular culture,
15 we often get the impression that trials are filled with a lot
16 of twists and turns and riveting circumstances and dramatic
17 moments. And certainly -- you know, I've been doing this 14
18 years in this job. Certainly that's sometimes the case. But
19 as you well know, life is not as exciting as what we see in
20 the movies or we read about.

21 And so a lot of times trials can be a bit drawn out.
22 They can be, candidly, sometimes a little bit boring. And
23 I'll tell you, obviously, this trial is for no one's
24 entertainment. This is a very serious case for, of course,
25 the defendant and the State of South Carolina. Both sides

1 have a vested interest in this case.

2 And I want to thank you for your willingness to be a
3 part of this today. I know none of you volunteered for this.
4 None of you 14 asked to come in here and judge this case.
5 But understand, ladies and gentlemen, if you were not here,
6 if you were not present, if you were not willing to do your
7 civil duty, your civic responsibility, and be here in order
8 to hear this case, it would simply linger on indefinitely.
9 So thank you very much for your willingness and your
10 attention going forward to this particular matter.

11 With that, I'm going to ask that you stand where you are
12 and raise your right hand so that the clerk can go ahead and
13 administer your oath to you as jurors.

14 (The jury was sworn to try the issues.)

15 CLERK OF THE COURT: If you have accepted this oath,
16 please be seated. If you have not accepted this oath, please
17 remain standing.

18 THE COURT: All jurors have taken a seat.

19 Now, ladies and gentlemen, what I now say to you is
20 intended to serve as an introduction to this trial. These
21 remarks are not an instruction on the law. I'll instruct you
22 on the law at the conclusion of the trial before you begin
23 your deliberations. Again, this is just an overview of the
24 procedure that we'll use going forward so that you can better
25 understand what to expect.

1 Now, ladies and gentlemen, some of you may want to take
2 notes during the course of the trial. And whether or not you
3 take notes is perfectly fine. When we have a break this
4 afternoon or this evening, I'll make sure that the clerk has
5 some tablets available for you if you decide to take notes.

6 Just a few quick rules about note taking. First -- er,
7 note taking.

8 First, please don't let the taking of notes distract you
9 from the testimony.

10 Second, anytime we're on break, just leave the pads in
11 your chair. The bailiff will secure those, like, over lunch
12 or overnight, if need be, and return those to you tomorrow.

13 And third, notes are your kind of -- they're your
14 private personal property. They're for your eyes only. When
15 the case is concluded, if you do happen to take any notes,
16 just rip them from the tablet or the notebook that you're
17 given, take them with you, do what you will with them. Okay?

18 Now, ladies and gentlemen, as I explained to you this
19 morning, the defendant in this case, Mr. Dawson, is charged
20 with indictments filed in this court with the offenses of
21 murder and possession of a weapon during the commission of a
22 violent crime. I'll explain the elements of these offenses
23 to you at a later point in time before you begin your
24 deliberations. Again, as I have mentioned this morning,
25 ladies and gentlemen, these indictments are merely the means

1 by which these cases are brought into court. They are not,
2 in any sense of the word, proof of any of the elements or any
3 of the offenses named in the indictments.

4 In this case Mr. Dawson has pled not guilty to these
5 charges, and that plea puts the burden firmly on the State to
6 prove his guilt beyond a reasonable doubt. It will be up to
7 you to decide whether the State has, in fact, met that
8 burden.

9 Your purpose as jurors, ladies and gentlemen, is to find
10 and determine the facts in this case. Understand that you
11 are the sole judges of the facts, so if at any time I make
12 any comments concerning the facts, you have to disregard any
13 comment that I might make because the law does not permit me
14 to have any opinion about the facts in a case which is tried
15 in front of a jury. You'll determine the facts from the
16 testimony that you hear and the other evidence which is
17 presented during the course of the trial. It's up to you to
18 determine the inferences which you feel can properly be drawn
19 from the evidence presented.

20 Now, it's especially important that you perform your
21 duty of determining the facts diligently and conscientiously
22 because ordinarily there is no way to correct an erroneous
23 determination of facts by a trial jury.

24 Now, the same law that says that you are the judges of
25 the facts also says that I'm the judge of the law. The law

1 as given by the Court is the only law that you can consider.
2 You'll have to take and accept the law as I give it to you,
3 apply it to the facts as you find them to be, and after that,
4 you'll render your verdict under the oath that you have just
5 taken.

6 Now, as I mentioned before lunch, ladies and gentlemen,
7 until you begin your deliberations you cannot discuss this
8 case with anyone -- not friends, not family members, not even
9 your fellow jurors. Don't talk about it with anyone. And
10 again, don't perform any kind of independent research about
11 the allegations in this case. It would be a violation of
12 your oath as jurors if tonight when you go home you start
13 Googling people's names or trying to look up information.

14 Understand there's a very, very serious reason that I
15 ask that you not perform any kind of independent research.
16 As you all well know, some of the stuff online is true and a
17 lot of it is junk. Okay? And the rules of evidence are
18 designed to give juries the best information available, the
19 most reliable information available. And even though
20 reporters or people on the internet who might write about
21 stuff, even though they may try and get it right, very often
22 what they simply write about simply is not true or it is not
23 accurate or it doesn't comport to what the evidence actually
24 is.

25 So again, I'll ensure you that you'll get all the

1 information that you need in here in court from the witnesses
2 and the other exhibits. There's absolutely no need for you
3 to discuss this case with anyone or perform any kind of
4 independent research or investigation while the case is going
5 on.

6 Now, please do keep an open mind. Don't decide any
7 issue in this case until all the evidence has been presented,
8 you receive my instruction on the law, and you've heard the
9 closing arguments of counsel. So again, you cannot start
10 begin -- er, begin discussing this case at any point in time
11 until you've received all of the information, all the
12 evidence, and all the instruction from the Court. It's your
13 solemn job to determine the guilt or the innocence of the
14 defendant, and your verdict has to be based only on the
15 evidence presented in court and on the law as I instruct you.

16 Now, in a moment the attorneys will make their opening
17 statements to you in which they'll argue what will be proven
18 or what won't be proven. Understand that, of course, what
19 the lawyers say during their opening argument and their
20 closing argument is not evidence. Even though it's not
21 evidence, you should still, of course, pay attention to their
22 opening because it will give you kind of an overview or a
23 road map or a prologue, so to speak, about what they
24 anticipate this case being about or how they anticipate this
25 case unfolding.

1 Again, the evidence in this case will be presented
2 solely through the testimony of witnesses from the witness
3 stand, as well as any exhibits introduced during the course
4 of the trial.

5 Now, ladies and gentlemen, in most of the cases that I
6 try, very often it's necessary for the Court to take a brief
7 break while I take up an issue of law. And you may hear one
8 of the lawyers say something along the lines of, "Judge, we
9 have a matter for the Court," or "Judge, we need to take up
10 an issue of law." During those times it might be necessary
11 for me to excuse you from the courtroom briefly while I
12 discuss that issue with the attorneys out here on the record.

13 Understand the reason that I'm asking that you leave the
14 courtroom is that often in ruling on issues of law I have to
15 make a comment about the testimony or a comment about what
16 evidence has been presented. Since you are the sole judges
17 of the facts, I don't want anything that I say about the
18 facts to have any effect on what you ultimately determine
19 those facts to be. That's why I ask that you leave the
20 courtroom during those discussions with the attorneys so that
21 I can be sure that anything I say or any comment that I make
22 concerning the facts has no bearing or effect on what you
23 ultimately determine those facts to be.

24 Anytime we have a break like that, of course, please
25 don't speculate about what I'm saying concerning the facts

1 because, again, the law does not permit me to have any
2 opinion about the facts in this particular case.

3 Now, in determining what the facts are, you'll have to
4 decide whether or not testimony is believable or not.
5 Understand that it's my job to rule on whether certain
6 testimony is admitted. Once it's admitted, whether you
7 believe it is solely up to you.

8 In determining whether to believe a witness, you have
9 the right to consider the interest of any witness, the bias
10 of any witness, the prejudice of any witness. You can
11 consider the opportunity for the witness to have seen the
12 matters and things about which they testify. And you can
13 also consider the way the witness acts while on the witness
14 stand. You can consider anything that's in the record in
15 this case which will help you evaluate the testimony of the
16 witnesses.

17 That means it's your duty to pay close attention to
18 them, listen to them, observe them, and pay close attention
19 to what is taking place here in the courtroom. Okay? If you
20 do all of that and you pay strict attention to what's going
21 on, I assure you at the conclusion of the trial you'll be in
22 as best a position possible to take the evidence, apply the
23 law to that evidence, and render a verdict under the oath
24 that you have just taken.

25 Now, in just a moment we will hear the opening

1 statements from the attorneys. And the way that we'll
2 proceed is we will hear from the State first, to be followed
3 by the defense.

4 And so with that, Mr. Hill, you're acknowledged for your
5 opening, sir.

6 MR. HILL: Thank you, your Honor.

7 May it please the Court.

8 THE COURT: Yes, sir.

9 MR. HILL: Counsel.

10 Ladies and gentlemen of the jury, June 13 of 2020, this
11 defendant Kenneth Dawson stabbed his ex-girlfriend Olivia
12 Goff in the chest with a knife, killing her. But he didn't
13 just kill her. You're going to hear that he lay in wait for
14 her all that morning. You're going to hear that he killed
15 her in front of her entire family. You're going to hear that
16 he later admitted to killing her and then he told the
17 detective that she deserved it, all while casually sipping a
18 cup of coffee.

19 Now, in the state of South Carolina, murder is defined
20 as the killing of any person with malice aforethought. And
21 that's exactly what we have here in this case.

22 Now, as Judge Addy just mentioned to you, he is the
23 instructor on the law. You are to take the law as he
24 provides it to you and apply it to the facts in this case.
25 He also stated that it's our job as the State to prove to you

1 this case beyond a reasonable doubt.

2 What is "proof beyond a reasonable doubt"? You'll hear
3 a lot of talk about that, and Judge Addy will tell you what
4 that is. But it's not proof beyond any doubt or proof beyond
5 all doubt. Rather, it's proof that leaves you firmly
6 convinced of the defendant's guilt. This is not an
7 impossible burden. In fact, it's one that we gladly accept
8 and embrace. And it's the same burden that's been in every
9 other criminal case in this country where a defendant has
10 been convicted.

11 Now, the judge will tell y'all that y'all are the
12 finders of the facts. Y'all get to determine what happened
13 in this case. And everything y'all are going to need to do
14 that is going to come from this witness stand right here,
15 whether that may be a witness's testimony -- what you hear --
16 or whether that be physical evidence -- something that you
17 can see up on a screen or something that you can hold in your
18 hands. But we ask that you pay close attention to everything
19 that comes through that witness stand, and we know that y'all
20 will.

21 Mallory and myself want to thank each of y'all for being
22 here and serving on this jury this week. We know that it's
23 not inconvenient -- er, we know that it's not convenient.
24 But we also know that our justice system cannot function
25 without individuals such as yourselves who are willing to

1 sacrifice their own time to come in here and serve on a jury,
2 and we thank you for that.

3 We believe that at the end of the case, after you've
4 heard all of the evidence and after closing arguments, you
5 will be firmly convinced of the defendant's guilt. And we
6 will ask for you to do the only thing that you can do, which
7 is find the defendant guilty of murder and possession of a
8 weapon during the commission of a violent crime.

9 Thank you.

10 THE COURT: Thank you, Mr. Hill.

11 Ms. Arora, you're recognized for your opening.

12 MS. ARORA: May it please the Court.

13 THE COURT: Yes.

14 MS. ARORA: There's two sides to every story. Y'all
15 have probably heard that saying a thousand times. I hear it
16 weekly with my kids. Growing up, me and my sister would
17 fight probably daily. My mom would get us together. She
18 would listen to my sister talk about why we were arguing, and
19 then she would listen to me. And then my mom would determine
20 what happened with our two sides of the story. That's
21 exactly what's going to happen here today.

22 You just heard the State. You heard them lay out what
23 their story is going to be. You heard them say that Kenneth
24 Dawson walked down and stabbed his girlfriend Olivia Goff.
25 But that's not the only side of the story. There's more to

1 the story. There's Kenneth's story.

2 We aren't here to figure out who stabbed Olivia. This
3 isn't a whodunit case. Kenneth Dawson did stab Olivia Goff.
4 The issue is, though, I want y'all to think about, as you
5 hear the State's story, as you hear the evidence, why did
6 Kenneth stab Olivia Goff? What is Kenneth's story?

7 Kenneth Dawson did not walk down to Bennett Yard Road to
8 hurt or kill Olivia. He went down there to speak with her.
9 And after an interaction, Olivia was left stabbed. Kenneth
10 did not mean to hurt her, and he did not mean to kill her.

11 The State is going to tell you their story through the
12 eyewitnesses that they say witnessed this event. They're
13 also going to present police officers that gathered
14 information. They're going to present you with a medical
15 examiner. As you listen to each witness on the stand, I ask
16 you to look for, What could be their bias? I ask you to
17 consider, Did they actually witness this incident? Were they
18 able to see and were they able to hear everything that
19 happened?

20 I want you to ask yourself questions about what you hear
21 and especially what you don't hear when the witnesses are
22 testifying. I want you to listen to the whys. Listen for,
23 Why did Kenneth stab Olivia? Because when you listen to the
24 why, at the end of this case you will find that Kenneth is
25 not guilty of murder and not guilty of possession of a weapon

1 during the commission of a violent crime.

2 This is one of the most important moments in Kenneth's
3 life. You all have an incredibly important duty to listen to
4 what the evidence in the case is. We chose all of you
5 because we felt like you could be fair and you could be
6 impartial, that you could listen to each evidence -- each
7 witness and the evidence that is presented and look at it
8 thoroughly. We believe that you can set your feelings aside
9 and be the judges of the facts. How each and every one of
10 you interprets these facts is important.

11 You heard the State has to prove their case beyond a
12 reasonable doubt. That is the burden in this case. That is
13 one of the highest standards that we have in American law.
14 This means the State has to put in the evidence that leaves
15 you firmly convinced that Kenneth did something to meet each
16 and every element of what he is charged with today.

17 At the end of this trial, you are going to go back to
18 your jury room and you're going to vote. You're going to
19 deliberate. You're going to discuss what you saw today and
20 this week and what you heard. Your vote is going to
21 determine whether Kenneth is guilty or not guilty. His fate
22 is in your hands.

23 After you go back and you deliberate, you will see that
24 the only verdict that you can give Mr. Dawson is a verdict of
25 not guilty. Kenneth is not guilty of murder, and he is not

1 guilty of possession of a weapon during a violent crime.

2 Thank you.

3 THE COURT: Thank you, Ms. Arora.

4 Solicitor, if you'll call your first witness, please.

5 MS. HALIENA: Thank you, Judge.

6 The State calls Lakesha Jackson.

7 CLERK OF THE COURT: Would you please raise your right
8 hand and place your left on the Bible.

9 (Witness sworn.)

10 CLERK OF THE COURT: Please be seated.

11 Please state your full name, spelling your last name
12 loudly and clearly into the microphone.

13 THE WITNESS: My name is Lakesha Jackson, last name
14 J-A-C-K-S-O-N.

15 LAKESHA JACKSON,

16 called as a witness on behalf of the State, being first duly
17 sworn, was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MS. HALIENA:

20 Q. Good afternoon.

21 A. Good afternoon.

22 Q. How old are you?

23 A. I'm 43.

24 Q. And where do you currently live?

25 A. In Michigan.

1 Q. Where in Michigan?

2 A. Canton, Michigan. I'm sorry.

3 Q. And who do you live with?

4 A. My husband, my mother, and my kids.

5 Q. What are -- your husband and mother, what are their
6 names?

7 A. Martez Johnson is my husband, and Deborah Jackson is my
8 mother.

9 Q. And where did you live back in June of 2020?

10 A. 2508 Bennett Yard Road, South Carolina, North
11 Charleston.

12 Q. And how long had you lived there?

13 A. Since the year of, like, 2013-ish.

14 Q. And did you know Olivia Goff?

15 A. I do.

16 Q. And who was that?

17 A. My first cousin.

18 Q. And how much younger was she than you?

19 A. About three years. Two to three years younger.

20 Q. And tell us a little bit about your relationship with
21 Olivia.

22 A. Olivia Goff was my first cousin. We grew up together.
23 Her mother and my mother are sisters. Ever since Olivia was
24 younger and her mother passed, you know, years ago, my mother
25 basically was like a second mom to Olivia. So she was around

1 a lot.

2 Q. Taking you back to June 13 of 2020, were you at your
3 residence in North Charleston?

4 A. I was.

5 Q. And who was living with you at that time at that
6 residence?

7 A. It was me, my mom, my husband, our kids, my son Marquell
8 Jackson, and -- yeah.

9 Q. And some younger children as well?

10 A. Some younger -- yeah, my other younger kids. I'm sorry.
11 Yes.

12 Q. And tell us about what you were doing that day.

13 A. June 13 is my husband's daughter birthday. We were in
14 the process of planning a birthday party for her and the rest
15 of the kids. During that time of, like, around 12:00, you
16 know, we were planning on birthday cake and all type of
17 stuff.

18 Q. And do you recall where your mother Deborah was?

19 A. Yeah. She was out on the porch.

20 Q. And did you see Olivia that day?

21 A. I did.

22 Q. And tell us about that?

23 A. So Olivia was starting a job at Wendy's. I guess that
24 day was, like, her first day or whatever. She was supposed
25 to be on her way to start her new job. It was kind of hot

1 that day, so Olivia was -- she came to the house for a cup of
2 ice. You know, we talked for a second. She left out and she
3 went two doors down because at that time she was -- she had a
4 relationship with another guy that she was dealing with. So
5 she went over -- I guess over there with him to probably, I
6 guess, walk with her or whatever to the bus stop to catch the
7 CARTA bus to go to work.

8 Q. And let me just real quickly, are you familiar with the
9 defendant?

10 A. Yes.

11 Q. How are you familiar with the defendant?

12 A. He was a ex-boyfriend of hers.

13 Q. Okay. And this is not the person that she was going to
14 see?

15 A. No. No, no, no.

16 Q. Okay. I'm sorry. You can continue.

17 A. Yeah, she was not going to see Kenneth. The defendant
18 was a guy that Olivia and him, like, around two weeks ago
19 they parted. Olivia made it clear that she didn't want
20 anything to do with Kenneth anymore. She had a new guy that
21 she was seeing. Yeah.

22 Q. Do you recall how long Olivia and Kenneth, the
23 defendant, had dated?

24 A. Probably a couple of months. A good maybe two, three
25 months.

1 Q. And had he worked nearby?

2 A. Yes. He was working to the Little Caesars that was,
3 like, on a corner.

4 Q. And when did you say the relationship was called off
5 between Olivia and Kenneth?

6 A. About two weeks prior to her death.

7 Q. When Olivia was with Kenneth, did you ever notice her
8 behavior?

9 A. Yeah. Yeah. Sometimes she -- Olivia was a very sweet,
10 active person. She'd like to have fun. Olivia -- yeah, she
11 was a very sweet person. And it changed because she was --
12 it seemed like she always was afraid and always -- and, like,
13 she was, like, just tensed up when she's around him.
14 Because, like, when she's with her family, he always -- he
15 always come and call for her to come and leave to go back to
16 the hotel, like rushing her away from her family like he
17 didn't want her to be bothered with them.

18 MS. ARORA: Objection. Calls for speculation.

19 THE COURT: Sustained. Let's move along if we could,
20 please.

21 BY MS. HALIENA:

22 Q. Did you meet the defendant? Have you met him
23 previously?

24 A. Yeah. Yes.

25 Q. Do you see him here in the courtroom?

1 A. Yes.

2 Q. Can you point out for the record what he's wearing.

3 A. He's leaning back in the chair right there in that -- is
4 that gray? The gray -- in the middle right there leaning the
5 chair back and forth. I'm sorry. Yeah.

6 THE COURT: The record will reflect that the witness has
7 identified Mr. Dawson.

8 BY MS. HALIENA:

9 Q. So going back to June 13 of 2020, had you seen the
10 defendant earlier that day?

11 A. I did.

12 Q. What was he doing?

13 A. Walking up and down the street. He came, like, maybe an
14 hour before. He knocked on the door and he asked, "Have you
15 seen Olivia?" And I replied, "No, I haven't seen her." He
16 was like, "I'm looking for her. Do you know where she's at?"
17 And I was like, "No, I don't know where she at." He left and
18 he was continuing to walk up and down Bennett, up and down
19 Bennett.

20 Q. Okay. And tell us about what happened next when Olivia
21 came to the house.

22 A. Olivia came to the house. Like I say, she got a cup of
23 ice. She talked for a second, and she was on her way to the
24 bus stop. She had -- I can't remember his name, but it was a
25 guy with her, her new friend of hers. And they was walking

1 to go to the bus stop. They stopped, like, right in front of
2 the door. The guy turned around, and he said that he had to
3 go back and get a cigarette or something like that. And
4 Olivia continued to, you know, walk on.

5 Q. And as Olivia left, where were you?

6 A. In the doorway.

7 Q. Okay. And what happened next?

8 A. I was in the doorway. My mom was on the porch. Olivia
9 walked. And when she walked, there was a car -- my son car
10 in the yard. And there's a bush right there. And we, you
11 know, lost sight of her as she was walking. And, like, maybe
12 five minutes later, she came running back from around the
13 bush and around the car, and she made it as far as the porch.
14 She was holding her chest, and the only thing she said out of
15 her mouth --

16 MS. ARORA: Objection. Hearsay.

17 THE COURT: Do you claim an exception?

18 MS. ARORA: This is the dying declaration, your Honor.

19 THE COURT: All right. Overruled.

20 You may answer.

21 THE WITNESS: She came running -- Olivia, she came
22 running, and she stopped to the porch. And the only thing
23 that she could say out of her mouth is, "Auntie Deborah,"
24 which is my mother. She said, "Auntie Deborah, Kenneth
25 stabbed me in my chest," and she fell to the porch. And that

1 was the last words out of her mouth before she died.

2 Q. And so how long after she left your line of sight did
3 she come running back and that happened? Was it quickly?

4 A. Yes.

5 Q. At this time I would like to show you what's been
6 premarked as Exhibits 2, 3, and 4.

7 MS. HALIENA: Permission to approach?

8 THE COURT: Please.

9 BY MS. HALIENA:

10 Q. Can you take a look at these and tell me if you
11 recognize these three exhibits.

12 A. Yes, I do.

13 Q. And what are those?

14 A. These are a sky views and street views of our house and
15 of the street. I see Little Caesars. I see the house that I
16 was living at the time. And yeah, everything on here.

17 Q. Are those fair representations and accurate
18 representations of the area where you were residing?

19 A. Uh-huh. Yes, it is.

20 MS. HALIENA: At this time the State would seek to enter
21 2, 3, and 4 into evidence.

22 THE COURT: Any objection?

23 MS. ARORA: No objections, your Honor.

24 THE COURT: Without objection, 2, 3, and 4 are in
25 evidence.

1 (State's Exhibit Numbers 2, 3, and 4 admitted into
2 evidence.)

3 MS. HALIENA: Permission to publish?

4 THE COURT: Please.

5 BY MS. HALIENA:

6 Q. And we'll just go one by one.

7 (Exhibit displayed on screen in open court.)

8 BY MS. HALIENA:

9 Q. This is State's Exhibit 2. Can you show us -- and you
10 can mark on that screen as well.

11 What are we looking at here?

12 A. So on the corner right here is the Little Caesars that
13 Kenneth was working to. Right here is like a -- it's like a
14 little garage that belongs to the -- this house right here.
15 And right here is the house that we were living in.

16 Q. Okay. And that's the house you were at that day?

17 A. Yes.

18 Q. Okay.

19 (Exhibit displayed on screen in open court.)

20 BY MS. HALIENA:

21 Q. I'm showing you State's Exhibit 3. What are we looking
22 at here?

23 A. The front view of the house. The sidewalk. The car
24 that was in the yard. Right here -- well, they cut the grass
25 right there, but that was a bush that was there and blocked

1 the view of when Olivia came running down and around the car.
2 And we were, like, over here on the porch.

3 (Exhibit displayed on screen in open court.)

4 BY MS. HALIENA:

5 Q. And then State's Exhibit 4. Can you just point out to
6 the jury what we're looking at here.

7 A. Again, this is a street view. And this is our house and
8 this is the porch right here.

9 Q. Thank you.

10 So going back to once Olivia ran back to the porch, tell
11 us about what happened at that point.

12 A. Olivia ran back to the porch, just like I said. She
13 said -- the only thing that came out of her mouth was,
14 "Auntie Deborah, Kenneth stabbed me." She fell to the porch.
15 I proceeded with the 911 call.

16 Q. Did anybody -- was there anybody else there? Were
17 people helping?

18 A. Yes. So after she fell, looking over, you could see
19 Kenneth. He had on a black T-shirt, black pants, like a
20 cargo-type pants. He proceeded to run, and you saw him when
21 he ran and he jumped across a ditch. It was a ditch right
22 there where the Wild building was at. He jump across the
23 ditch, and he proceeded to run. My husband and my son ran
24 after him while I was on the phone talking to the 911
25 dispatcher.

1 MS. HALIENA: Permission to approach?

2 THE COURT: Please.

3 BY MS. HALIENA:

4 Q. I'm showing what has been premarked as State's
5 Exhibit 1. Do you recognize that?

6 A. Yes.

7 Q. How do you recognize that?

8 A. That is the disk with the 911 call on it that I signed
9 and dated.

10 Q. And those are your initials on there?

11 A. Correct.

12 Q. Okay. Is this a fair and accurate representation of the
13 911 call that you made that day?

14 A. Yes. Yes.

15 MS. HALIENA: At this time the State would seek to admit
16 State's Exhibit 1 into evidence.

17 THE COURT: Any objection?

18 MS. ARORA: No objection.

19 THE COURT: Without objection, State's 1 is entered.

20 (State's Exhibit Number 1 admitted into evidence.)

21 MS. HALIENA: Permission to publish?

22 THE COURT: You may.

23 (Audio played in open court.)

24 BY MS. HALIENA:

25 Q. So after you made that phone call, did law enforcement

1 and EMS arrive?

2 A. They did.

3 Q. And at that point, where did you go next?

4 A. Where did I go?

5 Q. Yes.

6 A. The ambulance came. They got her, wrapped her in an
7 aluminum foil-ish bag, put her on the stretcher, and they
8 proceeded to do CPR in the back of the ambulance right in the
9 street. And I was -- I called some family members over, and
10 we proceed to follow the ambulance to MUSC hospital.

11 Q. And what happened when you got to MUSC?

12 A. It was COVID time, so everyone stand outside. And they
13 gave us -- they went inside and they told us they was going
14 to let us know, you know, what was happening. And they came
15 back out and they let us know that Olivia had deceased on --
16 I guess on the way to the hospital because of internal
17 bleeding because of the stab wound.

18 Q. And after that, did you go somewhere else?

19 A. I did. I went to City Hall to do a police report.

20 Q. Can you tell us about how this incident impacted you and
21 your family.

22 A. Um --

23 MS. ARORA: Objection.

24 THE COURT: Sustained.

25

1 BY MS. HALIENA:

2 Q. Did you move after this?

3 A. I did. I did. It was very hard on me and my mother and
4 my kids, because they saw what happened. As you can hear on
5 the 911 call, I was telling all the kids to get into the
6 house and, you know, off the porch.

7 Olivia, when she died, it hurt the family a lot. She
8 was a gentle giant. It really was --

9 MS. ARORA: Objection, your Honor.

10 THE WITNESS: So --

11 THE COURT: Sustained. Sustained.

12 THE WITNESS: She was so --

13 THE COURT: Ma'am, if you could --

14 THE WITNESS: -- sweet and --

15 THE COURT: Ma'am, I sustained the objection.

16 THE WITNESS: Oh, sorry.

17 THE COURT: Stop. Thank you.

18 MS. HALIENA: The Court's indulgence.

19 (Pause in proceedings.)

20 BY MS. HALIENA:

21 Q. Can you just briefly describe what the scene was like
22 when Olivia collapsed.

23 A. It was -- when Olivia collapsed, she collapsed on the
24 porch. It was my kids' father, he came because, you know, it
25 was supposed to have been a birthday part. And there was

1 another guy who was walking by. They actually hold Olivia
2 wound because she was bleeding, you know, from her chest, and
3 there was blood all over the porch. The scene was --

4 Q. Was it chaotic?

5 A. It was. Very.

6 MS. HALIENA: No further questions. Please answer any
7 questions that the defense may have.

8 THE COURT: Ms. Arora.

9 CROSS-EXAMINATION

10 BY MS. ARORA:

11 Q. Good afternoon.

12 A. Good afternoon.

13 Q. Just to go over briefly what you said on direct, you
14 were living at the address on Bennett Yard Road on June 13,
15 2020?

16 A. Correct.

17 Q. And on that day, you stated that you were planning a
18 birthday party?

19 A. Mm-hmm.

20 Q. And so you had -- you weren't at the house all day?

21 A. I was at the house all day.

22 Q. All day?

23 A. Mm-hmm.

24 Q. Okay. So when you were at the house, you had said that
25 it was around 12:30 p.m.?

1 A. Mm-hmm.

2 THE COURT: And that's a yes?

3 THE WITNESS: Yes. Yes. I'm sorry.

4 Yes, ma'am.

5 BY MS. ARORA:

6 Q. And at that time, you were outside of the house,
7 correct?

8 A. I was in the doorway.

9 Q. In the doorway?

10 A. Yes.

11 Q. And that was with your husband?

12 A. Yes.

13 Q. And around that time -- you said 12:30 -- you saw
14 Olivia?

15 A. Yes.

16 Q. And you stated that she was walking to work?

17 A. She was walking to the bus stop, yes.

18 Q. And she was walking on Bennett Yard Road --

19 A. Mm-hmm.

20 Q. -- toward --

21 A. Yes. Yes.

22 Q. -- towards Dorchester Road?

23 A. Yes.

24 Q. And this was still around 12:30?

25 A. Yes. Correct.

1 Q. And right after that you saw Kenneth?

2 A. I saw Kenneth before that when he was walking up and
3 down the street, like an hour-ish before that when he came to
4 the house asking where Olivia was, and --

5 Q. So you saw him earlier that day?

6 A. Mm-hmm. Correct. Yes.

7 Q. And you also saw him after you saw Olivia?

8 A. Yes.

9 Q. Okay. So you stated earlier that you were on the front
10 porch in the doorway?

11 A. Yes, I was.

12 Q. And you were talking with your mom?

13 A. Yeah. My mom and my husband, yeah.

14 Q. And her name's Deborah Jackson, correct?

15 A. Correct.

16 Q. And there was a car in the driveway?

17 A. Yes.

18 Q. I believe it was actually your son's car?

19 A. Yes, my older son.

20 Q. And so you saw Olivia walk off, correct?

21 A. Yes.

22 Q. And she walked out of your line of vision?

23 A. Yes.

24 Q. And a couple minutes later, you see her run back?

25 A. Yes.

1 Q. And she runs back directly to the front porch?

2 A. Yes.

3 Q. Okay. And then you immediately call 911?

4 A. Yes.

5 Q. Okay. You tell 911 what you're seeing right now?

6 A. Yes. I told them my cousin -- we need an ambulance at
7 2508 Bennett Yard Road. My husband -- I mean -- "my husband"
8 -- my cousin, she stated that her ex-boyfriend stabbed her.

9 Q. And you reported to 911 exactly what Olivia told you?

10 A. Yes.

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

12 THE COURT: Yes, ma'am.

13 (Pause in proceedings.)

14 MS. ARORA: No further questions, your Honor.

15 THE COURT: Any redirect?

16 MS. HALIENA: Briefly, Judge.

17 THE COURT: Go ahead.

18 REDIRECT EXAMINATION

19 BY MS. HALIENA:

20 Q. You stated Olivia was out of your line of sight for a
21 couple minutes?

22 A. Yes.

23 Q. Was that pretty quickly she came back?

24 A. Yes. She was running back.

25 MS. HALIENA: Thank you.

1 THE COURT: Thank you, ma'am. You can step down.

2 (Witness excused.)

3 THE COURT: Call your next witness, please, Solicitor.

4 MS. HALIENA: The State calls Deborah Jackson.

5 THE COURT: If she's going to have trouble getting in
6 that seat or if that's going to be dangerous for her, she can
7 just be right there. It's whatever y'all want to do.

8 Is she ambulatory? Or is it easier if she sits in the
9 chair?

10 CLERK OF THE COURT: We do have the ramp here and we
11 moved the chair.

12 THE COURT: Oh, you've got a ramp here. Okay. That's
13 fine. I'm sorry. Thank you. I didn't see that.

14 CLERK OF THE COURT: If you'd please raise your right
15 hand.

16 (Witness sworn.)

17 CLERK OF THE COURT: Thank you so much.

18 And if you'd just please say your name into the
19 microphone and spell your last name for us.

20 THE WITNESS: Now?

21 CLERK OF THE COURT: Yes, please.

22 THE COURT: My name is Deborah J-A-C-K-S-O-N, Jackson.
23
24
25

1 DEBORAH JACKSON,
2 called as a witness on behalf of the State, being first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MS. HALIENA:

6 Q. Good afternoon, Ms. Jackson.

7 A. Yes.

8 Q. Can you tell us how -- how old are you?

9 A. I'm 72 now, but on the 21st I'll be 73.

10 Q. Happy early birthday.

11 A. Thank you.

12 Q. Where do you currently live?

13 A. When the accident happened or where I live right now?

14 Q. Right now, where do you live?

15 A. Where I live at now is Detroit, Michigan, address 8187
16 Hunley.

17 Q. And who do you live with?

18 A. I live with my daughter Lakesha Jackson.

19 Q. And back in June of 2020, where were you living?

20 A. 2508 Bennett Yard Road, Apartment A.

21 Q. And is that in North Charleston?

22 A. North Charleston, South Carolina.

23 Q. And did you know Olivia Goff?

24 A. That's my niece.

25 Q. Tell us a little bit about how -- were you close with

1 her?

2 A. How close I am with her?

3 Q. Yes.

4 A. Well, my baby sister had her. She's around here and
5 there, but we all get along together.

6 Q. And back on June 13 of 2020, were you at your residence
7 in North Charleston?

8 A. Yes.

9 Q. And what were you doing?

10 A. At that time I was sitting on my porch. At that time.

11 Q. And who was living with you at that residence?

12 A. Well, it was my residence, and I had my daughter and my
13 son-in-law and my grandson was staying with me.

14 Q. And were all of them home with you at the time?

15 A. Huh?

16 Q. Were all of them home with you at the time?

17 A. Yes.

18 Q. And tell us a little bit about what happened that day.

19 A. As I was saying, I was on the porch. And I'd say, like,
20 15 minutes before, Kenneth came to the foot of the yard. He
21 didn't come in the yard, but he was by the gate. And he
22 asked for Olivia and I tell him Olivia wasn't there. And he
23 left. And when he left, it seemed like he going to the
24 corner, where he usually work at Little Caesar.

25 And he take like 15 or five minutes and he came back.

1 And he said, "Is Olivia here now?" And I said, "No." Then
2 he gone again, and he came back. The last time he came back
3 and he asked if Olivia was here, he said, "Tell Olivia I'm
4 looking for her." All right. That happened.

5 And then around ten minutes later, there's a boarding
6 house two doors from me. That's where she came out the
7 boarding house. And when she came out the boarding house, I
8 waited till she came in front of me. When she came in front
9 of me, I tell her, "Kenneth looking for you, and he told me
10 to tell you he want to see you."

11 Q. And who --

12 A. And --

13 Q. I'm sorry.

14 A. -- she said, "Well, I'll see him whenever I see him."
15 Yeah.

16 Q. And who was Kenneth? How do you know him?

17 A. Kenneth -- well, she got a job at Little Caesars, and
18 they came to be friends. That's the only way I know how he
19 knew her.

20 Q. Okay. Was there anything notable about Kenneth, his
21 behavior that day?

22 A. Only thing I can say about Kenneth is I didn't even know
23 she was going with him. We had a little get together to the
24 back where my sister was at, and she bring him --

25 MS. ARORA: Objection, your Honor.

1 THE WITNESS: -- there and I saw him --

2 THE COURT: Hold on one --

3 THE WITNESS: -- for the first time.

4 THE COURT: Okay. And you saw him for the first time at
5 that get together?

6 THE WITNESS: Yeah, because they were working together
7 but I never seen him because they were living together. And
8 then when she -- I happen to went to my sister house, and I
9 saw him for the first time back there.

10 THE COURT: Overruled.

11 BY MS. HALIENA:

12 Q. Okay. So tell us -- if you could continue, I believe
13 you were saying Olivia came to the house and you saw her that
14 day?

15 A. Came to my house?

16 Q. Olivia, yes.

17 A. Yeah. She -- as she was going away, she stopped by the
18 house. And when she stopped by the house, that's when I told
19 her, "Kenneth been here three times looking for you." And
20 she said she'll see him when she see him.

21 Q. Okay. And then tell us about what happened next.

22 A. What happened next is she went -- I never left the
23 porch. I think it was like three, four, maybe five minutes
24 when she came running back. When she came running back, she
25 said, "Oh, Auntie Deborah, Kenneth stabbed me." I said,

1 "Stabbed you where?" And she opened her jacket and there was
2 a pile of blood on her shirt. And I yell out to the people
3 in the house, because I didn't have a phone, to please call
4 911, that Olivia got stabbed by Kenneth.

5 Q. And what happened at that time after she said that to
6 you?

7 A. Oh, she came and she fall in my lap. When she fall in
8 my lap, I was looking for Kenneth, so that's what I did was I
9 got up. And she was leaning on the chair. And I looked down
10 the street where there's a house there and two driveway -- um
11 parkways. And on the side of it is a bush with a tree -- I
12 mean, it's a fence and the tree was on the back of the fence
13 going towards the tree. And that's when I see where Kenneth
14 ran across the field. And that's when my son -- no, my
15 grandson and my son-in-law, they going chasing after him.

16 Q. And did law enforcement and EMS arrive on scene?

17 A. They did like 20 to 25 minutes. But then we were saying
18 that maybe because I was so anxious on they coming to get her
19 it could have been four or five minutes. But it I think it
20 was longer than that because I set there and seen her there
21 gasping and fighting for her life on the porch.

22 Q. And after they arrived, where did you go?

23 A. No, I was still there. And when the ambulance arrived,
24 they came on the porch where I was at, got her, put her on
25 the stretcher with a -- it seemed like it was a yellow --

1 like a yellow blanket. And they took her to the ambulance on
2 the outside of the gate. And they take so long. They take
3 so long to move.

4 And then when my cousin -- I mean my niece came, which
5 is Tina. When she came, I tell her what happened and she
6 bust the back door open. When she bust the back door --

7 MS. ARORA: Objection. Relevance.

8 THE COURT: All right.

9 THE WITNESS: Huh?

10 THE COURT: It's sustained.

11 You don't need to say -- don't testify any more about
12 that.

13 THE WITNESS: Oh, okay.

14 THE COURT: Ask another question.

15 THE WITNESS: Okay. Go ahead.

16 BY MS. HALIENA:

17 Q. Did you travel to MUSC afterwards?

18 A. Yeah. I got in a ride.

19 Q. Okay. And tell us, why was that?

20 A. Oh, because I wanted to see that she made it to the
21 hospital and that she was alive. I didn't think it was that
22 serious, you know, where she was going to die from it.
23 People get stabbed but they don't die. But then I just had
24 to be there to know for myself because she ran to me to tell
25 me what happened.

1 Q. And what did you learn at the hospital?

2 A. Well, I couldn't go inside. It was her sister and her
3 brother went inside. We were sitting outside waiting until
4 they came out. When they came out, they announced her dead.

5 MS. HALIENA: I have no further questions for you.

6 THE WITNESS: Okay.

7 MS. HALIENA: Answer any questions the defense may have.
8 Okay?

9 THE WITNESS: Okay.

10 THE COURT: Ms. Arora?

11 MS. ARORA: Thank you, your Honor.

12 CROSS-EXAMINATION

13 BY MS. ARORA:

14 Q. Good afternoon, Ms. Jackson.

15 A. Good afternoon, honey.

16 Q. You just stated on June 13, 2020, you were at your house
17 on Bennett Yard Road?

18 A. Yes. I was sitting on the porch.

19 Q. And I'm trying to understand the setup of your house.

20 So you're sitting on your porch. Your porch is set back
21 from the street?

22 A. Like, from this box to there.

23 Q. Okay. And when you say that, so you mean there's a yard
24 in front of your porch?

25 A. Yes.

1 Q. Okay. And there's some bushes in your yard?

2 A. Yeah, bushes in my yard. But what I did was lean her on
3 the chair, going out to the gate where I saw when he ran out
4 the bushes on the other side.

5 Q. So there was a gate in your front yard as well?

6 A. The gate, just like from here to me.

7 Q. And during this time, you were sitting on your porch the
8 whole time?

9 A. Yes.

10 Q. Okay. So you stated that you saw Olivia that day?

11 A. Huh?

12 Q. You saw Olivia?

13 A. Oh, yes. I saw when she came up because I gave her the
14 message that he -- he told me to tell her that he was looking
15 for her.

16 Q. And you saw her -- she came out two doors down, you
17 said?

18 A. It was a boarding house, yeah.

19 Q. A boarding house. And she walked by your house on the
20 way to work?

21 A. Yeah.

22 Q. And she was walking down Bennett Yard Road?

23 A. Yes.

24 Q. And towards Dorchester Road?

25 A. Yes, because there's a bus stop on the corner, so she

1 was walking to the bus stop.

2 Q. During this time, were you watching her walk? You
3 weren't watching her walk to work the whole time?

4 A. No, I didn't watch her walking -- walk by the house.
5 But then when she ran back, that's when I ran out the yard.

6 Q. So --

7 A. Because that's when I --

8 Q. She walked away --

9 A. I thought she gone to work, but she came back and told
10 me she got stabbed.

11 Q. She came back a couple minutes later?

12 A. It wasn't a minute later. As soon as she come to me, I
13 set her down and walked to the gate.

14 Q. And she told you that Kenneth stabbed her?

15 A. Yes. Completely straight out of her mouth.

16 Q. Okay.

17 MS. ARORA: Beg the Court's indulgence.

18 (Pause in proceedings.)

19 MS. ARORA: No further questions, your Honor.

20 THE COURT: Ma'am, thank you.

21 If you could help her step down, please.

22 (Witness excused.)

23 THE COURT: Call your next witness, please.

24 MR. HILL: The State calls Martez Johnson.

25 CLERK OF THE COURT: If you'd please raise your right

1 hand and place your left on the Bible.

2 (Witness sworn.)

3 CLERK OF THE COURT: Please be seated.

4 Please state your full name, spelling your last name
5 loudly and clearly into the microphone.

6 THE WITNESS: Martez Johnson, M-A-R-T-E-Z,
7 J-O-H-N-S-O-N.

8 MARTEZ JOHNSON,
9 called as a witness on behalf of the State, being first duly
10 sworn, was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. HILL:

13 Q. Good afternoon, Martez. How are you today?

14 A. Hi. How you doing?

15 Q. Can you briefly just tell us where you currently live.

16 A. Right now? Canton, Michigan.

17 Q. Okay. And where are you from?

18 A. Detroit, Michigan.

19 Q. Okay. And so how long have you lived in Canton or the
20 Detroit area?

21 A. About maybe the last two or three years.

22 Q. Okay. And what do you do for a living?

23 A. I'm a certified nursing assistant, CNA.

24 Q. And prior to living in Canton, where did you reside?

25 A. Bennett Yard Road.

1 Q. Okay. Where is Bennett Yard Road?

2 A. In South Carolina, Charleston.

3 Q. Charleston?

4 A. Mm-hmm.

5 Q. And I guess, how long did you live there at Bennett Yard

6 Road?

7 A. Maybe about three years.

8 Q. Okay. And what made you move to Charleston?

9 A. Well -- what made me, like, come to Charleston?

10 Q. Yeah.

11 A. Internet dating site, Facebook. Ended up meeting my

12 wife. Took the risk and came on down.

13 Q. And did you live with your wife here while in

14 Charleston?

15 A. Yes.

16 Q. At Bennett Yard Road?

17 A. Yes.

18 Q. Okay. While you were living there, who all else lived

19 with you?

20 A. Me, my wife, our children, my children for a minute, her

21 mother, and her cousin.

22 Q. Okay. So about how many of y'all were living at Bennett

23 Yard Road in June of 2020?

24 A. Well, it was a good -- it was a lot of us. About eight

25 people -- eight, nine people.

1 Q. Okay. And --

2 A. Including kids.

3 Q. Including kids?

4 A. Yeah, that's including kids.

5 Q. And how do you know Olivia Goff?

6 A. That was my wife's cousin.

7 Q. Okay. Were -- at some point did y'all live together?

8 A. Yes.

9 Q. And how would you describe your relationship with her?

10 A. It was all right. We were pretty cool. We hung out a
11 lot, spent a lot of time together. She stayed with us.

12 Q. Okay. And do you know the defendant Kenneth Dawson?

13 A. Yes, I do.

14 Q. And who was he to you?

15 A. Nothing to me.

16 Q. Do you know who he was to Olivia?

17 A. Oh, yeah. That was her friend, she explained.

18 Q. Okay. Do you know if they were in a romantic
19 relationship at all?

20 A. Yes.

21 Q. I guess in relation to the incident that we're here for
22 this week, how long had they been in a relationship?

23 A. I'm not sure how long they were in a relationship, but I
24 know when she introduced me and him, it would be about maybe
25 -- not too long. Maybe a month.

1 Q. Okay. At some point did you have knowledge that that
2 relationship ended?

3 A. Yes.

4 Q. Okay. Do you know how long prior -- how long before the
5 incident that was?

6 A. About two weeks.

7 Q. And after the relationship had ended, would you have an
8 occasion to see the defendant?

9 A. Yeah, I would see him around.

10 Q. Okay. Can you describe how you'd see him.

11 A. Well, I stayed at the house where he previously knew her
12 to stay at. So he would walk past, you know, or ask somebody
13 eventually if she's in there or "You can have her call me" or
14 "contact me" or something like that.

15 Q. Okay. And this is after they ended their relationship?

16 A. Yes. Before and after. Like, during and after.

17 Q. Okay. Do you know where Kenneth Dawson was living?

18 A. I did.

19 Q. You did?

20 A. I knew where he was staying, like --

21 Q. Okay. Yeah.

22 A. Well, I know when I would be with Olivia, she took me to
23 where I guess they were residing together.

24 Q. Okay.

25 A. That's what I thought. I don't know.

1 Q. Where was that, generally speaking?

2 A. A little room, like a little motel or something. I'm
3 not sure the name.

4 Q. Okay. Was it far away? Close by?

5 A. It was pretty close by, at the end on Dorchester.

6 Q. Okay. And back on June 13, 2020, were you at your
7 Bennett Yard Road residence that day?

8 A. Yes.

9 Q. And from the start of that day, what all were you kind
10 of generally doing?

11 A. So it was the day after one of my kids' birthday, so we
12 were cleaning up, tidying up the house a little bit. I think
13 it was like a normal, regular day.

14 Q. Okay. Do you remember who all was there around the
15 house that day?

16 A. It would be, from what I recall, me, my wife's mother,
17 my wife, my stepson, and just the little children but they
18 were in the house.

19 Q. Okay. And did you see the defendant at some point
20 during that day?

21 A. That day?

22 Q. Yes.

23 A. Before the incident?

24 Q. Yes.

25 A. Yes.

1 Q. Okay. Where did you see him?

2 A. Walking past -- he walk past the house --

3 Q. Did you --

4 A. -- like about two times.

5 Q. I'm sorry?

6 A. Maybe about two times. He walked from one end of the
7 block to the other and then back.

8 Q. Okay. Did -- to you, did that seem odd?

9 A. It's a odd thing to do.

10 Q. Okay. Why is that?

11 MS. ARORA: Objection. Calls --

12 THE WITNESS: Because they were not --

13 MS. ARORA: -- for speculation.

14 THE COURT: What was the question?

15 MR. HILL: I said why is that -- why is it odd to him.

16 THE COURT: Overruled.

17 BY MR. HILL:

18 Q. You can go ahead and answer the question. Why was it
19 odd to you that he would be walking back and forth down the
20 road?

21 A. Because from my understanding, they weren't together
22 anymore.

23 Q. Okay.

24 A. And it appeared to where that was odd.

25 Q. Did you hear the defendant say anything that day?

1 A. No.

2 Q. And at some point during the day, did you see Olivia?

3 A. Yes.

4 Q. Okay. When did you see her?

5 A. Maybe about 20 minutes -- 20, 30 minutes before, you
6 know, because I let her know he came, like I seen him again.
7 You know?

8 Q. Okay. So you -- and I'm sorry. You said you let her
9 know that --

10 A. Yeah.

11 Q. -- you had seen the defendant again?

12 A. Yeah. Because she know he walk past house or whatever.
13 He just wouldn't talk or say anything when he do. This time
14 I let her know that when she came to the house.

15 Q. Okay.

16 A. Before the incident, he came to the house.

17 Q. Okay. What was Olivia's reaction like when you told her
18 that?

19 A. Normal. Typical. "I don't care about that." You know,
20 she wasn't really too excited about it. I mean, I didn't
21 know, like -- I already was under the -- I knew they weren't
22 together.

23 Q. Okay.

24 A. I knew they split up.

25 Q. And so when Olivia came to the house, what was she

1 doing?

2 A. She came in and she was about to get ready for work. So
3 she got a cigarette -- er, asked for a cigarette. I gave her
4 a cigarette. We usually talk and smoke a cigarette together.
5 That's what we used to do.

6 Q. Did you see anybody with her when she came to the house?

7 A. Before this happened?

8 Q. Yes.

9 A. The incident?

10 Nobody came in with her.

11 Q. Okay. Did she -- I guess when she was walking up to the
12 house, was anybody with her?

13 A. When she was walking, there was somebody with her.

14 Q. Do you remember who that was?

15 A. I'm sure it's probably not his name name, but we called
16 him Kareem, Keem, something like that.

17 Q. Okay. Did you know who he was to Olivia at the time?

18 A. Yeah. I knew that was her newer friend.

19 Q. Okay. And at some point -- I guess you said you and
20 Olivia smoked a cigarette or you gave her a cigarette?

21 A. Yeah.

22 Q. And at some point did Olivia leave the house?

23 A. Yeah.

24 Q. And when Olivia left the house, where were you?

25 A. After she left the house, I lit my cigarette and I went

1 on the porch. I was on the porch with my mother-in-law.

2 Q. Okay. So I guess at the last point you saw Olivia,
3 where were -- you were inside or on the porch?

4 A. Inside the house, but just leaving the house.

5 Q. Okay.

6 A. I stayed there.

7 Q. And what happened once she left?

8 A. Once she left, I set on the porch like usual, talking to
9 my wife in the door, her mother on the porch. And I don't
10 know; maybe about three -- maybe about three, four minutes
11 later, she's coming back to us.

12 Q. Who's "she"?

13 A. Olivia.

14 Q. Okay. And you say three to four minutes; is that --

15 A. After she walked from out the house.

16 Q. Okay. Would you say that's a short amount of time? A
17 long amount of time? Something else?

18 A. Really short.

19 Q. Really short?

20 A. She was just right there.

21 Q. And when she came back and you saw her again, describe
22 for us what was happening.

23 A. She was running back -- she was running towards us. She
24 was running towards us. At the time we didn't even know, you
25 know, or notice anything was up, but we did notice she was

1 running. So when she got to us, she looked at my
2 mother-in-law and she said -- you know, she said -- she just
3 said, "Kenny stabbed me." She said, "Ms. Deborah, Kenny just
4 stabbed me." So when she was talking, we didn't know, like,
5 it was as severe as it was --

6 Q. Okay.

7 A. -- because we really couldn't see anything until she
8 collapsed. And then that's when we noticed how severe it
9 was.

10 Q. Okay. Could you see the injury?

11 A. Not at first. Not until it started actually bleeding.
12 We had to take off -- like, move clothing and, you know,
13 like --

14 Q. And so once she made it to the porch and made it to
15 y'all, what was her, kind of, demeanor like?

16 A. She just collapsed. That was the only thing I can
17 remember her saying. And after that, there was no more
18 words.

19 Q. And --

20 A. Lot of gasping.

21 Q. I'm sorry?

22 A. It was just gasping.

23 Q. And at that point, did you ever see the defendant again?

24 A. I did, on the way going to the room.

25 Q. Okay. Well, yeah, tell me about that. What did you do

1 -- after Olivia collapsed, what did you do next?

2 A. After what she told us, I basically headed towards where
3 I know he was staying then. That's the only thing I could
4 think of. It was instant thinking: Go find him. I
5 remembered seeing him earlier, but -- yeah.

6 Q. So you knew where he lived?

7 A. I knew.

8 Q. Okay. And how did you get there?

9 A. Ran.

10 Q. And at some point when you were running, did you see
11 him?

12 A. I did.

13 Q. And what was he doing?

14 A. Headed to that -- headed in that direction to his room,
15 so I knew where he was going.

16 Q. Did you ever see him stop?

17 A. For a brief period. For a brief moment. That's what I
18 recall, you know, but -- I'm pretty sure that that's what I
19 recall him doing.

20 Q. And would you -- later on, did you give a statement to
21 law enforcement?

22 A. About him stopping?

23 Q. Well, yeah, about the whole entire incident.

24 A. Yes.

25 Q. And so where did you end up running to?

1 A. I mean, basically to his room. Basically to the room.
2 I just wasn't allowed to go upstairs.

3 Q. Okay. Did you see him go into the room?

4 A. I did.

5 Q. And you -- I'm sorry. You said that you weren't allowed
6 to go up there?

7 A. Yeah.

8 Q. What do you mean by that?

9 A. Well, it was on the second or third floor, so I would
10 have to go up the stairs. Before I can get to the stairs,
11 there was a officer there.

12 Q. Okay. So law enforcement was already right there?

13 A. Right there. They asked me which room was his room. I
14 point to the room.

15 Q. And you told them the room that he stayed in?

16 A. That I last been in -- I personally been in.

17 Q. And when you were chasing him and saw him go into the
18 room, do you recall what kind of shirt he was wearing?

19 A. Like, a black -- I don't know if that would be like a
20 summer shirt, like a beater or whatever. But he had, like,
21 some beige type of pants.

22 Q. You described the shirt as some sort of a summer shirt
23 or some sort of beater?

24 A. Like a sleeveless shirt.

25 Q. Sleeveless?

1 A. Without sleeves.

2 Q. I'm going to show you what's been marked as State's 5.

3 MR. HILL: May I approach the witness?

4 THE COURT: Yes.

5 BY MR. HILL:

6 Q. Do you recognize what this is?

7 A. Yes.

8 Q. And what is that?

9 A. This is a map of Dorchester Road.

10 Q. And is that --

11 A. An aerial view.

12 Q. I'm sorry?

13 A. Like an aerial view.

14 Q. Okay. And is that a fair reflection of what that area
15 looked like when you lived there?

16 A. Yes.

17 MR. HILL: At this point the State would offer State's
18 Exhibit Number 5 into evidence.

19 THE COURT: Any objection?

20 MS. ARORA: No objection.

21 THE COURT: State's 5 is in.

22 (State's Exhibit Number 5 admitted into evidence.)

23 MR. HILL: Permission to publish, your Honor?

24 THE COURT: Please.

25 (Exhibit displayed on screen in open court.)

1 BY MR. HILL:

2 Q. Now, Martez, can you see that all right?

3 A. Yes.

4 Q. And you can kind of draw on that screen.

5 Do you see where you resided at the time?

6 A. Yes.

7 Q. Can you point that out for us.

8 A. Like here.

9 Q. Okay. That's Bennett Yard Road?

10 A. Yeah. That's, like, the front porch. As a matter of
11 fact, it's this one right here. This house --

12 COURT REPORTER: Can you speak up? I'm sorry. I'm
13 having --

14 THE WITNESS: Oh, sorry.

15 COURT REPORTER: -- a really hard time hearing you.

16 BY MR. HILL:

17 A. It's this second. That first house is the house in
18 between from where we are.

19 Q. Okay. And can you describe for us, when you left the
20 porch running after the defendant, kind of where your path
21 was.

22 A. (Indicated.)

23 Q. And where the -- generally, where the defendant's hotel
24 was or where he was staying.

25 A. (Indicated.)

1 Q. And you showed law enforcement exactly where he went?

2 A. Yeah, I did.

3 Q. Do you remember what the path of the defendant was?

4 A. I'm sorry?

5 Q. Do you remember what the path of the defendant was?

6 A. It was a -- if I'm understanding right, about here there
7 was a wall. He went over that wall and, you know, down that
8 way.

9 Q. Okay.

10 MR. HILL: I don't have any further questions. Please
11 answer any questions the defense may have.

12 THE COURT: Ms. Arora?

13 CROSS-EXAMINATION

14 BY MS. ARORA:

15 Q. Good afternoon, Martez.

16 A. Good afternoon.

17 Q. You stated earlier on June 13, 2020, that you were on
18 Bennett Yard Road?

19 A. Yes.

20 Q. And you were specifically -- I guess it was your house
21 that you lived in?

22 A. No.

23 Q. You lived there with your wife?

24 A. Yes.

25 Q. And Deborah Jackson?

- 1 A. Yes.
- 2 Q. And your children?
- 3 A. Yes.
- 4 Q. And you were there -- you said you were breaking down a
5 birthday party?
- 6 A. No. We were preparing for it.
- 7 Q. Preparing for a birthday party?
- 8 A. Yeah.
- 9 Q. And this was -- so you were at the house in the
10 afternoon?
- 11 A. Early morning.
- 12 Q. Early morning? And you were there through the
13 afternoon?
- 14 A. Yeah. I mean, till it happened.
- 15 Q. Okay. So you'd say you were there around 12:30-ish?
- 16 A. 12:30? Yeah.
- 17 Q. And you testified earlier that you saw Kenneth walk past
18 your house?
- 19 A. Yes.
- 20 Q. And he spoke with you?
- 21 A. I never said he spoke with me.
- 22 Q. He didn't speak with you?
- 23 A. No.
- 24 Q. He spoke to your wife?
- 25 A. Yes, he probably did that.

1 Q. Okay. And then he just kept walking down the road?

2 A. Are you referring to the time when I seen him?

3 Q. Yes.

4 A. Yes.

5 Q. You stated that you were with Olivia on June 13,
6 correct?

7 A. Yes.

8 Q. And you were with her inside the house?

9 A. I was.

10 Q. You said you were smoking a cigarette with her?

11 A. Yes. But I wasn't -- that wasn't inside the house.

12 Q. It was outside?

13 A. I was -- I never -- I said we used -- that's what we
14 used to do.

15 Q. Okay. You usually smoke cigarettes together?

16 A. Yeah.

17 Q. And you saw Olivia after you saw Kenneth?

18 A. Yeah, this was after.

19 Q. Okay. You testified that you were -- Olivia left your
20 house?

21 A. She did.

22 Q. And at this point you were inside your house?

23 A. When she left the house?

24 Q. Mm-hmm.

25 A. I was still lighting my cigarette.

1 Q. And that was --

2 A. I went to the stove to light my cigarette and stepped
3 outside the house.

4 Q. You stepped outside? And were you on the front porch?

5 A. Yes.

6 Q. And you were with your wife?

7 A. No. My mother-in-law. My wife was like in the door.

8 Q. Your wife was in the door?

9 A. Yeah.

10 Q. And Deborah was on the porch with you?

11 A. Yes.

12 Q. And at this point you saw Olivia walking down Bennett
13 Yard Road?

14 A. Are you referring to before or after the incident?

15 Q. Before the incident.

16 A. Before the incident she came inside the house.

17 Q. She came inside the house?

18 A. Yes.

19 Q. And the last time you saw Olivia she was walking out of
20 the house?

21 A. Yeah.

22 Q. Okay.

23 A. That's the last time I saw her.

24 Q. And when you last saw her, Kenneth wasn't with her?

25 A. No.

1 Q. And the next time you saw Olivia she was running back to
2 Bennett Yard Road?

3 A. Exactly.

4 Q. And she ran up to the porch?

5 A. Yes. And collapsed on the porch and died.

6 Q. You just testified, and you used the map, that at this
7 point you started running down Bennett Yard Road?

8 A. Yes.

9 Q. And you did this to chase Kenneth? You did this to find
10 Kenneth?

11 A. Yes.

12 Q. And you ran back to the hotel?

13 A. Yes.

14 Q. And were you running -- you were running with someone
15 else?

16 A. Yes, I was.

17 Q. And you said -- I couldn't hear you, but you said his
18 name was?

19 A. Who I was running with?

20 Q. Mm-hmm.

21 A. I never said the name.

22 Q. Okay. You don't know who you were running with?

23 A. I mean, I never said the name to you.

24 Q. Okay.

25 A. I mean, I never said --

1 Q. I believe you said the nickname earlier on direct?

2 A. Are you talking about to him?

3 Q. Mm-hmm.

4 A. I don't recall saying the name who I was running with.

5 Q. Okay. But you were running with someone?

6 A. Yes, I was.

7 Q. When you were running on Bennett Yard Road --

8 A. Down.

9 Q. Down Bennett Yard Road, you ran on Dorchester following
10 Kenneth?

11 A. Yes.

12 Q. Did you have eyes on him the whole time?

13 A. Are you talking about before or after the incident?

14 Q. When you were running down Dorchester Road towards the
15 hotel, did you see Kenneth during your whole run?

16 A. Not the whole time.

17 Q. So you lost sight of him?

18 A. Maybe close to the hotel. But up until that point, no.

19 Q. Okay.

20 MS. ARORA: Beg the Court's indulgence.

21 THE COURT: Yes, ma'am.

22 (Pause in proceedings.)

23 MS. ARORA: No further questions.

24 THE COURT: Redirect?

25 MR. HILL: Very quickly, your Honor.

1 THE COURT: Go ahead.

2 REDIRECT EXAMINATION

3 BY MR. HILL:

4 Q. When you were running, you were, in fact, chasing
5 Kenneth?

6 A. Yes.

7 Q. And who was running with you?

8 A. My stepson Marquell.

9 MR. HILL: No further questions.

10 THE COURT: All right. Sir, you can step down.

11 (Witness excused.)

12 THE COURT: Solicitor, do you have another brief witness
13 for the day? Or are we at a good stopping --

14 Yes, sir?

15 JUROR: Can we take a five-minute break.

16 THE COURT: Okay. Yes, unless we're done for the day.

17 Where are y'all --

18 MR. HILL: I'd like to get one more. I'm happy to
19 approach during the break, if needed.

20 THE COURT: Very good. We'll go ahead -- you guys are
21 already going to hit traffic, especially those of you who are
22 going up to North Charleston. So we're going to take a brief
23 five-minute break and get back on the record here in just a
24 moment, if that's okay.

25 Does anybody have to be anywhere in the next hour? If

1 you do, raise your hand. Don't be shy.

2 Okay. Very good. We'll take one more witness after a
3 five-minute comfort break. Adjourn to the back, take
4 advantage of the break, and we'll be back on the record in
5 about five or ten minutes.

6 (The jury exited the courtroom at 5:04 p.m.)

7 THE COURT: All right. Back on the record in a few
8 moments. Okay?

9 MR. SMITH: Thank you.

10 MR. HILL: Thank you, Judge.

11 THE COURT: Do we have anywhere -- y'all don't have any
12 -- what time would y'all like to start tomorrow morning?
13 Like 9:30? Is that okay with you?

14 We've got one person from Hollywood, which looks like
15 it's not close to here and they may have to drive.

16 MS. ARORA: I have school drop-off at 8:05, so I'll be
17 here by 8:40.

18 THE COURT: Okay. All right.

19 MS. HALIENA: I think 9:30 works.

20 THE COURT: Okay.

21 MS. HALIENA: And I think if we get one more witness
22 in --

23 THE COURT: The rest should roll fairly easily tomorrow?

24 MS. HALIENA: Yes.

25 THE COURT: All right.

1 MS. HALIENA: It should be pretty -- I mean, pretty
2 quick.

3 THE COURT: Okay. How is -- how far is -- it's the male
4 alternate. He's the one from Hollywood. How far is that,
5 like, drive-wise in the morning? Traffic?

6 MR. HILL: An hour, 45 minutes.

7 MS. ARORA: An hour.

8 THE COURT: An hour? Yuck. I wish I lived here at
9 times.

10 Okay.

11 (Court recessed.)

12 (Court resumed outside the presence of the jury.)

13 THE BAILIFF: Court come to order. All rise.

14 THE COURT: Thank you. Have a seat, please.

15 Go ahead and get the jury for us, please.

16 Do you have your next witness in here?

17 MR. HILL: He's right outside, your Honor.

18 THE COURT: Okay. They can come on in if you want to
19 bring them in.

20 (The jury entered the courtroom at 5:17 p.m.)

21 THE BAILIFF: All jurors are present, your Honor.

22 THE COURT: Very good.

23 Solicitor, if you'll call your next witness, please.

24 MR. HILL: Thank you, your Honor.

25 The State calls Marquell Jackson.

1 CLERK OF THE COURT: If you'll please raise your right
2 hand and place your left on the Bible.

3 (Witness sworn.)

4 CLERK OF THE COURT: Please be seated.

5 Please state your full name, spelling your last name
6 loudly and clearly into the microphone.

7 THE WITNESS: Marquell J-A-C-K-S-O-N.

8 MARQUELL JACKSON,

9 called as a witness on behalf of the State, being first duly
10 sworn, was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. HILL:

13 Q. Good afternoon, Marquell. How are you?

14 A. I'm good. How you doing?

15 Q. I'm doing well. Thank you.

16 Can you tell us where you currently live.

17 A. Currently, I live in Canton, Michigan.

18 Q. And how far away is that from here?

19 A. About 13, 14 hours.

20 Q. And who all do you live there with?

21 A. In Canton I live with my mother, my stepdad, my
22 siblings, and my grandmother.

23 Q. And how long have you lived in Michigan?

24 A. I've lived in Michigan for four years.

25 Q. Prior to that, where did you live?

1 A. I lived at 2508 Bennett Yard Road, North Charleston,
2 South Carolina, 29405.

3 Q. Do you remember what county that was in?

4 A. Charleston County.

5 Q. And when you live -- I guess, did you live there in June
6 of 2020?

7 A. Yes, sir.

8 Q. And during that time, who all lived there?

9 A. It was me, my mother, my grandmother, and also my
10 stepdad.

11 Q. Okay. Any other siblings?

12 A. Siblings.

13 Q. Okay. About how many?

14 A. About six.

15 Q. And how do you know Olivia Goff?

16 A. That's my auntie.

17 Q. Okay. And how well did you know her?

18 A. Very well.

19 Q. How would you describe your -- you two's relationship?

20 A. Like A and B crossed together.

21 Q. And did you know the defendant --

22 A. Yes.

23 Q. -- Kenneth Dawson?

24 A. Did I know him for the time? No. But now, yeah.

25 Q. Do you know -- how did Olivia -- did Olivia know him?

1 A. Yes.

2 Q. Okay. How did Olivia -- who was he to Olivia?

3 A. Ex-boyfriend.

4 Q. Do you know how long they were in a relationship for?

5 A. I would say for maybe roundabout a month or so, for what
6 I know.

7 Q. Okay. And around -- what was the status of their
8 relationship, to your knowledge, back in June of 2020?

9 A. Not talking. No relationship. Nothing.

10 Q. So their relationship had ended?

11 A. Yep.

12 Q. Do you know where Kenneth Dawson lived at the time?

13 A. Yes. At the Suburban Lodge that is located at the end
14 part of Dorchester Road.

15 Q. And do you see Mr. Dawson in the courtroom here today?

16 A. Yes.

17 Q. Okay. And can you kind of point him out for us.

18 A. (Indicated.)

19 Q. Okay.

20 THE COURT: The record will reflect that the witness has
21 identified the defendant.

22 MR. HILL: Thank you, Judge.

23 Q. [By Mr. Hill] Back on June 13 of 2020, were you at your
24 house in North Charleston?

25 A. Yes.

- 1 Q. Okay. How old were you back then?
- 2 A. Fourteen.
- 3 Q. And do you remember that day?
- 4 A. By heart.
- 5 Q. And beginning of that day, what were you doing?
- 6 A. Beginning of that day I was in the house.
- 7 Q. Was the majority of your family home?
- 8 A. Yep.
- 9 Q. Do you remember seeing the defendant at some point that
- 10 day?
- 11 A. Yes. Just pace up and down. Just, like, roam up and
- 12 down the road. Like, peeking through, like -- like, peeking
- 13 through the corner of the gate. Just pacing up and down our
- 14 street past the residence that we lived.
- 15 Q. Okay. Was that odd to you?
- 16 A. Very odd.
- 17 Q. And at some point did he leave that day?
- 18 A. Yes, he did.
- 19 Q. Okay. And during that day, where was Olivia living?
- 20 A. Olivia was living at 2512 -- 2512 Bennett Yard Road.
- 21 Q. So how many houses down is that?
- 22 A. Two.
- 23 Q. And do you know if she was working?
- 24 A. Yes, she was working.
- 25 Q. Where was she working?

- 1 A. Wendy's.
- 2 Q. Do you know about how long she had been working there?
- 3 A. I would say roundabout a week or so.
- 4 Q. And did you see Olivia that day?
- 5 A. Yes.
- 6 Q. Okay. Tell me about how you saw Olivia that day.
- 7 A. I saw Olivia because when -- well, when I first saw
- 8 Olivia, she was leaving from out that house coming down. And
- 9 then she came in our residence. And I seen her when she
- 10 left. I seen her that whole day.
- 11 Q. Okay. So she came to the house?
- 12 A. Mm-hmm.
- 13 Q. Do you remember exactly what she was doing while at the
- 14 house?
- 15 A. When she -- at our house?
- 16 Q. Yeah.
- 17 A. When she came at our house, she came in. She got some
- 18 ice. And -- yeah, that was it. She got some ice.
- 19 Q. Okay. And was anybody with her initially when she
- 20 walked down to the house?
- 21 A. Yeah. It was somebody I know by the name of Akeem.
- 22 Q. Okay. Did he come in the house?
- 23 A. No. He turned around. He turned around half of the way
- 24 to the walk.
- 25 Q. Okay. And when she was in the house, did she say

1 anything to you?

2 A. No.

3 Q. You and Olivia didn't talk?

4 A. No.

5 Q. Okay. And at some point did Olivia leave the house?

6 A. Yes.

7 Q. And kind of walk me through step by step what happened
8 after -- or as Olivia was leaving the house.

9 A. As Olivia was leaving the house, I was walking up behind
10 her. When she went left going toward Little Caesars and 2506
11 Bennett Yard Road, which is the next house, I went halfway.
12 And I seen him come straight out the bush. When he came out
13 the bush, I ran back a little bit half of the way, turned
14 back around and started chasing him. I got stopped at Wild
15 by officers.

16 Q. Okay. I have to slow you down for a second. Sorry
17 to --

18 A. Okay.

19 Q. -- cut you off.

20 You said you followed Olivia as she went out the house?

21 A. Uh-huh.

22 Q. Okay. Do you remember -- I guess, what direction did
23 you say she went when she went out the house?

24 A. She went left.

25 Q. Okay. Is that towards Dorchester Road?

1 A. Yeah.

2 Q. All right. And what exactly did you see after she went
3 left?

4 A. After she went left, I seen -- I seen -- well, after she
5 went left, she walked straight down, and I seen him in a
6 bush.

7 Q. Okay. Who is "him"?

8 A. Kenneth.

9 Q. And what did you see Kenneth do?

10 A. I seen him jump out the bush, a glimpse of a
11 brown-handled knife, and stick her and ran.

12 Q. Okay. Stick who?

13 A. He stick Olivia.

14 Q. Okay. And about how far down the road was Olivia from
15 you when this happened?

16 A. I would say like -- I would say like three, four -- like
17 three, four footsteps away.

18 Q. Okay. And when you saw Kenneth stick Olivia, how
19 quickly did that happen?

20 A. Quick. Quick.

21 Q. Did -- was it enough time for them to have a
22 conversation?

23 A. Nope.

24 Q. Did -- could you tell if she said anything to him?

25 A. She said nothing.

1 MS. ARORA: Objection.

2 I was going to say hearsay, but --

3 THE COURT: Overruled.

4 BY MR. HILL:

5 Q. Did you hear the defendant say anything?

6 A. No.

7 Q. So there was no -- you said it happened quickly?

8 A. Yep. There was no communication.

9 Q. Okay. And about how long from the time Olivia went out
10 the house did this happen?

11 A. Like, it happened like two minutes. Quick.

12 Q. And after that happened, what did Olivia do?

13 A. Ran back towards 2508, the residence that we were
14 staying at. And she told my -- she fell on the porch and
15 she -- yeah. She talked to my grandma.

16 Q. Okay. Did -- I guess, did you follow her back to the
17 porch?

18 A. I followed her halfway back to the porch, yes.

19 Q. Okay. And what did you do next?

20 A. Turned around and started running towards Kenneth.

21 Q. Okay. So you saw --

22 A. And when I turned around and started running towards
23 Kenneth, I got stopped at the corner of Bennett Yard Road by
24 an officer.

25 Q. Okay. So you could see Kenneth running?

1 A. Yes.

2 Q. An officer on stopped you on the corner, you said
3 already?

4 A. Yes.

5 Q. Was anybody -- who else was with you when you were
6 running?

7 A. Martez, my stepfather.

8 Q. And what happened when you got stopped by the officer?

9 A. I told the officer he was -- I pointed straight down the
10 road. I pointed straight down the road and told him that he
11 stabbed my auntie, and during that process, it looked like
12 that was the process when he was reaching in the dumpster.
13 Yeah.

14 Q. Okay. So you further chased Kenneth --

15 A. Mm-hmm.

16 Q. -- after that?

17 A. Yeah, I continued. I continued with the officer who was
18 pacing me in a cruiser.

19 Q. Okay. And at some point I guess you saw -- did you see
20 Kenneth stop?

21 A. Yeah. He paced -- he did like a ten-second pace. He
22 stopped.

23 Q. And where did you end up chasing him to?

24 A. The Suburban Lodge that was located next to U-Haul
25 across from the Harley-Davidson on Dorchester Road.

1 Q. Okay. Did you -- prior to that, did you know where --
2 like, what room he was staying in or anything?

3 A. No.

4 Q. Did you see him go into a room that day?

5 A. Yes.

6 Q. Okay. Did you tell law enforcement that?

7 A. Yes.

8 Q. How close did you get to his room?

9 A. I would say like parking lot range.

10 Q. Okay. Did you follow him to his room?

11 A. Inside? No.

12 Q. Why not?

13 A. Officers was there. Officers was already on scene.

14 MR. HILL: Permission to approach the witness?

15 THE COURT: Please.

16 BY MR. HILL:

17 Q. I'm going to show you what's been marked as State's
18 Exhibit 5. Does that look familiar to you?

19 A. Very.

20 MR. HILL: Permission to publish, your Honor.

21 THE COURT: You may.

22 (Exhibit displayed on screen in open court.)

23 BY MR. HILL:

24 Q. Can you see your residence of where you were living at
25 Bennett Yard Road on here?

1 A. Yes.

2 Q. And if you touch that screen, you can kind of draw on
3 it.

4 But can you draw the path you followed the -- you
5 followed Kenneth to.

6 A. Starting from the residence where I stayed, right?
7 Starting from where I stayed?

8 Q. Yeah.

9 A. Okay. (Indicated.)

10 Q. And did Kenneth run that same path?

11 A. Yes.

12 Q. I'm showing you State's 4.

13 (Exhibit displayed on screen in open court.)

14 BY MR. HILL:

15 Q. Do you recognize this?

16 A. Very.

17 Q. Okay. Can you show me where -- which one of those
18 houses was your residence at the time?

19 A. (Indicated.)

20 Q. And when you followed Olivia down the street, were you
21 on the sidewalk?

22 A. Yes.

23 Q. All right. Can you show us where you saw Kenneth.

24 A. (Indicated.)

25 Q. And what is that right there?

1 A. A bush.

2 Q. And where was Olivia when Kenneth stuck her?

3 A. Right there.

4 Q. Was she on the sidewalk?

5 A. Sidewalk.

6 Q. And approximately where were you?

7 A. Sidewalk. Probably about right -- right there.

8 Q. And who all else met you when you were at the -- after
9 you chased the defendant back to the hotel room?

10 A. Who all I met on scene?

11 Q. Yeah.

12 A. Me, Martez, and Akeem.

13 Q. Okay. And you said police beat you there, or were there
14 at the same time?

15 A. Police paced me there, and so at the same time, yes.

16 Q. And did you tell law enforcement --

17 A. Yes.

18 Q. -- what you saw?

19 A. Yes.

20 MR. HILL: Beg the Court's indulgence.

21 THE COURT: Yes, sir.

22 (Pause in proceedings.)

23 MR. HILL: I don't have any other questions for you.

24 Please answer any questions that the defense may have.

25 THE WITNESS: Okay.

1 THE COURT: Ms. Arora.

2 CROSS-EXAMINATION

3 BY MS. ARORA:

4 Q. Good afternoon.

5 A. How you doing?

6 Q. I'm good. How are you?

7 A. I'm good.

8 Q. I just want to clarify while this State's exhibit is up
9 there, you stated you were outside that afternoon?

10 A. Uh-huh.

11 Q. And you stated you witnessed this incident?

12 A. Yes.

13 Q. So you're outside of the house?

14 A. Uh-huh.

15 Q. And at this point you were with Olivia?

16 A. Yes.

17 Q. So she leaves ahead of you?

18 A. She leaves like five seconds ahead, yes.

19 Q. Five seconds ahead of you? And she was walking to work?

20 A. Yep. She was walking to the bus stop to go to work.

21 Q. Okay. And you proceed to follow her?

22 A. Yes, ma'am.

23 Q. Down the street?

24 A. Sidewalk.

25 Q. Sidewalk? And you indicated -- and you showed us just

1 now this was on Bennett Yard Road towards Dorchester?

2 A. Yes, ma'am.

3 Q. Okay. And when Olivia was walking to work, she was
4 facing towards Dorchester Road?

5 A. Yes.

6 Q. Okay. And at this point you stated you saw Kenneth?

7 A. Yep.

8 Q. And you stated you saw him --

9 A. Came straight out the bush. Yes, ma'am.

10 Q. -- straight out of that bush right next door?

11 A. Yes, ma'am, the same exact bush I marked. Yes, ma'am.

12 Q. And when you saw Kenneth, he was facing you?

13 A. He was -- yes.

14 Q. And was Olivia in between him and you?

15 A. Yeah. She was in the middle.

16 Q. Okay. And then you stated he stuck her?

17 A. Yes.

18 Q. And at this point you saw Kenneth run down Bennett Yard
19 Road?

20 A. Yes, ma'am.

21 Q. Okay. And you stated earlier you saw what Kenneth used
22 to stick her?

23 A. Yes. I got a glimpse of a brown handle. Yes, ma'am.

24 Q. And you say you caught a glimpse. So you saw a knife?

25 A. Yes, ma'am.

1 Q. And you saw specifically a brown handle?

2 A. Yes, ma'am.

3 Q. Okay.

4 MS. ARORA: Beg the Court's indulgence.

5 (Pause in proceedings.)

6 MS. ARORA: No further questions.

7 THE COURT: Redirect?

8 MR. HILL: No redirect, your Honor.

9 THE COURT: Very good.

10 Sir, you can step -- you can step down, sir. Thank you.

11 THE WITNESS: Which way do I go?

12 THE COURT: Go that way probably.

13 (Witness excused.)

14 THE COURT: All right. Ladies and gentlemen of the
15 jury, we've reached a good stopping point for the evening and
16 so we're going to go ahead and take a break for tonight. If
17 you could -- I think -- I took a quick survey. I think the
18 gentleman from Hollywood is probably going to have the
19 longest drive. So if it's okay, can we say 9:30 again? Will
20 that be okay for everybody? 9:30 to restart?

21 Okay. I'm not hearing any vehement objections, so we'll
22 reconvene at 9:30. The bailiff has already --

23 I assume that they can park and there's some secret way
24 to get in here, or they have to go through security?

25 THE BAILIFF: We showed them.

1 THE COURT: All right. Do whatever he says.

2 Again, don't talk about the case with anyone this
3 evening. You go home. It's perfectly fine to tell your
4 spouse or whatever that you were selected on a jury because,
5 of course, I know that they know that you told them that
6 you've got jury duty today. So feel free to tell them that
7 you got picked on a case. Next question out of their mouth
8 is going to be, "Oh, honey, what kind of case is it?" And
9 that's where you draw the line. All right? Blame an angry
10 old judge and simply say, "Honey, I'm sorry. I can't tell
11 you anything about the case."

12 And the reason for this is apparent to you guys. This
13 is your decision to make when the case is submitted to you,
14 not that of your spouse, significant other, or whoever it is
15 you share a room with. All right? So please just don't talk
16 about the case with anyone this evening.

17 Do have a pleasant evening. And I'll see y'all back
18 here tomorrow morning around 9:30. Okay? Have a good night.
19 You're free to go.

20 (The jury was released for the day and exited the
21 courtroom at 5:37 p.m.)

22 (The following proceedings were had outside the presence
23 of the jury.)

24 THE COURT: All right. The jury is out. I will see
25 y'all in the morning. Okay? Hope you have a good night.

1 And these exhibits are still up here. Okay?

2 MS. HALIENA: Thank you.

3 MR. HILL: Thank you, Judge.

4 (Court recessed at 5:38 p.m., to resume at 9:30 a.m.,
5 Tuesday, January 14, 2025.)

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1 (Court resumed at 9:53 a.m., Tuesday, January 14, 2025,
2 outside the presence of the jury.)

3 THE COURT: Good morning, everybody. Have a seat,
4 please.

5 Sorry for the delay in getting started this morning.
6 Apparently one of the jurors got caught by the West Ashley
7 drawbridge. So stuff happens.

8 Let's have the jury, please.

9 (The jury entered the courtroom at 9:55 a.m.)

10 THE BAILIFF: All jurors are present, your Honor.

11 THE COURT: All right. Very good.

12 Ladies and gentlemen of the jury, welcome back. Thank
13 you for being here. And I'm sorry that one of y'all got
14 caught on the drawbridge. It's been a while since I've lived
15 down here in earnest. The last time was in the early '90s
16 and they had that rickety old bridge. I lived in Mount
17 Pleasant, and they had that. I worked downtown, and it was
18 always a terrifying commute, that two-lane whatever bridge
19 that they used to call it. But barreling over that in a 1986
20 stick shift Honda Accord was an experience. And so I'd
21 forgotten how great traffic is down here and how wonderfully
22 it is to get around it.

23 But we're ready to keep going it this point. And of
24 course, we're still on the State's case-in-chief.

25 So Solicitor, if you would call your next witness,

1 please.

2 MS. HALIENA: Thank you, Judge.

3 The State calls Kendra Moseley.

4 CLERK OF THE COURT: Will you please raise your right
5 hand and place your left on the Bible.

6 (Witness sworn.)

7 CLERK OF THE COURT: Please be seated.

8 Please state your full name, spelling your last name
9 loudly and clearly into the microphone.

10 THE WITNESS: Kendra Moseley, M-O-S-E-L-E-Y.

11 KENDRA MOSELEY,

12 called as a witness on behalf of the State, being first duly
13 sworn, was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MS. HALIENA:

16 Q. Good morning.

17 A. Good morning.

18 Q. Where do you currently work?

19 A. The South Carolina Law Enforcement Division, SLED.

20 Q. And were you previously employed by the North Charleston
21 Police Department?

22 A. Yes, ma'am.

23 Q. For how long?

24 A. About four, four and a half years.

25 Q. And in what capacity? What role did you have?

1 A. I was a certified officer in the crime scene unit.

2 Q. And so focusing your attention to June of 2020, is that
3 what you were doing then?

4 A. Yes, ma'am.

5 Q. And can you describe to the jury what your duties were.

6 A. As a crime scene investigator, I was tasked with
7 processing scenes, processing evidence, assisting with search
8 warrants, anything that could be used to assist the
9 investigation of cases.

10 Q. And your testimony's going to be a little bit out of
11 order today, but do you have any scheduling conflict today
12 that prevents your from testifying later?

13 A. Yeah. I have a dental surgery in just a little bit.

14 Q. So focusing our attention on June 13 of 2020, can you
15 tell us about how you came to be involved in this case.

16 A. I was the on-call crime scene investigator. I was
17 contacted by dispatch who advised me we had a stabbing at
18 Bennett Yard Road and Dorchester Road.

19 Q. Okay. So then what did you do? How did you respond?

20 A. I got a call shortly after 3:00 and responded on scene
21 about 45 minutes later.

22 Q. I'm going to show you what has been premarked as State's
23 Exhibits 10, 11, 12, 13, 14, 15, and 16. Can you take a look
24 at these and tell me if you recognize them.

25 A. Yes, ma'am, I do.

1 Q. And how do you recognize those?

2 A. These are photos I took once I got on scene.

3 Q. And those are fair and accurate representations of what
4 you saw when you arrived?

5 A. They are.

6 MS. HALIENA: The State would seek to admit 10 through
7 16 at this time.

8 MS. ARORA: Your Honor, I would just raise my pretrial
9 objection as to 15 and 16.

10 THE COURT: All objections renewed. 10 through 16 will
11 be in evidence.

12 (State's Exhibit Numbers 10, 11, 12, 13, 14, 15, and 16
13 admitted into evidence.)

14 MS. HALIENA: And permission to publish?

15 THE COURT: You may.

16 BY MS. HALIENA:

17 Q. And we're just going to briefly go through each
18 photograph.

19 (Exhibit displayed on screen in open court.)

20 BY MS. HALIENA:

21 Q. Can you tell us -- this is State's Exhibit 10. What are
22 we looking at here?

23 A. This is -- I believe it's 2508 Bennett Yard Road is the
24 location where the victim was found by first-responding
25 officers.

1 (Exhibit displayed on screen in open court.)

2 BY MS. HALIENA:

3 Q. And State's 11?

4 A. It's the same location from a different angle.

5 (Exhibit displayed on screen in open court.)

6 BY MS. HALIENA:

7 Q. State's 12?

8 A. Still standing in the same position I was in in the
9 prior two photos and I moved to my right, just showing the
10 distance from 2508 Bennett Yard to Dorchester Road.

11 (Exhibit displayed on screen in open court.)

12 BY MS. HALIENA:

13 Q. State's 13?

14 A. It's the same location, just a slightly different angle.

15 (Exhibit displayed on screen in open court.)

16 BY MS. HALIENA:

17 Q. And this is State's 14. What is this?

18 A. This is a close-up photo of the front porch of 2508
19 Bennett Yard Road, where the victim was found.

20 (Exhibit displayed on screen in open court.)

21 BY MS. HALIENA:

22 Q. State's 15?

23 A. A more zoomed-in photo of the same location, just
24 focusing more on the porch.

25 (Exhibit displayed on screen in open court.)

1 BY MS. HALIENA:

2 Q. And finally, this is State's 16.

3 A. And that is a scaled photo of a presumed area of blood
4 on the porch of 2508 Bennett Yard Road.

5 Q. And after you took these photographs, did you respond
6 somewhere else?

7 A. Yes. I responded to the Suburban Extended Stay Hotel,
8 where investigators were awaiting a search warrant for that
9 room.

10 Q. And whose room was that?

11 A. It was who we were advised was the suspect. He was seen
12 going back to that location after the incident occurred.

13 Q. So once you arrived to that motel, what did you do?

14 A. I met with officers or investigators that were there. I
15 was briefed on what we were planning to do. They advised me
16 a search warrant was being drafted and should be en route
17 shortly.

18 Q. Was the suspect still on scene?

19 A. No. He had been located, but he had already been
20 transported back to the detective bay for interview.

21 Q. And what were you looking for at this location?

22 A. Anything that could be pertinent to the case. Anything
23 that was evidence. Any kind of clothing, weapons, anything
24 -- potential prints, DNA, anything that could be useful
25 throughout the investigation.

1 Q. And I'm going to show you Exhibits 17 through 27. And
2 if you can just tell me if you recognize these.

3 A. Yes, ma'am.

4 Q. And how do you recognize those?

5 A. These are my overall photographs that I took after the
6 search warrant arrived on scene. These were taken inside the
7 -- outside and inside the hotel room.

8 Q. Have there been any changes, alterations, or anything?

9 A. No.

10 MS. HALIENA: At this time the State seeks to enter 17
11 through 27 into evidence.

12 MS. ARORA: Your Honor, no objection.

13 THE COURT: All right. 17 through 27 are in evidence.
14 And you may publish at your leisure.

15 MS. HALIENA: Thank you, Judge.

16 (State's Exhibit Numbers 17, 18, 19, 20, 21, 22, 23, 24,
17 25, 26, and 27 admitted into evidence.)

18 BY MS. HALIENA:

19 Q. And again, we're going to go through each of these
20 briefly. If you can just explain what you were documenting.

21 (Exhibit displayed on screen in open court.)

22 BY MS. HALIENA:

23 Q. State's 17?

24 A. This is the outside of the location, showing an overall
25 picture, including the room that's of interest.

1 (Exhibit displayed on screen in open court.)

2 BY MS. HALIENA:

3 Q. State's 18?

4 A. This is on overall photograph just moving slightly --
5 turning slightly to the right, showing Dorchester Road back
6 toward Bennett Yard.

7 (Exhibit displayed on screen in open court.)

8 Q. And State's 19?

9 A. This is the stairs leading up to the hotel room.

10 Q. And that's the suspect's hotel room?

11 A. Yes, ma'am.

12 (Exhibit displayed on screen in open court.)

13 Q. State's 20?

14 A. This is just prior to entering.

15 (Exhibit displayed on screen in open court.)

16 BY MS. HALIENA:

17 Q. State's 21?

18 A. This is just after I stepped into the doorway. This is
19 one of the photos -- it just is one of the 360s that just
20 documents the condition of the room as I found it once I got
21 there.

22 Q. And is that something that's typical that you do when
23 you arrive on a scene of interest?

24 A. Yes, ma'am.

25 (Exhibit displayed on screen in open court.)

1 BY MS. HALIENA:

2 Q. State's 22?

3 A. So this is at the far back of the hotel room, where the
4 vanity area is just before going into the bathroom.

5 Q. Was there anything of interest here to you?

6 A. Yes. The clothing in the bag turned out to be of
7 interest to us.

8 (Exhibit displayed on screen in open court.)

9 BY MS. HALIENA:

10 Q. State's 23?

11 A. That is an up-close photograph of clothing that was
12 found in the white plastic bag that you saw in the prior
13 picture, and then focusing on the black clothing here, which
14 turned out to be a black tank top.

15 (Exhibit displayed on screen in open court.)

16 BY MS. HALIENA:

17 Q. State's 24?

18 A. Is a picture of a large kitchen knife located in one of
19 the drawers inside the hotel room. I documented it just
20 because of the -- you see the spot that's on there.

21 Q. Was that collected?

22 A. No, ma'am, it wasn't. We was able to discern that it
23 was not related to this incident, so we were able to get
24 confirmation that this was not what we were looking for.

25 (Exhibit displayed on screen in open court.)

1 BY MS. HALIENA:

2 Q. Did you make any observations in the bathroom?

3 A. Yes, ma'am, I did.

4 Q. And tell us about that.

5 A. While photographing the bathroom, I noticed some areas
6 of water -- small areas of water in the bottom of the tub
7 that had a slight pinkish hue to it which, in my training and
8 experience, just could potentially be blood.

9 Q. And had it looked like somebody had just showered?

10 A. It did. It didn't look like it had been there very
11 long.

12 (Exhibit displayed on screen in open court.)

13 BY MS. HALIENA:

14 Q. I'm showing you State's 25. What is this?

15 A. That is the small areas of water that I was referring
16 to.

17 Q. And so other than taking this photograph, did you do
18 anything else to that bathtub area?

19 A. I did. I utilized a Hemastix, which is a presumptive
20 field test kit that can determine whether or not something is
21 possibly blood.

22 Q. And did you learn anything?

23 A. Upon collecting the sample, the solution itself did not
24 turn blue like it typically does. But because it was such a
25 small sample and, what I believe from my training and

1 experience, because it was so diluted -- the tip of the
2 cotton swab that contained the sample did turn blue, which
3 indicated a potential presence for blood. And I believe that
4 because it was so diluted, that's why it didn't act as it
5 normally would.

6 Q. And so you collected that?

7 A. Yes.

8 (Exhibit displayed on screen in open court.)

9 BY MS. HALIENA:

10 Q. Next is State's 26.

11 A. It's a pair of gym shorts that were located inside the
12 room that the detective felt like may potentially be a piece
13 of clothing worn by the suspect. But because we didn't have
14 a definite description at the time, we were trying to
15 document anything that was close to what had been obtained or
16 learned from witnesses.

17 Q. So you did not know which clothing in particular you
18 were looking for?

19 A. We were not a hundred percent sure. No, ma'am.

20 (Exhibit displayed on screen in open court.)

21 BY MS. HALIENA:

22 Q. And then finally, 27.

23 A. Just the opposite side of those same shorts from the
24 prior picture.

25 Q. And after going through this motel room, did you respond

1 anywhere else?

2 A. I did. While we were conducting the search on the room,
3 we were contacted by officers who were at the bus stop just
4 down the street. Officers informed us they had located a
5 knife in a trash can, so I responded to the CARTA bus stop at
6 Oscar Johnson and Dorchester Road. They showed me where the
7 knife had been located inside the garbage can. They didn't
8 touch it. I photographed it and collected it, along with
9 another item which turned out to be a key card that we
10 thought could be of interest.

11 Q. I'm showing you exhibits -- State's Exhibits 28 and 29.
12 Do you recognize these?

13 A. Yes, ma'am, I do.

14 Q. And what are those?

15 A. The one is the picture of the knife in the trash can,
16 and the other is a close-up photograph of the knife once I
17 removed it from the trash can.

18 Q. And are those fair and accurate representations of what
19 you saw when you arrived at that bus stop?

20 A. Yes, ma'am.

21 MS. HALIENA: At this time the State seeks to enter 28
22 and 29 into evidence.

23 THE COURT: Any objection?

24 MS. ARORA: No objection.

25 THE COURT: All right. Those are in evidence.

1 And you may publish.

2 MS. HALIENA: Thank you, Judge.

3 (State's Exhibit Numbers 28 and 29 admitted into
4 evidence.)

5 (Exhibit displayed on screen in open court.)

6 BY MS. HALIENA:

7 Q. We are looking at State's 28. What is this?

8 A. This is the photograph of the knife as it was located by
9 officers in the trash can at the bus stop.

10 (Exhibit displayed on screen in open court.)

11 BY MS. HALIENA:

12 Q. And State's 29?

13 A. This is a close-up photograph of the knife once I
14 collected it from the trash can prior to packaging it before
15 clearing the scene -- er, clearing that area.

16 Q. So after responding to these three separate areas, after
17 photographing and collecting items, what did you do?

18 A. I responded back to the office where I secured all the
19 evidence and eventually prepared what needed to go for
20 further examination or be processed and what didn't and was
21 submitted to evidence with chain of custody.

22 MS. HALIENA: The Court's indulgence.

23 THE COURT: Yes.

24 (Pause in proceedings.)

25 MS. HALIENA: I have no further questions for you.

1 Please answer any questions the defense may have.

2 THE COURT: Okay. Ms. Arora?

3 MS. ARORA: Thank you.

4 CROSS-EXAMINATION

5 BY MS. ARORA:

6 Q. Good morning, Ms. Moseley.

7 A. Good morning.

8 Q. Just briefly, when you responded to Room 228 at the
9 Suburban Extended Stay, your job was to take photos of the
10 room?

11 A. That was one of my jobs. Yes, ma'am.

12 Q. And the photos that you just saw?

13 A. Yes.

14 Q. And you specifically said that you looked in the
15 bathroom and you saw what could be water droplets?

16 A. Yes.

17 Q. And you saw that they were maybe a pinkish hue?

18 A. Yes, ma'am.

19 Q. And you thought this could be consistent with the
20 presence of blood?

21 A. Yes.

22 Q. And you told us that the process that use is called a --
23 is it Hemastix?

24 A. Yes.

25 Q. Okay. And whatever that is, you use this little stick

1 and you rub it against what could be a sample?

2 A. You use the cotton swabs to collect a portion of the
3 sample and then test the sample.

4 Q. And you stated that the chemicals did not turn to
5 indicate blood, correct?

6 A. The solution itself did not, but that is -- that does
7 happen from time to time depending on the circumstances.

8 Q. But the exact cotton swab did turn?

9 A. Yes, it did.

10 Q. And when it turns colors, that means that it's
11 presumptive blood?

12 A. It does.

13 Q. And so you collected that and you tested it and thought
14 it was presumptive?

15 A. Yes.

16 Q. And after that, you turned it in to the police
17 department and secured it?

18 A. That is the test that is done to make a determination,
19 and then it's documented likewise in the report because the
20 chemicals will not allow that to maintain so it can't be
21 collected and stored. It's something that has to be used and
22 then discarded. It was used just to make a determination.

23 Q. So it wasn't collected afterwards? It was discarded?

24 A. The result is the collection and documentation. There's
25 no way to safely and effectively collect that and store it

1 long term.

2 Q. And so all you can tell is that it was presumptive
3 blood, correct?

4 A. Yes.

5 Q. You can't tell us whose blood it was?

6 A. No, ma'am.

7 Q. You also stated that you took photos of the clothes,
8 correct?

9 A. Yes.

10 Q. And after you took photos of those clothes, do you seize
11 those items?

12 A. Not always.

13 Q. In this instance did you collect any of those items to
14 bring back to the police department?

15 A. Of the clothing, I don't think we did.

16 Q. Okay. So you're not sure if there was any further
17 testing on those items?

18 A. What now?

19 Q. Any further testing on those items.

20 A. Well, we didn't collect them. No, ma'am.

21 Q. And lastly, you told us that you also responded to what
22 was the Oscar Johnson bus stop?

23 A. Yes, ma'am.

24 Q. And that was right along the corner of Dorchester Road?

25 A. Yes.

1 Q. And you responded there because you believed that there
2 could be possible evidence there?

3 A. I was advised that there was an item of interest there
4 and, you know, had to respond to document it and do what I
5 was requested to do. So yes.

6 Q. And so when you got there, you were advised to look
7 inside the trash can?

8 A. Yes.

9 Q. And at that point no one else had touched the item in
10 the trash can?

11 A. No, ma'am. Officers located it. They stayed with it to
12 secure until I could get there. And then nobody touched it
13 until I got there.

14 Q. So when you got there, you pulled out what you believe
15 was a knife?

16 A. Yes.

17 Q. And we saw those pictures just before I came up here?

18 A. Yes, ma'am.

19 Q. So you took photos of that knife. And it was black?

20 A. Yes.

21 Q. And after you took photos of that knife, did you secure
22 it at the police department?

23 A. I collected it and I secured it and locked it in my
24 patrol vehicle. And I responded back to continue the search
25 warrant at the room.

1 Q. Okay. And are you aware if that item was sent out for
2 any further testing?

3 A. Yes, it was.

4 Q. And are you aware if any DNA came back on that item?

5 A. I don't believe there did.

6 Q. And what about fingerprints?

7 A. No, ma'am. No fingerprints were located.

8 MS. ARORA: Beg the Court's indulgence.

9 (Pause in proceedings.)

10 MS. ARORA: No further questions.

11 THE COURT: Any redirect?

12 MS. HALIENA: No, Judge.

13 THE COURT: Ma'am, thank you for coming. You're free to
14 go. Take care. And I hope the surgery goes well.

15 THE WITNESS: Thank you.

16 (Witness excused.)

17 THE COURT: Call your next witness, please.

18 MR. HILL: The State calls James Gann.

19 CLERK OF THE COURT: If you'd please raise your right
20 hand and place your left on the Bible.

21 (Witness sworn.)

22 CLERK OF THE COURT: Please be seated.

23 Please state your full name, spelling your last name
24 loudly and clearly into the microphone.

25 THE WITNESS: James Gann, G-A-N-N.

1 JAMES GANN,
2 called as a witness on behalf of the State, being first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. HILL:

6 Q. Good morning, Mr. Gann. How are you?

7 A. I'm well, sir.

8 Q. Can you please tell us where you're currently employed.

9 A. I'm currently employed with Walmart in Alabama as an
10 asset protection investigator.

11 Q. Okay. And so you currently reside in Alabama?

12 A. Correct.

13 Q. How long have you been there?

14 A. Since January of 2020.

15 Q. Prior to that --

16 A. I'm sorry. Excuse me. 2021.

17 Q. Prior to that, where were you employed?

18 A. I was employed with the City of North Charleston from
19 1997 to July of 2020.

20 Q. And at what point did you -- is that -- why did you
21 leave from North Charleston?

22 A. I retired.

23 Q. And can you tell us a little bit about the different
24 roles or duties you had while at North Charleston.

25 A. While I was at the City of North Charleston, I initially

1 started as a patrol officer. I transferred to the detective
2 bureau around about 1999 to 2004. I transferred back to the
3 street as a patrolman. I was injured in 2007 and I got
4 transferred to the training division. I remained there till
5 about 2013, 2014, where I was transferred back to the patrol
6 division as a sergeant supervisor over the South Bureau
7 Team 1. And that's where I stayed until I retired.

8 Q. So back in June of 2020, that was your position?

9 A. Pardon me, sir. If you could please speak up, I left my
10 hearing aids at home.

11 Q. Sorry about that. I'll come a little closer too.

12 Back in June of 2020, that was your position?

13 A. Yes.

14 Q. Okay. And what were your duties while you held that
15 position?

16 A. Normally a street sergeant would be over his team --
17 over a bureau, disseminate information, make sure the
18 officers had what they needed, review reports, assist in
19 cases as needed, and interact with the community as much as I
20 possibly could.

21 Q. Would you still respond to scenes?

22 A. Yes.

23 Q. And did you have occasion on June 13 of 2020 to respond
24 to a scene at Bennett Yard Road?

25 A. Corrects, sir. Yes, sir, I did.

1 Q. And you're familiar with that location?

2 A. Yes, sir. Lieutenant Dozart (phonetic) lived in that
3 neighborhood, and I often parked my car and I walked around
4 every now and then.

5 Q. Okay. And what type of call do you remember responding
6 to?

7 A. The call came out as an assault with a weapon -- a
8 stabbing. And that's pretty much what came out over the
9 radio, as I recall.

10 Q. And when the call came out, where were you?

11 A. I was in the in the area of Brentwood Shopping Center,
12 completing an accident record.

13 Q. How far away was that?

14 A. Less than a quarter of a mile.

15 Q. And where exactly did you respond on Bennett Yard Road?

16 A. The address escapes me. It was 2508, I think.

17 Q. Okay. And what county is that in?

18 A. Charleston County. City of North Charleston.

19 Q. And as you responded, can you kind of describe what you
20 observed.

21 A. As I turned onto Bennett Yard Road, I observed two
22 subjects running toward Dorchester Road at that time. And I
23 proceeded to the house.

24 Q. Okay. Why did you proceed to the house?

25 A. The victim was -- you know, I had to go to -- my thing

1 was always to get to the victim to check the victim out and
2 see what they needed -- to get to the victim first.

3 Q. Did you know if other law enforcement was responding?

4 A. Yes, sir. I had several officers en route.

5 Q. And do you know about how close they were?

6 A. No, sir. I do not.

7 Q. And once you arrived on scene, can you kind of describe
8 that for us.

9 A. When I arrived on scene, I pulled up in front of a
10 fence. There were several subjects inside the fenced area.
11 As I approached, one bystander was applying pressure to the
12 wound on the upper right-hand chest. Several family members
13 were -- I don't know how to put it, but they were just very
14 upset at what was going on.

15 Q. And what did you immediately do?

16 A. I made -- I told the bystander to keep applying
17 pressure, hold it tight. I took a quick glance at it, saw
18 the wound, and started disseminating information out to the
19 radio, calling for EMS, calling for an officer to my scene,
20 and requesting notifications to be made to command staff and
21 the detective bureau.

22 Q. And you stated you saw the victim?

23 A. Yes.

24 Q. And what was her physical condition at the time?

25 A. At the time, she was nonresponsive. She was still

1 breathing. She still had a pulse. And just nonresponsive.

2 Q. And did you see a lot of blood?

3 A. There was not -- there wasn't a whole lot of blood, but
4 there was a -- you know, there was blood, but not a whole lot
5 of blood.

6 Q. And what was your general assessment of the injury?

7 A. It was a puncture wound to the upper chest area close to
8 the heart. I felt that it was a very serious wound at that
9 time, and I called for EMS to step it up.

10 Q. And did they respond to the scene?

11 A. Yes, they did.

12 Q. What about other law enforcement officers?

13 A. A couple more officers came in to help me to control the
14 scene and to make sure that we didn't lose any witnesses and
15 started helping me, you know, collect witnesses and
16 information.

17 Q. Okay. And you mentioned that you kind of directed over
18 the radio other officers where to go?

19 A. Yes, sir. The two male subjects that I saw running onto
20 Dorchester Road, taking a right toward 526, I had -- I
21 couldn't tell you who was en route. I just had officers to
22 go look for those guys. At the time I did not know they were
23 -- who they were. I just wanted officers to see if they
24 could locate them.

25 Q. And while you responded to the scene did you have your

1 body-worn camera on?

2 A. I didn't have it activated, but I did have it on me.

3 Q. Okay. And after you responded on scene, did you cut it
4 on at some point?

5 A. Yes.

6 Q. I'm going to show you what's been marked as State's 6.

7 A. Yes, that's my signature.

8 Q. Okay. And you recognize what this is?

9 A. Yes.

10 Q. And what is that?

11 A. That's the clip that y'all sent me to the -- of my
12 body-cam footage.

13 Q. And that's a fair and accurate depiction of the scene
14 that you responded to that day?

15 A. Yes.

16 MR. HILL: At this time the State would seek to publish
17 -- er, admit and publish State's 6.

18 MS. ARORA: Your Honor, I would just raise my pretrial
19 objection again.

20 THE COURT: That was the same video that we reviewed
21 pretrial?

22 MR. HILL: Yes.

23 THE COURT: Very good.

24 Subject to all pretrial objections, State's 6 is in
25 evidence.

1 (State's Exhibit Number 6 admitted into evidence.)

2 THE COURT: You may publish.

3 (Video played in open court.)

4 BY MR. HILL:

5 Q. Now I'm going to show you State's 5.

6 (Exhibit displayed on screen in open court.)

7 BY MR. HILL:

8 Q. Do you recognize what that is -- or where that is?

9 A. Yes, sir. Bennett Yard Road and Dorchester, going
10 toward 526.

11 Q. Okay. And you can touch that screen and kind of draw on
12 it.

13 But where exactly were you when the call came out?

14 A. Actually, I was that way, kind of toward Leeds Avenue,
15 you know, like at the Brentwood Shopping Center.

16 Q. Is that --

17 A. The Food Lion shopping center that's right there.

18 Q. Can you see any portion of that center?

19 A. Yeah. Right where the tip -- you know, that's where the
20 Cycle World used to be. I was just on the other side of the
21 bank.

22 Q. Okay. And Bennett Yard Road where you responded --

23 A. Right.

24 Q. -- to the incident location is about where?

25 A. Right in here.

1 Q. And the location is about where?

2 A. Right in here.

3 Q. And when you got on scene, did you speak with any of the
4 individuals there?

5 A. Yes, sir. There was a couple of family members I spoke
6 to. I don't recall their names at the moment. There was a
7 young man there that I spoke with. I spoke to an elderly
8 woman and another female that was there on scene.

9 Q. And based on your conversations and investigation while
10 on scene, were you able to identify the victim?

11 A. Yes, sir.

12 Q. And were you also able to develop a suspect?

13 A. Yes, sir.

14 Q. And are you aware of who that suspect was?

15 A. I didn't know him personally, but they gave me his --
16 they said it was her ex-boyfriend Kenneth. That's all I can
17 remember at this time.

18 Q. And during your time on scene or based on your
19 conversations, were you able to determine where exactly the
20 incident took place?

21 A. Yes, sir. It happened around about the bushes -- in
22 between the bushes and the telephone pole. There was a
23 telephone pole -- I can't see it on this picture. But right
24 about here in that area. They said he came out from behind
25 some bushes.

1 Q. All right. And you said there's a telephone pole?

2 A. Yeah. It was in between the telephone pole and the
3 bushes where I believe they said it happened at.

4 Q. Let me show you State's 12.

5 (Exhibit displayed on screen in open court.)

6 BY MR. HILL:

7 A. Yes, sir.

8 Q. Can you point out the telephone pole in that?

9 A. There. And they said he jumped out behind the bushes
10 somewhere right in here.

11 Right about there. Yeah.

12 Q. Was the victim eventually transported by EMS?

13 A. Yes, sir.

14 Q. And what did you do after that?

15 A. I remained on scene and assisted with crime scene for a
16 little while. And once the crime scene unit cleared, I
17 responded to the hotel.

18 Q. Okay. And I guess, why were you responding to the
19 hotel?

20 A. That's where my people were.

21 Q. All right. At the hotel, did you do anything in
22 particular?

23 A. No, sir. I was just passing on information that when we
24 cleared the scene, head to headquarters to download video and
25 do their statements.

1 Q. Okay. And did you do the same?

2 A. Yes.

3 MR. HILL: I don't have any further questions for you.
4 Please answer any questions the defense may have.

5 THE WITNESS: Yes, sir.

6 CROSS-EXAMINATION

7 BY MS. ARORA:

8 Q. Good morning. Is it Mr. Gann now or are you still
9 Sergeant Gann?

10 A. Mr. Gann would be fine.

11 Q. You stated you were the first to arrive on scene at
12 Bennett Yard Road?

13 A. Yes.

14 Q. Okay. And your role, essentially, as a sergeant there
15 was to first evaluate what happened?

16 A. My role there was, you know, to assess the scene and
17 pass information along to officers responding. And then I
18 took -- you know, had my supervisory stuff I had to do too.

19 Q. So part of that was evaluating what you thought was the
20 wound?

21 A. Yes.

22 Q. Evaluating who could be potential witnesses?

23 A. Yes.

24 Q. You know, gathering whatever evidence you can to pass
25 that along to detectives?

1 A. Yes.

2 Q. So everything you did was to help develop the case,
3 correct?

4 A. I would assume so. Yes, ma'am.

5 Q. And you stated just previously that when you were on
6 scene you weren't sure the names of the people you spoke
7 with?

8 A. No, ma'am. It was just -- it was kind of chaotic at
9 first.

10 Q. You said possibly an elderly lady?

11 A. There was an elderly lady on the porch, yes.

12 Q. And another female, correct?

13 A. Yes.

14 Q. And you coordinated with other officers to get their
15 statements, correct?

16 A. Yes, ma'am.

17 Q. So you dint do any in-depth interviews as part of your
18 role?

19 A. No, ma'am.

20 Q. Your role was to get that basic information and pass it
21 along?

22 A. Secure the scene and pass on information.

23 Q. When you say "secure the scene," that is to gather
24 everyone that's present, correct?

25 A. Yes, ma'am.

1 Q. And when you did that, did you pat down anyone on scene?

2 A. No, ma'am.

3 Q. So you weren't sure if anyone on scene had any weapons?

4 A. No, ma'am.

5 MS. ARORA: Beg the Court's indulgence.

6 (Pause in proceedings.)

7 MS. ARORA: No further questions.

8 THE COURT: All right, sir. Thank you very much for
9 coming. You're free to go. Take care. Safe travels back to
10 Alabama.

11 THE WITNESS: Thank you, sir.

12 (Witness excused.)

13 THE COURT: Solicitor, call your next witness, please.

14 MS. HALIENA: The State calls Kailyn Monaghan.

15 CLERK OF THE COURT: Would you please raise your right
16 hand and place your left on the Bible.

17 (Witness sworn.)

18 CLERK OF THE COURT: Please take your seat.

19 Please state your full name, spelling your last name
20 loudly and clearly into the microphone.

21 THE WITNESS: Kailyn Monaghan. My last name is
22 M-O-N-A-G-H-A-N.

23

24

25

1 KAILYN MONAGHAN,
2 called as a witness on behalf of the State, being first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MS. HALIENA:

6 Q. Good morning.

7 A. Good morning.

8 Q. Ms. Monaghan, what is your occupation?

9 A. I'm an EMT with Charleston County.

10 Q. And how long have you worked in that capacity?

11 A. Five years.

12 Q. And can you tell the jury what your duties are in that
13 position.

14 A. Respond to medical emergencies and transport patients to
15 the hospital.

16 Q. And can you tell us a little bit about your background
17 and training.

18 A. It took me about a year. I did it right at a technical
19 college. It's a lot of classroom time and then hands-on time
20 on the ambulance. And then you have to pass a state test and
21 a national test.

22 Q. And were you working as an EMT on June 13 of 2020?

23 A. Yes.

24 Q. And did you have the occasion to be called out to 2508
25 Bennett Yard Road?

- 1 A. Yes, ma'am.
- 2 Q. And why was that?
- 3 A. We received a call for a penetrating trauma.
- 4 Q. And what is a penetrating trauma?
- 5 A. Penetrating trauma is a gunshot wound or a stab wound.
- 6 Q. And is that address in Charleston County?
- 7 A. Yes, ma'am.
- 8 Q. And what do you recall seeing when you arrived?
- 9 A. I saw a lot of bystanders and law enforcement, and I saw
10 the patient on the ground in front of the residence.
- 11 Q. And what condition was the patient in?
- 12 A. She appeared to be critically injured. She was
13 unresponsive.
- 14 Q. So how did you and your coworkers respond?
- 15 A. Emergently, with lights and sirens.
- 16 Q. And once you saw the condition the patient was in, what
17 did you do?
- 18 A. We immediately loaded her up on the stretcher and put
19 her in the ambulance.
- 20 Q. And how do you -- how did you then treat her?
- 21 A. We established that she was not breathing. We performed
22 CPR. We intubated her. We established IV access, and we
23 began giving her medications.
- 24 Q. And were you able to see any improvement?
- 25 A. We did achieve a heart rate back, but then it was

1 quickly lost again.

2 Q. So what did you do next? Where did you go?

3 A. We went to MUSC.

4 Q. And were you treating or driving?

5 A. I was driving.

6 Q. And your coworkers were in the back with her?

7 A. Yes.

8 Q. Okay. And so where did you go at MUSC?

9 A. We went directly into the trauma bay.

10 Q. And so tell us what happened when you arrived at the
11 trauma bay.

12 A. We rolled the patient in. We switched her over to the
13 bed in the trauma bay. And doctors took over care from
14 there.

15 Q. And did you remain on scene for a little bit?

16 A. We did.

17 Q. Okay. And what do you recall?

18 A. Just bystanders and other first responders.

19 Q. At MUSC, were the doctors -- would they have been the
20 ones that would have called time of death?

21 A. Yes.

22 Q. And after this -- after transporting the patient, did
23 you have any other involvement?

24 A. No.

25 MS. HALIENA: Those are all the questions that I have

1 for you. Please answer anything the defense may have.

2 THE WITNESS: Okay.

3 THE COURT: Ms. Arora?

4 MS. ARORA: Thank you.

5 CROSS-EXAMINATION

6 BY MS. ARORA:

7 Q. Good afternoon -- er, morning.

8 A. Hi.

9 Q. So just to confirm, you arrived on scene that day at
10 2508 Bennett Yard Road?

11 A. Yes.

12 Q. And you stated you were originally driving?

13 A. Yes, ma'am.

14 Q. But you did come out of the unit to help assess the
15 patient?

16 A. Yes.

17 Q. And what you simply do in your job is to check for
18 responsiveness?

19 A. Yes.

20 Q. And I guess what they call "life status"?

21 A. Yeah.

22 Q. Okay. And so you get the female on the stretcher, you
23 put her back into the ambulance?

24 A. Mm-hmm.

25 Q. And when y'all do this, do you assess for the wounds at

1 that point?

2 A. Depends on the situation. Depends on the call.

3 Q. And did you assess the wounds for this call?

4 A. Yes.

5 Q. And you found one stab wound?

6 A. Yes, ma'am.

7 Q. And you didn't see any other injuries?

8 A. No.

9 MS. ARORA: No further questions.

10 THE COURT: All right. Ma'am, thank you very much for
11 coming. You're free to go. Take care.

12 (Witness excused.)

13 THE COURT: Call your next witness.

14 MR. HILL: The State calls Thomas Beaver.

15 (Witness sworn.)

16 CLERK OF THE COURT: Please be seated.

17 Please state your full name, spelling your last name
18 loudly and clearly into the microphone.

19 THE WITNESS: Yes, ma'am. My name is Thomas Richard
20 Beaver, B-E-A-V-E-R.

21

22

23

24

25

1 THOMAS BEAVER,
2 called as a witness on behalf of the State, being first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. HILL:

6 Q. Good morning, Dr. Beaver. How are you?

7 A. I'm fine. Thank you, sir.

8 Q. Can you please tell us where you're currently employed.

9 A. Yes, sir. I'm employed at the Medical University of
10 South Carolina.

11 Q. Okay. And what is your title there?

12 A. I'm a clinical associate professor.

13 Q. And how long have you been working with MUSC?

14 A. About seven years, since June of 2018.

15 Q. And are you -- what are you a clinical professor in?

16 A. In the department of pathology and laboratory medicine.

17 Q. And what are some of your day-to-day duties in that
18 capacity?

19 A. I have a number of different duties. I teach a medical
20 school class for first- and second-year medical students. I
21 teach third- and fourth-year medical students. And then for
22 -- in a practicum sort of way. And then I do autopsies.

23 Q. Okay. And do you conduct autopsies on behalf of
24 Charleston County?

25 A. Yes, sir, I do.

1 Q. And how do cases or autopsies come to you?

2 A. So coroners -- not just from Charleston, but from all
3 over South Carolina -- send their cases to MUSC for autopsy.

4 Q. And can you please tell the jury about your educational
5 background as to how you became a licensed pathologist.

6 A. Yes, sir.

7 So I have an undergraduate degree from the University of
8 California. I have a medical degree, MD degree, from
9 St. George's University School of Medicine. I completed a
10 five-year training program in anatomic and clinical
11 pathology, a residency, at the University of Colorado in
12 Denver. And I completed a fellowship in forensic pathology
13 at the University of Colorado in Denver, and that was
14 affiliated with the Denver County Coroner's Office.

15 I've completed the certifying examinations given by the
16 American Board of Pathology in anatomic pathology and
17 clinical pathology and forensic pathology, passing all of
18 those examinations on the first attempt.

19 Q. And are there certain things that you have to do in
20 order to keep up those licenses or certifications?

21 A. Yes, sir.

22 The certifications I don't have to renew. I passed
23 those exams, and so they don't ask me to renew the board
24 certifications. But for my medical license, I have medical
25 licenses in Florida, California, South Carolina. I used to

1 have one in Texas and one in West Virginia and one in
2 Colorado, but I'm never going back to those places so I let
3 those go.

4 To keep those licenses up, I need to do 60 hours of
5 continuing medical education every years. And sometimes the
6 different states have different requirements, so it ends up
7 that I do more than 60 because South Carolina may have a
8 different requirement for subject matter than Florida, so I
9 have to do subject matter for both.

10 Q. And do you also conduct research?

11 A. Yes, sir, I do.

12 Q. Do you also publish articles in your field?

13 A. I publish articles and make presentations at national
14 meetings, yes.

15 Q. And about how many autopsies would you say that you've
16 performed in your career?

17 A. I don't keep a count, but I think a good estimate is
18 about 10,000.

19 Q. And at MUSC, how many do you say you do in a year?

20 A. We do between 250 and 300 a year.

21 Q. And my math isn't great, but how long have you been
22 working in the field of forensic pathology?

23 A. Thirty-two years.

24 Q. And in the state of South Carolina, have you ever been
25 qualified as an expert in the field of forensic pathology in

1 court?

2 A. Yes, sir, I have.

3 Q. About how many times?

4 A. In South Carolina about -- I would -- I think probably
5 20, maybe 23 times. It's not as often as I would expect,
6 given the number of homicides I do.

7 Q. And that -- you've been qualified in this courthouse
8 here in this general sessions court?

9 A. Oh, in this courthouse in Charleston County? I don't
10 know; maybe ten times.

11 MR. HILL: At this time the State would seek to move
12 Dr. Thomas Beaver as an expert in the field of forensic
13 pathology.

14 THE COURT: No objection?

15 MS. ARORA: No objection.

16 THE COURT: All right. Ladies and gentlemen of the
17 jury, in this case the Court will recognize Dr. Beaver as an
18 expert in the field of forensic pathology.

19 Normally when a witness testifies, they're limited to
20 testifying about only things that they saw, heard, smelled,
21 something they observed, things that they observed with one
22 of their five senses. Okay? They're not allowed to give
23 opinion testimony. An exception does exist, though, for
24 experts. If the Court finds that a person is an expert in
25 some particular field, they're allowed to give expert opinion

1 testimony that you may use as you deem appropriate. They're
2 not limited to simply testifying as to what they saw or
3 heard. They can give opinion testimony, again, that you can
4 use as you deem appropriate.

5 And again, the Court has found Dr. Beaver to be an
6 expert in the field of forensic pathology, so he can give an
7 expert opinion in that particular area.

8 Please continue, Mr. Hill.

9 BY MR. HILL:

10 Q. Dr. Beaver, can you generally tell us what an autopsy
11 is.

12 A. Yes, sir.

13 So in the autopsy examination, we do -- we start with
14 external. We examine the body from head to foot. This is
15 done in a systematic way. And I will say I do the same thing
16 every time, pretty much regardless of the case. I might make
17 a couple of different -- I might add some things in or take
18 away a few things depending on the type of case it is. But
19 I'm going to do the same thing in the same way over and over
20 again.

21 So I start at the head and I move to the first, first of
22 all, just doing an external overview. And here, I am trying
23 to put together the information that would give the reader of
24 my report an overview of the person. How tall are they? How
25 much do they weigh? What's their hair color? What's their

1 eye color? What's the general habitus of the body? What's
2 the general condition of the body? What postmortem things
3 are present? So this external exam covers the -- sort of the
4 basic appearance of the body.

5 Then I start at the head and I move to the foot again.
6 This time I'm looking for scars and identifying marks. And I
7 want to just find anything that would allow me to identify
8 the person. This is, I think, antiquated now in the day of
9 DNA, but it's just a holdover and I am an old guy.

10 So then the next time, I start at the head and I move to
11 the foot. This time I'm look for evidence of therapy:
12 anything that emergency personnel or medical personnel would
13 have done to try to save the person's life or to try to
14 intervene in some way.

15 And then the final time, I start at the head and I move
16 to the foot again. And this time I'm looking for evidence of
17 injury. I'm looking for any marks or defects on the surface
18 of the body that indicate an injury, that indicate a trauma
19 to the body. Sometimes it's a contusion, laceration,
20 abrasion, gunshot wound, stab wound -- anything that might
21 indicate an internal injury and might be a cause of death.

22 Then I'm going to do the internal examination. And here
23 I make a Y-shape incision on the chest and carry it down
24 through the abdomen so that I can take out all of the organs
25 in a systematic fashion. So all of the organs are removed

1 and are weighed. They're dissected and biopsied.

2 And I use this opportunity to gather fluids for
3 toxicology. So I will recover blood and urine, if it's
4 available; bile from the gallbladder, if it's available;
5 vitreous fluid from the eye, if that's available; gastric
6 contents, anything in the stomach, I'll recover a sample of
7 that. All of these samples are retained by the lab. We will
8 send usually blood for toxicology, and the other specimens we
9 hold in case we need to do some other analysis later in case
10 some information comes to life that would -- maybe we should
11 have tested the bile or the gastric contents or something.

12 Then once all the organs are removed and weighed and
13 biopsied, then I make an incision on the back of the skull
14 between the ears and let the scalp open up. I use a bone saw
15 to open the skull. And the brain is removed, examined,
16 dissected, biopsied.

17 And then that completes the autopsy.

18 Now, things that we might add to that would be
19 radiographs, x-rays. So in cases of stab wounds and gunshot
20 wound, there are foreign bodies entering the body, so we will
21 take an x-ray to look -- and I'll x-ray the areas of the body
22 that are necessary to look for that foreign material.

23 Q. And I guess briefly, why are autopsies conducted? What
24 are the main purposes?

25 A. The primary purpose is to determine and document the

1 cause of death.

2 Q. Okay. Do you ever collect things from autopsies?

3 A. Yes, sir. So we collect -- if there's bullets
4 discovered, I would collect those. We'll collect
5 fingernails. We collect head hair, beard hair if it's
6 available, and anything else that might be of evidentiary
7 value. We'll do swabs of areas on the body, if that might be
8 of evidentiary value.

9 Q. And did you perform an autopsy on Olivia Goff on June
10 16, 2020?

11 A. Yes. June 16, 2020. Yes, sir.

12 Q. And do you recall where that took place?

13 A. Yes, sir.

14 Q. And where was that?

15 A. It took place in the autopsy suite at the Medical
16 University of South Carolina. It's on the second floor,
17 Room 281.

18 Q. And were you able to ID Ms. Goff?

19 A. Yes.

20 Q. And during the autopsy, did you observe any injuries to
21 her body?

22 A. Yes, sir, I did.

23 Q. And I guess, can you tell us about any nonmedical, I
24 guess, injuries you observed to her body.

25 A. Yes, sir.

1 So she has a stab wound on the left upper chest. It's
2 in -- for anatomic purposes, we use the clavicle as a
3 landmark. So the medial clavicular line is the center of the
4 clavicle where it joins the sternum. And the lateral
5 clavicular line is at the shoulder. And the mid clavicular
6 line is halfway in the middle of this bone.

7 And so this stab wound is in the mid clavicular line.
8 It's 59 inches from her left heel and 2 1/2 inches to the
9 left of the midline. So that's the only injury I observed on
10 her.

11 Q. Okay. And can you kind show where -- and you may have
12 just done it -- where about, roughly, on her chest it was.

13 A. Yes, sir.

14 Q. On yourself.

15 A. I point to my midchest. Here's the mid clavicular line.
16 And it's on the left side.

17 Q. Okay. And what did that injury appear to be from?

18 A. So it is a stab wound. It appeared to be from a knife,
19 and I would opine the knife is a single-edged knife.

20 Q. Did it appear to be more of a puncture or a slash?

21 A. So this is a punc- -- this is a stab wound.

22 In forensic pathology, we classify sharp-force injury in
23 two ways. There are stab wounds, and stab wounds are deeper
24 than they are long. And there are insides wounds, and those
25 wounds are longer than they are deep.

1 So this is a stab wound. It is deeper than it is long.

2 Q. Okay. And can you kind of describe the path of depth of
3 the injury.

4 A. Yes.

5 So the wound -- I placed a probe into the wound to try
6 to find out the angle, and the probe drops into the left
7 chest cavity. So that sort of takes away the measurement of
8 depth because the pleural cavity goes all the way to your
9 back.

10 So it drops into the pleural cavity, and the probe goes
11 towards the middle and down. So it goes into the heart. It
12 goes through the atrium -- right atrium -- er, left atrium of
13 the heart and then into the aorta -- the descending aorta.
14 So that's -- so the overall depth has to be at least to the
15 depth of the aorta, which is along the spine.

16 Q. I'm going to show you what's been premarked as
17 State's 7.

18 Do you recognize that?

19 A. Yes, sir, I do.

20 Q. And what is that?

21 A. This is a photo taken at the time of autopsy. It has
22 the unique identifier for this case in the picture -- in the
23 frame. And it is the stab wound that I have been describing.

24 Q. Okay. And I guess, would this be helpful in explaining
25 your findings about the case to the jury?

1 A. Certainly.

2 MR. HILL: At this time the State offers Exhibit
3 Number 7 into evidence.

4 THE COURT: All right. Subject to all pretrial
5 objections, I'm guessing.

6 MS. ARORA: Yep.

7 THE COURT: 7 will be in evidence, and you may publish.

8 (State's Exhibit Number 7 admitted into evidence.)

9 (Exhibit displayed on screen in open court.)

10 BY MR. HILL:

11 Q. Is this orientation helpful for you, or is it better
12 flipped a different direction?

13 A. It's fine with me.

14 Q. Okay.

15 A. This is fine with me.

16 Q. And can you -- I mean, you kind of did it, but can you
17 discuss and describe kind of the path of the injury and what
18 would have happened once the blade of the knife would have
19 gone inside the skin or under the skin.

20 A. Sure.

21 So it goes through the skin and adipose tissue; there's
22 a lot right on the chest. It goes through the chest, and it
23 actually goes between the ribs. It goes into the heart,
24 through the pericardial sac -- which is a thin fibrous sac
25 around the heart -- and then into the left atrium. And then

1 from there it goes into the descending aorta. The aorta
2 comes out of the heart as an arch and it arches around and
3 then it goes down towards the feet. So this knife goes
4 through the atrium and then into the aorta. And there's
5 abundant extrapolated blood -- lots of hemorrhage from that
6 -- from those wounds.

7 Q. And what is the -- can you describe briefly what the
8 function of the aorta and the atrium is.

9 A. Sure. Sure.

10 So the heart has four chamber. Two of them are atria or
11 atriums. They're called atriums. There's a right side and a
12 left side, and this one's on the left. So the blood comes
13 into the atrium, and that's sort of like an alcove. It's a
14 holder area for the blood. And then the blood goes into the
15 ventricle, and the ventricle has a heavy muscle that pumps
16 the blood out to wherever it needs to go.

17 So the left side of the heart pumps blood to the rest of
18 the body, to the whole body. The right side of the heart
19 pumps the blood to the lungs. So this left atrium receives
20 blood from the lungs and then holds it for a moment or two
21 and then pushes it into the left ventricle, where it can then
22 be pumped to the rest of the body.

23 So that atrium is a low-pressure side, but it's not --
24 but it still has a tremendous blood flow. So any defect in
25 the wall of the atrium is going to produce a lot of

1 hemorrhage.

2 Also, the atrium itself has a small amount of muscle and
3 does contract. So once there's a whole punctured in the
4 atrium, the blood that comes in from the lungs is then
5 squeezed, but instead of going into the ventricle, it goes
6 out the hole that's made. So all that blood goes into the
7 pericardial sac. But the pericardial sac has been -- which
8 is the fibrous capsule around the heart -- it's already been
9 breached by the stab wound, so that blood then goes out into
10 the chest cavity. And that's what happened.

11 Then furthermore, the wound continues through to the
12 aorta. So the aorta is the largest vessel of the body, and
13 it's like -- it's literally garden-hose size. And it takes
14 all of the volume of the heart, and that blood then pumps to
15 the rest of the body -- all the internal organs: the liver,
16 the kidneys, everything. So once that aorta is breached, the
17 pressure to the rest of the organs is not -- it doesn't
18 exist. The blood will then leave the aorta and go into the
19 chest cavity as well.

20 So we have two sources of blood going from the
21 circulatory system into the chest cavity. And it's under
22 pressure, so it doesn't take long for enough blood to
23 accumulate in the left chest cavity that the person goes into
24 shock. Then at a certain point, the shock becomes
25 irreversible and they die from that.

1 Q. And so you're saying you would expect for there to be
2 significant blood loss?

3 A. Absolutely.

4 Q. Okay.

5 A. And there's one other contributing factor to that, and
6 that is that when we breathe, we create negative pressure in
7 the chest. So taking a breath involves creating a negative
8 pressure in the chest, and that just further pulls the blood
9 from those defects. It's already being pumped out, and now
10 it's now it's being pulled out by the negative pressure as a
11 person tries to breathe.

12 Q. Would you be surprised to learn there may not have been
13 a lot of blood externally?

14 A. So it's not too surprising. This is a small wound. And
15 this woman weighs 260 pounds, so there's a lot of tissue that
16 can seal off this wound to the external -- to the body. So
17 this wound can kind of collapse down on itself, and so the
18 blood stays in the chest rather than going out through the
19 wound.

20 It's not like there's an artery near the surface here.
21 The artery is deep in the body. The artery is the aorta, and
22 it's right next to the spine. So there's a lot of distance
23 there. Plus we have the negative pressure in the chest
24 tending to hold that blood in the chest.

25 So it's not surprising that it isn't -- there isn't a

1 lot of blood at the scene.

2 Q. Okay. And would you be surprised to learn that the
3 knife that potentially caused this injury would be clean?

4 A. I'm not too surprised by that. And again, for somewhat
5 the same reasons.

6 The adipose tissue on the chest wall is not very
7 vascular. It's not even going to bleed very much. And when
8 the knife is pulled out, it gets wiped off by that -- those
9 tissues.

10 So -- and this is a pretty quick in-and-out stab wound.
11 And I can tell you how I know that. But it's a pretty --
12 it's not a wound where the knife stayed in the body a long
13 time. This was an in-and-out. So the blood doesn't
14 immediately coat to the knife. The blood has to come out of
15 those wounds. So if the knife is pushed in, the holes are
16 made, the blood starts to comes out but the knife is
17 withdrawn, it could have minimal blood on it.

18 Q. Okay. And can you explain how even a knife that's
19 shorter in length can cause a deeper wound or path of wound
20 than its blade length?

21 A. This is something that we face all the time with stab
22 wounds, and the reason is because the skin is compressible.
23 So you can -- if you push on the skin, you can push it in a
24 fair amount. And given the anatomic area that this wound is,
25 you could probably push in her skin maybe a couple of inches.

1 That was very -- to my palpation, it was pretty soft, so you
2 could push it in and compress it.

3 Q. And did you render an opinion as to what caused the
4 victim's death in this case?

5 A. Yes, sir, I did.

6 Q. And what did you rule that?

7 A. I ruled it as a stab wound to the upper chest.

8 Q. And the cause of death?

9 A. That's the cause of death: stab wound of the chest.
10 Mechanism of death is exsanguination leading to shock. And
11 the manner of death is homicide.

12 Q. And with the specific injury that you observed, about
13 how long would you expect someone to live without some sort
14 of significant medical intervention?

15 A. This question depends on defining "live." So if we look
16 at life and we define it as having a blood pressure -- which
17 is how forensic pathologists like to define it because we use
18 hemorrhage a lot as a marker for different things. And
19 hemorrhage only occurs if you have a blood pressure. So we
20 like to think of life as someone who has a blood pressure.

21 And so in this case, her blood pressure is going to fall
22 rapidly to zero because the aorta is breached and the heart
23 is breached and the blood is flowing out. And then the
24 heart, no matter how hard it contracts, is having trouble
25 establishing a blood pressure because there's a leak in the

1 system. So I think it would be a matter of minutes.

2 Q. And as part of this autopsy, did you run a toxicology on
3 the victim?

4 A. Yes, sir, I did.

5 Q. And what came back as a result of that toxicology?

6 A. So she has THC and metabolites of THC in her blood.

7 Q. Okay. And is it possible for some substances to make an
8 individual more aggressive?

9 A. Yes, sir.

10 Q. And does THC typically have that effect on an
11 individual?

12 A. No, sir.

13 Q. What effect would THC have?

14 A. I think it tends to put people in the couch and they
15 don't want to move.

16 Q. And did you notice any other injuries on the victim's
17 body?

18 A. No, sir, I didn't. And that's -- always when we have a
19 stab wound, we're looking for defensive injuries, because for
20 stab wounds, the person might anticipate being stabbed and
21 they might try to defend themselves and come in contact with
22 the knife. It's very common. So we look for characteristic
23 wounds on the hands and the arms and even the feet and the
24 legs where a person might be trying to defend themselves from
25 the knife as it approaches their body. So that's something

1 that we look for very carefully. And she had no defensive
2 injuries whatsoever.

3 Q. Okay. Any other injuries that would indicate, like, an
4 evidence of flight?

5 A. No, sir.

6 Q. And would the injury you found here be consistent with
7 someone who was taken by surprise?

8 A. Yes, sir.

9 Q. Why is that?

10 A. Okay. Well, the absence of defensive injuries. When
11 confronted with a knife, if a person is aware of it, they
12 will put their hand in a way to block the knife and it will
13 leave a characteristic mark. The knife will injure the hand
14 or the arm. People will even grab the blade of the knife
15 with their hand -- sacrifice the hand -- to keep the knife
16 from injuring the body.

17 So we look for those types of defensive injuries. She
18 has none of those.

19 Second, the wound itself is very regular. And when the
20 knife is put through the skin, if the person who is the
21 target of the knife moves or the person holding the knife
22 moves, it will leave an edge -- like a dogleg -- to the
23 wound. And that will be bigger or smaller depending on how
24 long the knife stays in and how much the person moves.

25 So this wound, you can see it's very --

1 Q. And you can -- if it's helpful, you can draw on that and
2 we can clear it, if it helps you describe it.

3 A. Okay. So this wound is squared off here, and it's like
4 a V here. So this is why I know this is a single-edged
5 knife, at least for most of the blade. It might have a
6 double edge towards the tip, but then the back part is single
7 edged.

8 And then it only has a little dogleg right there. I
9 kind of connected it. So that is where the knife moved
10 slightly, relative to the target. And it's so small you can
11 almost not even see it. So that, to me, tells me that the
12 knife went in and out before the victim could even move to
13 make a bigger dogleg. Because usually these things will
14 dogleg out here and it will be a larger defect. So this
15 knife was in and out, the person barely moved, and --
16 otherwise there would be more -- the knife wouldn't be so
17 regular through the skin.

18 MR. HILL: I don't have any further questions at this
19 time. Please answer any the defense may have.

20 THE WITNESS: Yes, sir.

21 THE COURT: Ms. Arora or Mr. Smith?

22 CROSS-EXAMINATION

23 BY MS. ARORA:

24 Q. Good morning, Dr. Beaver.

25 A. Good morning.

1 Q. Just to focus on what you just stated in regards to the
2 dogleg and the edge. I want to clarify some of that.

3 So we know that the cause of death was a stab wound,
4 correct?

5 A. Yes, ma'am.

6 Q. And you found that this was from a sharp instrument?

7 A. Yes, ma'am.

8 Q. And you just described what was it? A V on the outside
9 of the wound?

10 A. Yes, ma'am.

11 Q. And I guess a flat edge or a square edge on the other?

12 A. Yes.

13 Q. And that helped you determine what was used for the --

14 A. That's my opinion.

15 Q. -- what was used to make the stab wound?

16 A. Yeah. I've given the opinion and said why.

17 Q. And during the course of the autopsy, were you ever
18 presented with what was believed to be this instrument?

19 A. No. I mean, to this very moment I've not seen what they
20 think is the instrument.

21 Q. All right. So you have nothing to compare to this
22 wound?

23 A. Yeah, exactly.

24 MS. ARORA: Beg the Court's indulgence.

25 THE COURT: Yes, ma'am.

1 (Pause in proceedings.)

2 BY MS. ARORA:

3 Q. Earlier you testified in regards to the skin and
4 specifically the, I guess, soft tissue compounding a little
5 bit?

6 A. Yes, ma'am.

7 Q. And with that you gave some details on if a knife hit
8 your chest, how it can go further into your body?

9 A. I think if the knife goes through the skin and pressure
10 is applied, it can compress the skin and adipose tissue. All
11 that soft tissue between the knife and the hilt of the knife
12 can be compressed, yes.

13 Q. And you also stated that in this, the body you examined
14 was around 260 pounds?

15 A. Yes. She was something like that. I could look in my
16 report to find her exact weight. But we weighed her.

17 Q. And you testified that that could impact the amount of
18 blood that comes out of the wound?

19 A. I think we were trying to -- I think I was asked about
20 if I would be surprised if there wasn't blood coming out of
21 the wound or if there wasn't a lot of blood at the scene.
22 And I said that I wouldn't be surprised because there are
23 some reasons for blood not to come out as much as we might
24 expect. So and I tried to give what I think is theoretically
25 those reasons.

1 But it also depends on gravity too. If she's face down,
2 that would lead gravity to pull blood out of the chest cavity
3 and onto the floor and you would get a big pool of blood. If
4 she's on her back, then gravity is helping to keep the blood
5 in the chest cavity and it's not going to come out.

6 So there's a number of reasons that might -- there might
7 be for no blood at the scene. And so I'm not -- if you say,
8 "Are you surprised?" I'm not surprised.

9 Q. And also, you testified -- I believe you were asked, "Is
10 it possible that the knife would be clean after it was
11 inserted into the body and pulled out?" And you stated that
12 you wouldn't be surprised if it was clean?

13 A. I would expect there to be blood on the knife, but if
14 you tell me it's clean, I can offer you reasons why I think
15 it might be. And of course, it could always be wiped off
16 afterwards as well.

17 Q. But it's also possible that there could have been trace
18 amounts of blood on that knife?

19 A. Correct. And if you said to me -- if you really wanted
20 to get into the weeds and said to me, "Clean," I would say,
21 "Define 'clean.'" And so, you know, are there spots of
22 blood? Is there -- was there -- are there streaks of blood?
23 How much blood are we talking about? So I didn't feel the
24 question was that detailed or was not asking for that kind of
25 detail, but if you want to go into that, we can try to work

1 that out. And the first thing I would do is say, "Tell me
2 what is 'clean.' Define 'clean.'"

3 Q. So just to clarify, I want to go back.

4 It's possible that there could be blood on the knife
5 when it's pulled out?

6 A. Oh, yeah. If you said to me, "The knife was covered in
7 blood," I would say, "That's fine too." I don't -- I
8 don't -- I think in forensic pathology we take what we're
9 given. We don't say, "Well, it's clean, so this must have
10 happened." That's generally not the way we think about
11 things. We say, "If the knife is clean, it's clean. It's
12 what we got. Whatever happened, happened, and that's the way
13 we found it." And then so I don't know whether -- it's kind
14 of more of a mental exercise about whether what could make
15 the knife clean or not. It's not really -- it doesn't bear
16 on the cause of death.

17 MS. ARORA: Beg the Court's indulgence.

18 THE COURT: Yes, ma'am.

19 (Pause in proceedings.)

20 MS. ARORA: No further questions.

21 THE COURT: Any redirect?

22 MR. HILL: No redirect.

23 THE COURT: Doctor, thank you very much for coming.

24 Take care. You're free to go, sir.

25 THE WITNESS: Thank you.

1 (Witness excused.)

2 THE COURT: All right. Ladies and gentlemen, we're
3 going to go ahead and take a midmorning break about ten
4 minutes or so. During the break, don't discuss the case. If
5 you took a tablet, you can just leave it in your chair there
6 and nobody's going to mess with it and you can resume that
7 seat when we come back. Okay?

8 So brief comfort break for everybody involved. And
9 we'll be back on the record in about ten minutes or so.

10 Thank you.

11 (The jury exited the courtroom at 11:19 a.m.)

12 (The following proceedings were had outside the presence
13 of the jury.)

14 THE COURT: All right. We're at ease.

15 MR. HILL: Thank you, Judge.

16 (Court recessed.)

17 (Court resumed outside the presence of the jury.)

18 THE COURT: Thank you. Have a seat, please.

19 All right. Let's have the jury, please.

20 (The jury entered the courtroom at 11:35 a.m.)

21 THE BAILIFF: All jurors are present, your Honor.

22 THE COURT: Very good.

23 The record will reflect all jurors are present, as is
24 defendant with counsel.

25 Solicitor, if you'll call your next witness, please.

1 MS. HALIENA: The State calls Jonathan Lynch.

2 CLERK OF THE COURT: If you'd please raise your right
3 hand and place your left on the Bible.

4 (Witness sworn.)

5 CLERK OF THE COURT: Please be seated.

6 Please state your full name, spelling your last name
7 loudly and clearly into the microphone.

8 THE WITNESS: My name is Jonathan Lynch. Last name is
9 L-Y-N-C-H.

10 JONATHAN LYNCH,
11 called as a witness on behalf of the State, being first duly
12 sworn, was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MS. HALIENA:

15 Q. Good morning.

16 A. Good morning.

17 Q. Officer Lynch, where do you currently work?

18 A. Summerville Police Department.

19 Q. And how long have you been there?

20 A. About four and a half years.

21 Q. And what do you do?

22 A. I am on the hospitality team, which is just I deal a lot
23 with businesses and their problems in the town.

24 Q. And were you previously employed at the North Charleston
25 Police Department?

1 A. I was.

2 Q. And for how long?

3 A. About six years.

4 Q. And what roles did you hold during your time with them?

5 A. When I first started with North Charleston, I was a
6 community service officer, which is a civilian. I then moved
7 to patrol, so a law enforcement officer.

8 Q. And focusing your attention to June of 2020, what role
9 were you in?

10 A. I was assigned to dayshift patrol.

11 Q. And can you explain to the jury what that role entails.

12 A. Dayshift patrol was just that we work the hours of 7:00
13 to 5:00. We answer calls for service, patrol the
14 neighborhoods, and just kind of go wherever we're needed.

15 Q. And on June 13 of 2020, were you working as a patrol
16 officer with North Charleston?

17 A. I was.

18 Q. And did you have the occasion to respond to 2508 Bennett
19 Yard Road?

20 A. I did.

21 Q. And approximately what time was that?

22 A. I believe it was about 2:00 p.m.

23 Q. And what county is that area in?

24 A. Charleston County.

25 Q. Okay. And tell us a little bit about why you responded

1 to that location.

2 A. I responded to that location in reference to a call for
3 a stabbing. While I was responding there, I was flagged down
4 by a group of individuals on Dorchester Road, which is close
5 to -- Bennett Yard Road runs off of Dorchester. I was
6 flagged down saying that the suspect that they named Kenny
7 had walked across the street to the Suburban Extended Stay on
8 Dorchester Road.

9 Q. So once you received that information, what did you do?

10 A. I then turned into the Suburban Extended State to look
11 for the suspect. I believe they said he was wearing a black
12 tank top and shorts when he was leaving the scene.

13 Q. And did you see that person?

14 A. I did. When I pulled in, I saw a subject matching that
15 description walking on the second level of the hotel and
16 entering a room.

17 Q. Okay. So then what did you try to do when you got in
18 the parking lot?

19 A. When I pulled in, I notified over the radio that I saw
20 the person -- a person matching the description enter a room.
21 You could tell that when he walked up he entered one of the
22 rooms that were close to a set of staircases. So we went up
23 and tried to make contact with the room.

24 Q. And do you recall what room it was determined that that
25 suspect went into?

1 A. We originally went to 230. We were advised that a
2 subject named Kenny lived in 228. So then we started trying
3 to make contact at Room 228.

4 Q. And when you say you were trying to make contact, what
5 were you doing?

6 A. Knocking on the door, announcing ourselves as North
7 Charleston Police Department, if anyone was inside to come
8 outside, trying to give announcements to have anyone -- if
9 someone was inside, to have them come out.

10 And while we did that, I believe Officer Akins went to
11 the manager's office and retrieved a master key.

12 Q. And so once you got a master key, were you able to make
13 entry into 228?

14 A. We did.

15 Q. And what was the length of time between seeing the
16 suspect enter that room and then gaining access to the room?

17 A. It was probably about five minutes.

18 Q. And once you gained access to 228, what did you see?

19 A. We saw a subject wearing a gray Little Caesars shirt
20 standing in the room. We made contact with him at that
21 point.

22 Q. Was that the only person in the room?

23 A. Only person in the room.

24 Q. And was that a different shirt than what you saw the
25 person wearing when he entered?

1 A. It was. He was wearing a black tank top when he
2 entered.

3 Q. Who else was there with you?

4 A. Officers Steinbrunner, Lanfear, Norwood, and Wallace
5 were all on scene. More officers showed up and left as
6 things changed.

7 Q. So once you gained access and saw this subject in the
8 room, what did you do?

9 A. We detained him. He was placed in handcuffs behind his
10 back and sat on the bed.

11 Q. And what was the reason for the detention?

12 A. He was -- we were investigating a violent crime, a
13 stabbing. So being as he matched the description going into
14 that room, he was the only person in that room, he was the
15 focus of our investigation at that time.

16 Q. And did you ask for identification?

17 A. We did. He was identified as Kenneth Dawson through his
18 DMV.

19 Q. And as a matter of policy, do officers wear body-worn
20 cameras?

21 A. We do.

22 Q. Did you have your body-worn camera on?

23 A. I did.

24 Q. Did the other officers with you also have theirs on?

25 A. They did.

1 Q. And did someone Mirandize the defendant?

2 A. I Mirandized the defendant.

3 Q. After you read his -- or tell us a little bit, why do
4 you Mirandize somebody?

5 A. He was detained and it was an investigative detention,
6 so I was going to start asking questions about what may or
7 may not have occurred at the address. So we had to provide
8 him his Miranda warnings so he understands his rights and he
9 could acknowledge whether he wants to talk to us or not.

10 Q. Do you usually read those off of a card?

11 A. I do.

12 Q. Do you have that with you?

13 A. I do. Right here.

14 Q. After you read his Miranda warnings, did the defendant
15 say that he was willing to talk?

16 A. He did.

17 Q. I am going to show you what's been premarked as State's
18 Exhibit 8.

19 Do you recognize that?

20 A. I do.

21 Q. And how do you recognize it?

22 A. We watched it, and it's a body clip -- body-worn camera
23 clip.

24 Q. And was -- are your initials on there?

25 A. They are.

1 Q. Okay. And what does this clip show?

2 A. I believe it shows Mr. Dawson getting his Miranda
3 warning read to him.

4 MS. HALIENA: At this time we would seek to enter
5 State's Exhibit 8 into evidence.

6 THE COURT: No objection to this one, correct?

7 MS. ARORA: No objection.

8 THE COURT: All right. State's 8 is in evidence without
9 objection.

10 (State's Exhibit Number 8 admitted into evidence.)

11 MS. HALIENA: And permission to publish?

12 THE COURT: You may.

13 (Video played in open court.)

14 BY MS. HALIENA:

15 Q. Okay. So again, the defendant, did he state that he was
16 willing to talk?

17 A. He did.

18 Q. What was his demeanor?

19 A. He was very energetic, is the word. He was kind of --
20 he kept asking questions and wanting to talk.

21 Q. Was he asked about his attire, what he had been wearing?

22 A. He was. We asked him, you know, that we saw him wearing
23 a black tank top when he walked in, about changing his shirt.
24 I think it was later revealed that he had changed his shirt
25 after, like, a shower.

1 Q. What did he originally say about a black tank top?

2 A. He originally stated that he did not own a black tank
3 top.

4 Q. Did he change that story?

5 A. He did. He later stated that he bought a pack of tank
6 tops, one of those containing a black tank top.

7 Q. And what else did he tell you about what he had done
8 that day?

9 A. He stated that he had gone to the Citgo gas station,
10 which is nearby, and gotten a drink and drank it in the hotel
11 room.

12 Q. Did he say anything about being on Bennett Yard Road?

13 A. He said that the last time that he was on Bennett Yard
14 was a few weeks prior, whenever he quit his Little Caesars
15 job.

16 Q. Did he say anything about an ex-girlfriend named Olivia?

17 A. Yes. He stated that -- I think when we brought it up,
18 he said that he hadn't seen her in weeks.

19 Q. How long did you stay on the scene in Room 228?

20 A. It was a good little bit. We had to wait for detectives
21 to find out, you know, if we were coming -- if they were
22 coming to the scene or if they were wanting us to transport
23 him to the detective bay, on top of still figuring out what
24 was going on as the scene kind of evolved into what it
25 became.

1 Q. And so eventually did you take him somewhere else?

2 A. I did. I transported him in my patrol car from the
3 scene to North Charleston City Hall.

4 Q. Did you transfer his items over to detectives?

5 A. I did.

6 Q. And then what did you do afterwards?

7 A. After he was with the detectives, I went to our patrol
8 room, downloaded my body camera, and started working on my
9 supplement for the report.

10 Q. And did that conclude your work on this case?

11 A. It did.

12 MS. HALIENA: The Court's indulgence.

13 (Pause in proceedings.)

14 BY MS. HALIENA:

15 Q. When you were interacting with the defendant, did you
16 observe him to have any injuries or did he complain of any
17 injuries?

18 A. He didn't complain of any injuries.

19 Q. If there had been complaints of injuries, would you have
20 transported him elsewhere?

21 A. If he had complaints of injuries, we probably would have
22 called EMS being that they're more -- you know, they're good
23 for that field. And if they needed him to go to the
24 hospital, we would have taken him to the hospital.

25 MS. HALIENA: No further questions. Please answer

1 anything the defense may have.

2 THE WITNESS: Okay.

3 THE COURT: Ms. Arora?

4 CROSS-EXAMINATION

5 BY MS. ARORA:

6 Q. Good afternoon.

7 A. Hello.

8 Q. I just want to walk through when you initially arrived
9 on scene.

10 A. Mm-hmm.

11 Q. You confirmed you were driving down Dorchester Road and
12 you arrived outside the hotel?

13 A. When I arrived -- when I started to -- when I arrived in
14 the area, when I was flagged down on Dorchester Road by a
15 group of individuals stating that the defendant -- the
16 suspect had crossed over toward the Suburban Extended Stay,
17 that's when I went from Dorchester Road into the parking lot
18 of the Suburban Extended Stay and parked my patrol car in the
19 front of the hotel.

20 Q. And once you parked your patrol car, you went up to
21 Room 228?

22 A. Yes. When I -- well, I went to 230 first. When I
23 pulled in, I saw someone matching the description on the top
24 floor or the second floor, which is the top of the hotel, and
25 they went into a room. So we were going to go investigate

1 it. So that's when I notified everyone else and walked
2 upstairs to the room that I believed the person went into at
3 that time.

4 Q. And when you said "everyone else," there was other
5 officer present with you?

6 A. When I arrived on scene, more officers were also
7 arriving on scene. So it was, I think, a group of five or
8 six of us that were trying to make contact.

9 Q. You said I guess it was officers, possibly,
10 Steinbrunner --

11 A. Wallace --

12 Q. -- Wallace --

13 A. -- Norwood, Lanfear, and Officer Akins arrived on scene
14 as well.

15 Q. And so when y'all arrived, y'all go up to that room,
16 originally 230?

17 A. Correct.

18 Q. And then you find out it's the wrong room?

19 A. We -- yeah. We were knocking on the door, and they
20 answered the door. We -- everyone in that hotel room was
21 already there. We said who we were looking for, and they
22 said -- they pointed next door and said that Kenny lives in
23 228.

24 Q. And so you went next door to 228?

25 A. Mm-hmm.

1 Q. And you described earlier you announced that you were
2 there, so that means calling out "North Charleston" --

3 A. Knocking on the door, "North Charleston Police," and
4 indicating that we're not just someone else knocking on the
5 door. We're there -- we're trying to make contact with
6 someone for a law enforcement reason.

7 Q. As part of protocol, do you have your guns on you at
8 this point? Are any weapons on you?

9 A. You mean, like, drawn?

10 Q. Mm-hmm.

11 A. Typically, yeah, you'll have lethal and nonlethal cover.
12 We don't know what's going on. We're reporting -- we're
13 responding to a stabbing, so we don't know if the dude -- the
14 suspect in the room may be armed, may not be. So there was
15 several officers. Some had their firearms, some had their
16 Tasers out to kind of provide that double coverage for
17 whatever may be necessary.

18 Q. So y'all are up there.

19 A. Mm-hmm.

20 Q. Some weapons drawn. Some Tasers drawn. I guess you
21 said it was Officer Akins went to go get a master key?

22 A. Mm-hmm.

23 Q. The master key is brought up, swiped, and at that point
24 you enter the room?

25 A. We open the door, and that's when we can see the subject

1 standing in the room and that's when we enter the room.

2 Q. And you enter as well as the other five officers?

3 A. The other officers that were there, yes.

4 Q. You do what's called a protective sweep?

5 A. Yes, ma'am.

6 Q. That means you go back, check every area of the room?

7 A. It's a very cursory, very -- making sure that there's no
8 one else there and nothing else that could harm officers or
9 anyone else that may be harmed. So it's not a search. It's
10 just going through to make sure that the area is safe.

11 Q. Once in the hotel room, you stated that you detained
12 Kenneth?

13 A. Correct.

14 Q. And this was part of the protocol --

15 A. Correct.

16 Q. -- because he's a suspect?

17 A. He's a suspect in a violent crime, so we're going to go
18 ahead and detain him to lessen the chance for anything else
19 to happen.

20 Q. And "detain" means placed --

21 A. He was placed in handcuffs behind his back that were
22 checked and double locked so they didn't tighten anymore.

23 Q. And once he was detained, you stood by with him?

24 A. Correct. I stayed in the room.

25 Q. You stood in the room and you read Miranda?

1 A. Correct.

2 Q. We just saw that.

3 Other officers were in the room at this time?

4 A. Correct.

5 Q. Officer Wallace? And I believe were there other
6 officers walking in and out?

7 A. I'm sure they were. Supervisors were on scene, so they
8 were probably coming in to check on what was going on. I
9 know that myself and Officer Wallace essentially stayed in
10 the room a majority of the time.

11 Q. Okay. And you stated this was for a period of time?
12 You weren't cleared until detectives took over?

13 A. It was probably 40 minutes to an hour, I believe, is
14 whenever he was transported, but I'm not -- it was a little
15 bit. It wasn't hours and hours.

16 MS. ARORA: Beg the Court's indulgence.

17 THE COURT: Yes, ma'am.

18 (Pause in proceedings.)

19 MS. ARORA: No further questions.

20 THE COURT: Any redirect, Ms. Haliena?

21 MS. HALIENA: Briefly.

22 REDIRECT EXAMINATION

23 BY MS. HALIENA:

24 Q. Just to be clear, are rooms 228 and 230 right next to
25 each other?

1 A. 228 and 230 are.

2 Q. I'm sorry?

3 A. No problem.

4 They're right next to each other.

5 Q. Okay. And --

6 A. One door over.

7 Q. And as -- when Mr. Dawson was detained, was he allowed
8 to use the restroom?

9 A. He was. He had stated he had to use the bathroom. So
10 officers escorted him to the bathroom, made sure that nothing
11 -- you know, nothing was in there that could harm us, and he
12 used the bathroom.

13 MS. HALIENA: Nothing further.

14 THE COURT: All right, sir. Thank you. You can step
15 down. And you're free to go.

16 THE WITNESS: Thank you.

17 (Witness excused.)

18 THE COURT: Solicitor, call your next witness, please.

19 MS. HALIENA: The State calls Melvin Wallace.

20 CLERK OF THE COURT: Please raise your right hand and
21 place your left on the Bible.

22 (Witness sworn.)

23 CLERK OF THE COURT: Please be seated.

24 Please state your full name, spelling your last name
25 loudly and directly into the microphone.

1 THE WITNESS: Melvin Wallace, W-A-L-L-A-C-E.

2 MELVIN WALLACE,

3 called as a witness on behalf of the State, being first duly
4 sworn, was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. HALIENA:

7 Q. Good morning.

8 A. Good morning.

9 Q. Can you tell the jury where you currently work.

10 A. I work for the Summerville Police Department,
11 Summerville, South Carolina.

12 Q. How long have you been there?

13 A. I've been there approximately a year and a half.

14 Q. And what do you do?

15 A. I'm currently assigned to the hospitality team. We
16 respond to calls for service at our business district within
17 the town.

18 Q. And were you previously employed with the North
19 Charleston Police Department?

20 A. I was.

21 Q. And how long were you there?

22 A. Approximately seven years.

23 Q. And what roles did you hold during your time with North
24 Charleston?

25 A. I was on patrol my entire career in North Charleston.

1 Q. And so were you on patrol in June of 2020?

2 A. I was.

3 Q. And can you describe for the jury what that entails?

4 A. Patrol officers are your normal officers that you see on
5 the street. We respond to emergency and nonemergency calls
6 for service within our assigned areas.

7 Q. And were you working as a patrol officer on June 13 of
8 2020?

9 A. I was.

10 Q. And did you respond to a call for service at 2508
11 Bennett Yard Road?

12 A. I did.

13 Q. And what county is that in?

14 A. It's in Charleston County.

15 Q. And approximately what time do you recall were you
16 called out there?

17 A. I think it was about 2:00 in the afternoon.

18 Q. Okay. And what do you recall -- what happened when you
19 arrived in that area?

20 A. We were being -- officers were being flagged down by
21 several citizens on a sidewalk nearby Bennett Yard Road that
22 were directing us to a hotel nearby. I can't remember the
23 exact name of it. It's changed since then. But it was on
24 Dorchester Road, and we were being flagged down that the
25 suspect had possibly fled to that area.

1 Q. Okay. And so did you travel to that motel?

2 A. I did.

3 Q. And what did you see when you arrived there?

4 A. There were already multiple officers on the scene. They
5 were attempting to locate the suspect at that time.

6 Q. And so what did you do?

7 A. We were being directed to a room upstairs. Once we were
8 able to determine which room the suspect was in, we provided
9 loud verbal commands for him to come out. And we were met
10 with no response.

11 Q. So how did y'all gain access?

12 A. Another officer actually retrieved a master key from the
13 hotel staff.

14 Q. And so what did you observe when you entered the room
15 that the suspect was in?

16 A. It was just a normal hotel room with one occupant.

17 Q. Who was on scene with you at the time?

18 A. I believe it was myself, Officer Lanfear, Officer
19 Norwood, Officer Lynch, and Officer Favreau.

20 Q. All right. And so there was only one occupant in that
21 room?

22 A. Yes.

23 Q. So once you came in contact with him, what did you do
24 next?

25 A. I'm not sure who exactly did it, but we detained the

1 occupant at that time.

2 Q. And the reason for detaining him?

3 A. Because he was the suspect of a stabbing.

4 Q. And did someone provide him with his Miranda warning?

5 A. Yes. Officer Lynch did.

6 Q. And what, after being provided with those warnings, did
7 the suspect say?

8 A. He was rambling a lot, but he told us that he had been
9 in the room, I believe, all morning and only left to go to a
10 gas station across the street.

11 Q. And do you recall how he was dressed?

12 A. At that time he was wearing a T-shirt and shorts.

13 Q. What was his demeanor?

14 A. He was excited and talkative.

15 Q. And did he say anything about being on Bennett Yard
16 Road?

17 A. I don't believe he did. He told us that he hadn't been
18 there in weeks.

19 Q. And did he say anything about his ex-girlfriend Olivia?

20 A. I believe he again said that he hadn't seen her in
21 weeks.

22 Q. And was he asked about what he was wearing earlier in
23 the day?

24 A. He was.

25 Q. Were you wearing a body cam?

1 A. I was.

2 Q. Was it in working condition?

3 A. Yes.

4 Q. And was it continuously recording throughout your
5 interaction?

6 A. Yes.

7 Q. At this time I'm going to show you State's Exhibit 9.
8 Do you recognize this?

9 A. Yes.

10 Q. How do you recognize this?

11 A. It has my initials and date on it.

12 Q. And what is this?

13 A. This is a clip from my body-worn camera about my
14 conversation with the defendant.

15 Q. Okay. And is this a fair and accurate representation of
16 the discussion that occurred?

17 A. Yes.

18 MS. HALIENA: At this time we would seek to admit
19 State's Exhibit 9 into evidence.

20 THE COURT: No objection to this one, correct?

21 MS. ARORA: No objection.

22 THE COURT: All right. State's 9 will be in evidence,
23 and you may publish it you wish.

24 MS. HALIENA: Thank you.

25 (State's Exhibit Number 9 admitted into evidence.)

1 (Video played in open court.)

2 BY MS. HALIENA:

3 Q. What did the defendant say to you about showering?

4 A. He said that he had got in the room and showered.

5 Q. And then why did you ask him about a dirty clothes bag
6 on the floor?

7 A. It appeared that there was a black tank top or a black
8 shirt in the dirty clothes bag that was sitting on the floor
9 next to the bathroom.

10 Q. And so what did he say about that dirty clothes bag?

11 A. He said that it could have been in that bag -- the black
12 tank top could have been in that bag.

13 Q. And did you stay with the defendant for the entire time
14 that he was detained in the hotel room?

15 A. I did.

16 Q. And was he allowed to use the restroom?

17 A. I believe at one point he did ask to use the restroom,
18 and we did allow him to, yes.

19 Q. And then was he eventually transported from the scene?

20 A. Yes.

21 Q. And so after he was transported, what did you do?

22 A. After he was transported, myself and a lieutenant at the
23 time, or maybe a sergeant, we patrolled the area, attempting
24 to locate the weapon that was involved.

25 Q. Were you able to find anything when you were looking?

1 A. No.

2 Q. And then after searching for the weapon, what did you
3 do?

4 A. Downloaded my body camera and completed the supplement
5 to the report.

6 Q. And did you have any further involvement after this?

7 A. No.

8 MS. HALIENA: I have no further questions. Please
9 answer anything the defense may have.

10 THE COURT: Ms. Arora?

11 CROSS-EXAMINATION

12 BY MS. ARORA:

13 Q. Good afternoon, Officer Wallace.

14 A. Good afternoon.

15 Q. I just wanted to confirm, earlier you testified that at
16 the time you were working at North Charleston Police
17 Department?

18 A. Yes.

19 Q. And this was specifically June 13 of 2020?

20 A. Yes.

21 Q. And you were asked to go to this hotel, and you said you
22 weren't sure of the name?

23 A. Correct.

24 Q. And it was on Dorchester Road?

25 A. Correct.

1 Q. And as you were driving down Dorchester, you stated you
2 saw multiple subjects running down the road?

3 A. Yes.

4 Q. And they directed you towards the hotel?

5 A. Yes.

6 Q. You arrive on scene, correct?

7 A. Yes.

8 Q. And you stated that there was multiple other officers
9 there?

10 A. I believe so at that time.

11 Q. You stated Officer Lynch, Norwood.

12 A. Yes.

13 Q. I believe it was Fav- --

14 A. Favreau.

15 Q. Favreau?

16 A. Yeah.

17 Q. Thank you.

18 And so when you arrive on scene, you go up to Room 228?

19 A. I believe -- I'm not sure which room we went to first.

20 There were two rooms that we were unsure about which the
21 defendant was in.

22 Q. Do you think it was the room next door to 228, 230?

23 A. I believe so.

24 Q. And at this time, you and the other officers are outside
25 announcing yourselves?

1 A. Yes.

2 Q. And announcing yourselves means saying, "North
3 Charleston Police"?

4 A. Correct.

5 Q. Knocking on the door?

6 A. Correct.

7 Q. And that's so the person inside knows who's out there?

8 A. Correct.

9 Q. And so when you're doing this, do y'all have your
10 weapons on you?

11 A. Yes. We always carry our weapons.

12 Q. Is there protocol when trying to enter a room where you
13 would have your weapon drawn?

14 A. Yes.

15 Q. Okay. At this point, did you have your weapon drawn?

16 A. Possibly. I'm not sure.

17 Q. Do you know if other officers did?

18 A. They would have, yes.

19 Q. So after a short period of time, you said an officer got
20 a master key?

21 A. Yes.

22 Q. And they used this master key to enter the room?

23 A. Correct.

24 Q. You enter the room?

25 A. All of us did, yes.

1 Q. And when you say all of you, the other officers present?

2 A. Yes.

3 Q. So there was at least four or five of you?

4 A. Yes.

5 Q. And when you enter the room, you do a protective sweep?

6 A. Yes.

7 Q. That includes canvassing the room, checking for any

8 danger?

9 A. Correct.

10 Q. And at this point, you immediately detain Kenneth?

11 A. Someone did. I'm not sure if it was me.

12 Q. Okay. And once he's detained, you stay in the room?

13 A. Yes.

14 Q. And we can tell by your body-worn camera footage you

15 were in the room?

16 A. Yes.

17 Q. Officer Lynch was also in there?

18 A. Correct.

19 Q. And you and Officer Lynch stood there with Kenneth the

20 whole time he was in the room?

21 A. As far as I recall, yes.

22 Q. Other officers were present?

23 A. I believe other officers came in and out.

24 Q. They came in and out of the room during this time

25 period?

1 A. Correct.

2 Q. And you -- we heard you on that body-camera footage.

3 You stated that "There's cameras here"?

4 A. Yes.

5 Q. Are you aware of any video surveillance that was
6 obtained?

7 A. I'm not aware.

8 MS. ARORA: Beg the Court's indulgence.

9 (Pause in proceedings.)

10 MS. ARORA: No further questions.

11 THE COURT: All right. Any redirect?

12 MS. HALIENA: No, your Honor.

13 THE COURT: Okay. Officer Wallace, thank you for
14 coming. You're free to go. Take care.

15 THE WITNESS: Thank you.

16 (Witness excused.)

17 THE COURT: That's about it for the State as far as your
18 witnesses for the morning?

19 MS. HALIENA: Yes, Judge.

20 THE COURT: All right. Ladies and gentlemen, we're
21 going to go ahead and take an early lunch break. I'm going
22 to ask that you -- it took me a little while yesterday to
23 find a place, so it might be the same today. We're going to
24 reconvene, let's say, at 1:30. That should give everybody a
25 chance to grab a bite. So please be back in the jury room at

1 1:30. We'll continue with the trial of the case at that
2 point in time.

3 Leave the notebooks -- or your notepads in your seats,
4 and the bailiffs will collect those. Of course, don't talk
5 about the case if you happen to go to lunch with one of your
6 fellow jurors see. And I will see y'all back around 1:30.
7 Okay?

8 Thank you very much. Have a good lunch.

9 (The jury was released for lunch and exited the
10 courtroom at 12:09 p.m.)

11 (The following proceedings were had outside the presence
12 of the jury.)

13 THE COURT: All right. The jury is out.

14 You indicated that you've got three for this afternoon?

15 MS. HALIENA: Yes. We anticipate calling three
16 witnesses, and we should be able to rest.

17 THE COURT: Okay. About how long do you anticipate
18 direct taking for them? Just ball park. I'm not going to
19 hold you to it.

20 MS. HALIENA: Two are very quick. The longest one may
21 be 30 to 40 minutes.

22 THE COURT: Okay. All right. Very good.

23 I don't know if the defense is anticipating presenting a
24 defense, but if they're going to be fairly quick this
25 afternoon, we may very well go ahead and ask -- or I might

1 very well go ahead and ask that you present any defense that
2 you may have this afternoon. I just want to give you a heads
3 up. Okay? Obviously we can cross that bridge at the DV
4 stage later. But just put that in the back of your head as
5 you go, please.

6 MS. ARORA: Thank you, your Honor.

7 THE COURT: All right. We'll be at ease until around
8 1:30.

9 MR. HILL: Thank you, Judge.

10 MR. SMITH: Thank you, your Honor.

11 (Court recessed.)

12 (Court resumed outside the presence of the jury.)

13 THE COURT: Thank you. Please take a seat.

14 All right. Go ahead and bring in the jury into the
15 courtroom.

16 THE BAILIFF: Yes, sir.

17 MR. HILL: Judge?

18 THE COURT: Oh, yeah. Hold on a second.

19 MR. HILL: Our next witness isn't quite here yet. He
20 got hung up with some traffic.

21 THE COURT: Oh, okay.

22 MR. HILL: So we're trying to get him here. I know he
23 was downtown, so I'll text and get an update.

24 THE COURT: Sounds fine. We'll just -- tell us whenever
25 he's here, and we'll start then. Okay?

1 MR. HILL: Sorry about that, Judge.

2 THE COURT: No. No worries. We're at ease.

3 (Court recessed.)

4 (Court resumed outside the presence of the jury.)

5 THE COURT: Thank you. Have a seat, please.

6 Go head and get the jury, please.

7 (The jury entered the courtroom at 2:03 p.m.)

8 THE BAILIFF: All jurors are present, your Honor.

9 THE COURT: All right. Ladies and gentlemen of the
10 jury, thank you for being back. I apologize for the delay in
11 getting started this afternoon. It's really no one's fault
12 that it happened, but I apologize for the delay. Thank you
13 for being here.

14 Solicitor, call your next witness, please.

15 MR. HILL: The State calls Michael Powitchko.

16 CLERK OF THE COURT: If you'd please raise your right
17 hand and place your left on the Bible.

18 (Witness sworn.)

19 CLERK OF THE COURT: Please be seated.

20 Please state your full name, spelling your last name
21 loudly and clearly into the microphone.

22 THE WITNESS: Yes ma'am. It' Michael Brian Powitchko,
23 P-O-W-I-T-C-H-K-O.

24

25

1 MICHAEL POWITCHKO,
2 called as a witness on behalf of the State, being first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. HILL:

6 Q. How you doing this afternoon?
7 A. Good afternoon.
8 Q. Where are you currently employed?
9 A. D.R. Horton.
10 Q. Okay. What do you do there?
11 A. I'm a project manager.
12 Q. And about how long you been doing that?
13 A. Two and a half years.
14 Q. Prior to that, where were you employed?
15 A. I was employed by the North Charleston Police
16 Department. I was a detective.
17 Q. Okay. About how long were you at North Charleston?
18 A. Thirteen years.
19 Q. Any law enforcement experience prior to that?
20 A. Yes. I was I was employed by Mount Pleasant for about
21 three years. And prior to that I was a deputy sheriff in
22 Pennsylvania for a couple years.
23 Q. And during your time at North Charleston, what different
24 positions did you hold?
25 A. I was on patrol. I was on a community action team

1 called Face Team. And then I was an FTO, which is a field
2 training officer, and then I moved up to detectives.

3 Q. And what role were you in back June 13, 2020?

4 A. I was assigned as a detective with the detective bay.

5 Q. Okay. And during your time then, did you have occasion
6 to respond to an incident that occurred at Bennett Yard Road?

7 A. Yes. I was called out by Sergeant Glenn, who was my
8 callout supervisor at the time. And I was advised that we
9 had a homicide that had occurred on Bennett Yard Road and
10 that I needed to respond to the Extended Suburban Stay Lodge
11 on Dorchester Road.

12 Q. And where did you just respond directly?

13 A. I responded directly to the Extended Stay Lodge.

14 Q. Okay. And once you got there, what all did you observe?

15 A. I met with Sergeant Gann, who was the road supervisor at
16 the time. I asked him if the defendant was in custody or if
17 he knew where he was. He advised that he was in custody. I
18 contacted Sergeant Blair to find out if there was anyone in
19 the detective bay to meet with the suspect. He advised that
20 there were detectives up there, and I advised Sergeant Gann
21 to escort the defendant up into the detective bay to meet
22 with detectives.

23 Q. So was this case necessarily assigned to you as a
24 detective?

25 A. No, it was not. I responded in a callout manner. We

1 have detectives that are assigned a period of time for
2 callout, so anything that's happened after normal business
3 hours will be handled by the callout team. I responded in a
4 callout fashion.

5 Q. Okay. So your primary role there on scene was to do
6 what?

7 A. Collect any evidence, determine what needed to be
8 collected, if we needed witnesses or suspects to be sent to
9 the detective bay. I did direct Detective Cockrum to go down
10 to the hospital and meet with the victim's family and find
11 out if there was anything of evidentiary value to be
12 collected or any witnesses that would be at the hospital that
13 she would need to then bring them up to the detective bay.

14 Q. Okay. So it was your duty to kind of direct other
15 detectives or officers on scene or off scene?

16 A. Correct.

17 Q. Did you direct any other detectives anywhere else?

18 A. I had Detective Reid draft the search warrant. I took
19 photographs of the Extended Suburban Stay Lodge, as well as
20 the room with the room number on it that was on the second
21 floor. I sent those photographs to her so she could draft
22 the search warrant, which she did then take to Judge Vaughn
23 to get signed.

24 Q. Okay. And what are, while you were waiting, was taking
25 place at the hotel?

1 A. There were several officers upstairs on the second
2 floor. I went to go see if the room was locked or unlocked.
3 It was locked. I spoke to the officers on scene. They
4 advised that the key that they had no longer worked. So I
5 went down and spoke with the person that was in the front
6 desk and asked to get a key for the room, which he did
7 provide a new digital key for the room.

8 We did notice that there were some cameras upstairs and
9 around the building. I spoke to her that night as well. She
10 said that the only thing that could be downloaded would be by
11 the manger and she was not working. She would be there the
12 following day.

13 All this information was related to Detective Pritchard,
14 who was the case agent in charge.

15 Q. So was it your job or did you follow up on the cameras?

16 A. Not after that date, no.

17 Q. Okay. And you mentioned that you had to get a key to
18 the hotel room. When you arrived -- or at that point, was
19 the defendant still on scene?

20 A. Yes, sir, he was.

21 Q. Okay. And after he was transported, is that when you
22 needed another key?

23 A. Yes. We found that the key that the patrol officers had
24 on site wouldn't unlock the door.

25 Q. And did you notice any witnesses around or on scene?

1 A. There was a young lady in the front parking lot that was
2 provided to us. She said she observed the suspect run --

3 MS. ARORA: Objection. Hearsay.

4 THE COURT: Sustained.

5 BY MR. HILL:

6 Q. And I guess, do you recall what the name of that
7 individual was?

8 A. Her name?

9 Q. Yeah.

10 A. Not off the top of my head. Sorry.

11 Q. But you did speak with her about the case?

12 A. Yes. We spoke briefly.

13 Q. Okay. And were you advised previously or at any point
14 about who the suspect may have been?

15 A. No.

16 Q. As a result of your conversations with people on scene
17 and other detectives, were you able to determine who the
18 suspect was?

19 A. Based on what was told to me, the individual who was
20 transported out to the detective bay fit the description of
21 the suspect.

22 Q. Okay. And you mentioned a search warrant of the hotel
23 room?

24 A. Yes, sir.

25 Q. Were you a part of that?

1 A. Yes. Once Detective Reid advised that she had left
2 Judge Vaughn's house and had it signed, we executed the
3 search warrant, myself and Officer Howell. She took over all
4 crime scene photos. Once she took over all crime scene
5 photos, we then entered the room with her.

6 During the course of searching the room, we found a
7 drawer full of kitchen knives. I think they had "Good Cook"
8 stamped on the handle. I sent a picture to Detective
9 Pritchard to see if these matched injuries or whatever the
10 defendant said that he had used, if he had said anything. I
11 believe that those were not the items that were used.

12 Q. Okay.

13 A. We then collected black shorts, a gray T-shirt, some
14 sneakers. And then while in the bathroom, we noticed what
15 appeared to be possibly blood in the drain. CSI Howell did
16 test it. It did come back as blood, but nothing.

17 Q. I'm going to put up what's State's 25.

18 (Exhibit displayed on screen in open court.)

19 BY MR. HILL:

20 Q. Do you remember what that was?

21 A. That's the tub of the -- the bathroom tub.

22 Q. Okay. And how -- I guess, did it appear that it was --
23 the shower or tub had been freshly used?

24 A. Yes, sir. It was wet.

25 Q. And I'm going to show you State's 23.

1 (Exhibit displayed on screen in open court.)

2 BY MR. HILL:

3 Q. Do you recall what that is?

4 A. I believe that was by the front of the room, but it's
5 the plastic bag with a black shirt, shorts, and some socks.

6 Q. Okay. Did you collect that?

7 A. I don't believe we collected the black shirt. No, sir.

8 Q. Okay. Were you aware -- I guess, during the execution
9 of the search warrant, were you aware of what the defendant's
10 description was or what he may have been wearing?

11 A. No, I wasn't told what he was wearing.

12 Q. Had you been, would you have collected it?

13 A. If we were told that he was wearing a particular color
14 or style of clothing, we would have collected that on scene.

15 Q. And how confident are you in remembering that was a
16 black tank top?

17 A. Other than that looking at it right now, I mean, I
18 wouldn't have remembered without seeing the photograph that
19 it was a black tank top on the floor.

20 Q. And is part of the procedure or purpose of photographing
21 the scene during a search warrant so that you can go back and
22 look at items later?

23 A. Yeah. We photographed the totality of everything
24 because things can be missed. Photographs capture a digital
25 catalog in color of everything that's in that room before we

1 enter that room. So we have disturbed nothing prior to her
2 coming in and taking those photographs. So she would --
3 crime scene would come in, photograph the entirety of the
4 room in a 360 fashion. And then we would come in and execute
5 our search warrant after that.

6 Q. With respect to directing other detectives, did you ask
7 Detective Reid to go anywhere else?

8 A. There was a series of cameras up and down Dorchester
9 Road. We sent her to the -- I believe the car wash to pull
10 video to see if the defendant had run past or up to that car
11 wash.

12 Q. So any other locations that may contain --

13 A. We tried Cici's Pizza -- no, Caesars Pizza. Sorry.
14 Little Caesars Pizza, just before the hotel, it's right there
15 on Dorchester Road. We were not able to get video at the
16 time. The clerk said that the only person to download it
17 would be the manager. All this information was relayed in
18 our briefing later on. I did not go back and collect it
19 again.

20 Q. Okay. Did anything else stand out to you about the
21 search warrant that was executed at the hotel room?

22 A. No, sir. It was a typical room. It didn't seem very
23 out of the norm. Other than finding the knives and sending
24 them via cell phone pictures to Detective Pritchard, I don't
25 recall anything being --

1 Q. And did that end your involvement in the case?

2 A. After we passed on the information, yes.

3 Q. Okay.

4 MR. HILL: I don't have any further question. Please
5 answer any the defense may have.

6 THE WITNESS: Yes, sir.

7 THE COURT: Ms. Arora?

8 MS. ARORA: No questions, your Honor.

9 THE COURT: Thank you very much for coming, sir. You
10 are free to go. Take care.

11 THE WITNESS: Yes, sir. And I apologize for the
12 clothing, your Honor.

13 THE COURT: It's all good, sir. All good.

14 (Witness excused.)

15 THE COURT: Call your next witness please.

16 MS. HALIENA: The State calls David Pritchard.

17 (Witness sworn.)

18 CLERK OF THE COURT: Please be seated.

19 Please state your full name, spelling your last name
20 loudly and clearly into the microphone.

21 THE WITNESS: David Pritchard, P-R-I-T-C-H-A-R-D.
22
23
24
25

1 DAVID PRITCHARD,
2 called as a witness on behalf of the State, being first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MS. HALIENA:

6 Q. Good afternoon.

7 A. Good afternoon.

8 Q. Where do you currently work?

9 A. North Charleston Police Department.

10 Q. And how long have you been there?

11 A. I started there in August of 2012.

12 Q. And what roles have you held during your time with North
13 Charleston?

14 A. I started there as a patrol officer. I stayed in patrol
15 until February of 2016 when I got transferred to the
16 detective division. From 2016 to 2017, I worked burglaries.
17 And in 2017 I moved to our persons crime unit.

18 Q. So back in June of 2020, what role were you in then?

19 A. I was a persons crimes detective.

20 Q. And can you describe what that role entails to the jury.

21 A. Yeah. We work pretty much all violent crimes. It's
22 just a nice way of saying we work violent crimes. We work
23 from felony assaults all the way up to murders. We work
24 armed robberies. We work any suspicious deaths. We
25 investigate suicides to determine they are in fact suicides.

1 It's just any violent crimes against people, we're
2 responsible for that.

3 Q. And were you working as a persons detective on June 13,
4 2020?

5 A. I was. Yes, ma'am.

6 Q. And how did you come to be involved in this case?

7 A. I was the on-call persons crimes detective for that
8 weekend. It was -- it happened on a Saturday, so I was the
9 person that if anything was to happen, they would call me for
10 it.

11 Q. And so what were you tasked with doing once you were
12 contacted about this case?

13 A. Once I was initially contacted, I learned that it was a
14 stabbing. I knew that I would be the person pretty much
15 assigned to it. We only had two homicides that week, and
16 those other two detectives got assigned those cases. So I
17 knew I was responsible for this case.

18 I knew they had a suspect in custody. And I wanted to
19 speak with him, so I went back to our office to sit down and
20 talk with him.

21 Q. And so had the suspect been detained and transported to
22 City Hall?

23 A. Yes, ma'am.

24 Q. Did you know the status of the victim?

25 A. When I initially got the call it was just a stabbing and

1 she was in critical condition. But by the time I made it to
2 the office, I was advised that she had died at the hospital.

3 Q. Had you been advised about whether anybody had seen the
4 incident?

5 A. Yeah. I was also notified that there was several
6 witnesses to the case that were being interviewed by other
7 detectives.

8 Q. And so when you conduct interrogations, where is it
9 specifically done?

10 A. It's right at City Hall in our bureau. We have
11 interview rooms within our bureau.

12 Q. And are those interview rooms recorded?

13 A. Yes, ma'am.

14 Q. So when you entered the interview room where the
15 defendant was, what did you do first?

16 A. I introduced myself.

17 Well, first I had to change out his handcuffs from
18 behind his back to the front of his back -- to his front so
19 we could talk. I introduced myself, and I provided him with
20 his Miranda warnings.

21 Q. And can you tell us a little bit about Miranda warnings,
22 what they are and why you give them.

23 A. Yeah. I'm sure y'all have seen them on TV. "You have
24 the right to remain silent. Anything you say" -- it's those
25 warnings. We have them in a written form. It's just a form

1 that we actually read to him or whoever the suspect is at the
2 time. We make sure he understands those rights. And if he
3 does understand those rights, we get him to waive the rights
4 and sign and say, "I'm willing to talk with you." And if
5 that's the case, then we'll start talking with him.

6 Q. I'm showing you what's been marked as -- been premarked
7 as State's Exhibit 30 and State's Exhibit 33.

8 Do you recognize those?

9 A. Yes, ma'am.

10 Q. And how do you recognize those?

11 A. One is a copy of the Miranda form that I gave
12 Mr. Dawson. And the other one is clips containing various
13 parts of my interview I did with him.

14 Q. Do you have your signature or initials on there?

15 A. I do. Yes, ma'am.

16 Q. Okay.

17 MS. HALIENA: And just for the record, State's Exhibit
18 30 is the disk and State's Exhibit 33 is the form.

19 At this time the State seeks to admit both State's 30
20 and State's 33 into evidence.

21 THE COURT: Subject to your earlier objection?

22 MR. SMITH: Yes, Judge.

23 THE COURT: All right. Very good. Those will be in
24 evidence subject to all pretrial hearings, and you may
25 publish when you wish.

1 MS. HALIENA: Thank you, Judge.

2 (State's Exhibit Numbers 30 and 33 admitted into
3 evidence.)

4 MS. HALIENA: And for the record, Exhibit 30 is broken
5 down into individual clips. And so at this time we would
6 seek to publish 30A.

7 The Court's indulgence.

8 (Video played in open court.)

9 BY MS. HALIENA:

10 Q. So the document that defendant -- we just saw the
11 defendant signing, that's State's 33?

12 A. Yes, ma'am.

13 Q. So that's the written waiver?

14 A. That's correct.

15 Q. And you were reading off of State's 33?

16 A. Yes, ma'am.

17 Q. And did the defendant say that he wanted to talk?

18 A. Yes.

19 Q. In fact, he said, "Let's chat"?

20 A. Yeah. He was pretty eager.

21 Q. Did he know that the victim had died at this point?

22 A. No, not at that time. I had not told him that yet.

23 Q. Okay. And so when you started talking, what did he tell
24 you at first?

25 A. So his initial first story -- he knew that the incident

1 happened on Bennett Yard Road. His initial story was that he
2 woke up that morning, did a couple things for work, but had
3 been home from about midmorning on, and he had been inside
4 his hotel room the entire day.

5 Q. And what did he advise about an ex-girlfriend named
6 Olivia?

7 A. Yeah, he said he had been dating a girl named Olivia who
8 lived on Bennett Yard Road. He said they had a falling out
9 approximately two weeks prior to this incident. He went into
10 a little bit about their relationship. He alleged some
11 cheating had been involved and some stuff like that, and
12 that's why he kicked her out. And they were living together
13 at the Suburban Extended Stay in his room, Room 228.

14 Q. And did he say that he had been to Bennett Yard Road
15 that day?

16 A. No. He said he was in his hotel room all day long.

17 Q. Did he say that he had seen Olivia that day?

18 A. He had not seen her for several weeks at that point.

19 Q. What did he say about a person wearing a black tank top?

20 A. He admitted to me that he had been wearing a black tank
21 top prior to police coming to his room.

22 Q. And as your discussion continued, did his story start to
23 change?

24 A. Yeah. I confronted him about what witnesses -- I was
25 getting information at the same time about what witnesses

1 were saying during my interview with him, so I started
2 confronting him a little bit about that. His next story that
3 he provided me was, you know, "I was, in fact, on Bennett
4 Yard Road. I just was walking by. I saw the victim Olivia,
5 but I didn't speak with her. I just walked by and continued
6 on back to my hotel room."

7 Q. Okay. And as the discussion continued, did it evolve
8 even more?

9 A. Yet again I continued to confront him about what
10 witnesses were saying. His next story that came about was he
11 did have a verbal altercation with the victim. During this
12 verbal altercation, he claimed that the victim told him that
13 she was scared of him. And at that point she pulled a knife
14 on him. After she pulled a knife on him, he was able to
15 somehow get the knife from her and then he said he pushed
16 her. And whenever he pushed her --

17 Let me back up. He said after he pushed her, that's
18 whenever he walked back to the house -- er, his apartment.
19 Sorry.

20 Q. And did he indicate that the victim ever said anything
21 to provoke him?

22 A. No. He said something about her bragging about
23 infidelity, but nothing particular. He just kept on
24 reiterating that she was telling him that she was scared of
25 him.

1 Q. And so once you heard this from the defendant, how did
2 you respond?

3 A. Well, at that point I just straight up asked him, I was
4 like, "How did she get a stab wound to her chest?" And
5 that's whenever he says, "Well, after I grabbed the knife
6 from her, I pushed her while the knife was in my hand. So
7 that must have been how she got stabbed."

8 Q. So what happened next? Did he ask for anything?

9 A. Yeah. He made a statement, "If you give me a cigarette,
10 I'll tell you the truth." So we went outside and I let him
11 smoke.

12 Q. And so did you continue your discussion?

13 A. Yeah. So whenever I went outside, I had my body camera
14 on me while I took him outside. While we were talking, he
15 eventually did admit to stabbing her. He says while he was
16 talking with her during this altercation, he pulled out a
17 small knife. And he described it as a knife that has a
18 corkscrew and, like, a bottle opener -- you know, kind of
19 like a Swiss Army knife. I don't know if y'all are familiar
20 with that. He kept on saying it was very small.

21 But he pulled it out, and he was motioning how he
22 stabbed her. He said it kind did it like that, stabbed her
23 once, and then he walked back to his hotel room, which is
24 where we found him.

25 Q. And what did he say he did after the stabbing when he

1 got to his hotel room?

2 A. So as soon as he got back to his hotel room, he
3 immediately got out of his clothes and took a shower.

4 Q. And did he indicate what happened to the knife?

5 A. He said at some point between where the stabbing
6 happened and his hotel room he threw it, but he wasn't
7 exactly too sure where he did that.

8 Q. And so after you had this discussion outside, did you
9 then return to the interrogation room?

10 A. We did.

11 Q. And did you continue the discussion?

12 A. Yes, ma'am.

13 MS. HALIENA: At this time the State seeks to publish
14 Exhibit 30B.

15 THE COURT: You may, subject to the prior objection, of
16 course.

17 (Video played in open court.)

18 BY MS. HALIENA:

19 Q. So in that clip, did the defendant say that something
20 sparked the stabbing?

21 A. Yeah. He said that the several weeks they had been
22 broken up, emotion has been building up inside of him. And
23 seeing her with another man that day sparked the incident.

24 Q. And did you run the victim's record?

25 A. I did. He kept on bringing up her record and calling

1 her a hood rat and saying she was arrested for drugs and
2 stuff like that. So I was just curious what kind of person
3 she was, so I did run her criminal record and she didn't have
4 anything.

5 Q. And at some point did you advise the defendant that the
6 victim had died?

7 A. I did. Yes, ma'am.

8 Q. How did he respond?

9 A. He wanted to see proof.

10 Q. And while you were interviewing the defendant, what else
11 was going on?

12 A. At the same time I was interviewing him, that's whenever
13 Detective Powitchko and crime scene was doing the search
14 warrant on the hotel room at the same time.

15 Q. And were you in communication with Detective Powitchko?

16 A. I was. Yes, ma'am.

17 Q. Did he send you a photograph of some knives that were
18 found in the room?

19 A. Yes, ma'am, he did.

20 Q. Did you show them to the defendant?

21 A. I did. Yes, ma'am.

22 Q. And what did the defendant say about those?

23 A. He said none of those were the knives that were used.

24 Q. Okay. At that point, what happened next?

25 A. He wanted a cup of coffee, so I left the room and made

1 him a cup of coffee.

2 Q. And when you left the room, was it still being recorded?

3 A. Yes, ma'am, it was.

4 Q. And so when you exited the room while it was still being
5 recorded, what happened after you left?

6 A. He started making several statements, kind of bragging
7 about what he did almost.

8 MS. HALIENA: At this time the State would like to
9 publish Exhibit 30C.

10 THE COURT: You may proceed.

11 (Video played in open court.)

12 MS. HALIENA: And at this time the State would like to
13 publish Exhibit 30D.

14 (Video played in open court.)

15 BY MS. HALIENA:

16 Q. And after this, did you return to the room to continue
17 talking to the defendant?

18 A. Yes, ma'am.

19 Q. How did the conversation continue?

20 A. He just kept on wanting to know -- er, wanted proof that
21 the victim was dead and where she was and stuff like that.

22 Q. And again did you leave him alone at the room at some
23 point?

24 A. Yeah. I was trying to deal with his cell phone. He had
25 like a fingerprint lock on his cell phone, and I wanted to

1 search his cell phone. So I was trying to work with the cell
2 phone to try and get that unlocked. That way, whenever I do
3 get a search warrant, it's just easier for the search.

4 Q. And was the room still recording when you left him?

5 A. Yes, ma'am, it was.

6 MS. HALIENA: At this time the State would like to
7 publish 30E.

8 (Video played in open court.)

9 MS. HALIENA: At this time the State would like to
10 publish Exhibit 30F.

11 (Video played in open court.)

12 MS. HALIENA: And the State would like to publish next
13 Exhibit 30G.

14 (Video played in open court.)

15 BY MS. HALIENA:

16 Q. How long did you spend talking to the defendant in the
17 interrogation room?

18 A. I think it was right at two hours.

19 Q. And at the conclusion of your conversation, what
20 happened?

21 A. I placed him under arrest for murder and had him
22 transported to the jail.

23 Q. And just because you were done talking with him, does
24 that mean your work on the case was stopped?

25 A. No. We just needed to investigate. I did get a search

1 warrant on his cell phone. I searched the victim's phone. I
2 got a search warrant to get his DNA because the knife that
3 was collected from the trash can, I wanted to compare that to
4 his DNA and also the victim's DNA, which ultimately neither
5 of their DNA was on the knife, so I don't think that was the
6 knife that was actually used.

7 There was some video that I wanted to collect in between
8 where the incident happened and where he wound up, which was
9 the hotel room, the first being the Little Caesars, which had
10 that security video been working, it probably would have
11 captured it. It wasn't working.

12 We did collect video from the car wash that he ran by.
13 We later learned that video was corrupted. By the time I
14 tried to go back and get it again, it had rewritten over
15 itself.

16 And then I also tried to get video from the hotel that
17 he lives at, and that video wasn't working either.

18 Q. And even if the car wash video had downloaded, would it
19 have shown the actual stabbing?

20 A. No. The only thing the car wash would have shown was
21 him running by, which we had several witnesses that saw that,
22 along with officers that saw it as well.

23 Q. What's the approximate distance between the incident
24 location and the defendant's hotel?

25 A. Right around .3 miles.

1 Q. I'm showing you what's been marked and admitted as
2 State's Exhibit 5.

3 (Exhibit displayed on screen in open court.)

4 BY MS. HALIENA:

5 Q. And you can draw on this if it helps you.

6 Where is the bus stop where that knife was located by
7 crime scene?

8 A. It's right there.

9 Q. And where did the defendant tell you that he tossed the
10 knife he used?

11 A. Somewhere between Highland Road, which is this road
12 right here, and the incident location where it happened,
13 which would have been between this path right here, in that
14 section.

15 Q. Okay. And in summation, can you show the jury on this
16 map where the incident occurred and where the defendant fled
17 to.

18 A. Yeah. The incident occurred right about there. He was
19 found in his room in this area at the hotel.

20 Q. And were you the one that interviewed the witnesses that
21 were on scene?

22 A. No. Assisting detectives helped me in interviewing the
23 witnesses.

24 Q. Okay. As the case agent, did you review all those?

25 A. Yes, ma'am.

1 Q. Was there much else to follow up on?

2 A. No. I mean, I've worked lots of homicides. I mean,
3 I've been responsible for 38 of my own but investigated over
4 200 at that point, right up to now. Some homicides do
5 involve a lot of the forensics and a lot of weeks-long
6 investigation just to make an arrest. Others involve four or
7 five eyewitnesses and a full confession. This happened to be
8 that case in this one.

9 Q. And as the case agent, did you review and collect all
10 the responding officer materials to put together a case file?

11 A. Yes, ma'am, I did.

12 Q. Did you learn anything about what happened the following
13 day in bond court?

14 A. Yeah. So the following day during his initial bond
15 hearing, I got an email from the detective that attended that
16 with the victim's family. I guess during that bond hearing,
17 the defendant also --

18 MR. SMITH: Objection, your Honor. I think we may have
19 a short matter of law.

20 THE COURT: Okay. Ladies and gentlemen, we're going to
21 take up a brief issue of law with the attorneys. And this
22 will also be because you've been sitting out there for at
23 least an our. It will also give an opportunity for you to
24 take a comfort break.

25 Adjourn to the back. I'll have you back out here in

1 just a moment. But don't talk about the case yet. Okay?

2 Thank you.

3 (The jury exited the courtroom at 2:57 p.m.)

4 (The following proceedings were had outside the presence
5 of the jury.)

6 THE COURT: All right. Mr. Smith?

7 MR. SMITH: Thank you, Judge.

8 Obviously we've got -- I have an idea where this is
9 headed about what was said at bond court. We would just like
10 to say that we think that under South Carolina Rules of
11 Evidence 1002, there's no recording that exists of this and
12 we're getting into talking about emails about what was
13 possibly said. And so under that rule of evidence, we would
14 obviously have an objection to this testimony.

15 THE COURT: Okay. Under 1002?

16 MR. SMITH: Yes, sir. Best evidence.

17 THE COURT: Okay.

18 All right. Ms. Haliena?

19 MS. HALIENA: Judge, we are seeking to -- we are not
20 seeking to get in what was said. We under- -- what was said
21 at the bond hearing we believe is a statement against
22 interest. The next witness is somebody who did actually hear
23 what he said. Detective Pritchard would be testifying to
24 what he learned that he notated that something occurred the
25 following day.

1 THE COURT: Okay. So what's his answer to your question
2 going to be?

3 MS. HALIENA: That he learned there were some statements
4 made -- some additional incriminating statements that may
5 have been made at the bond court hearing.

6 THE COURT: Okay. And that's --

7 MR. SMITH: And we object to -- I'm sorry.

8 THE COURT: No. Go ahead.

9 MR. SMITH: We object to hearsay as to that portion.

10 THE COURT: All right. Let's get to your next witness,
11 who presumably is going to be the one who was there present
12 at the bond. What is she going to say that the incriminating
13 statement was?

14 MS. HALIENA: I can't say word for word, but it was
15 something about "She was a ho. She was slut. I told her not
16 to play with me. Now you bury that bitch."

17 THE COURT: Okay. I know most -- I know some
18 magistrates record everything. I know others record some
19 things. And then there are probably those who record
20 nothing.

21 What is the custom here?

22 MS. HALIENA: In this case -- and I -- because I've had
23 this case from the beginning, we did seek to get that
24 recording. So this was right when COVID was going on.
25 Everything was via video. This statement occurred right when

1 defendant walked out and the judge hadn't taken the bench
2 yet, and so it had not started recording.

3 THE COURT: I see.

4 MS. HALIENA: It recorded afterwards. So the family was
5 present, watching. As the defendant came on screen, he made
6 these statements. And then some of the family brought those
7 to our attention.

8 THE COURT: I see.

9 MS. HALIENA: But it was not recorded.

10 THE COURT: It was all being done, obviously, virtually.
11 And was the family appearing from another virtual location,
12 or was everybody kind of in the same -- do you do it like --
13 do you do it here where the person is -- the defendant who's
14 being bonded is at the jail, the judge is back in his office,
15 and then the family can come in by way of the video, like we
16 do it now with Webex.

17 MS. HALIENA: I believe that they were in a courtroom.
18 I'm not sure of the logistics of where everybody was.

19 THE COURT: She's nodding behind you yes.

20 MS. HALIENA: Okay.

21 THE COURT: Okay.

22 MS. HALIENA: And there was a victim advocate present
23 who emailed Detective Pritchard to inform him of what
24 happened, just to give him a heads up for the case.

25 THE COURT: Okay. Under Rule 1002, I don't know that

1 that's sufficient reason to keep it out. Obviously, if
2 something is said in a public area, even if it is -- if
3 something is said prior to a hearing taking place and prior
4 to going on the record -- let's assume you were doing it in
5 this courtroom and we were off the record and something is
6 said that's incriminating before the court reporter starts
7 taking down everything, then I don't know that 1002 would
8 necessarily keep it out.

9 MR. SMITH: Judge, we would also include 403 in this,
10 obviously, because it's very prejudicial.

11 THE COURT: What's the statement again?

12 MS. HALIENA: Something along the lines of "She's a ho.
13 She's a slut. I told her not to play with me. Now you can
14 go bury that bitch."

15 THE COURT: I assume you're seeking introduction of
16 that, as well as a lot of the clips that you've just played,
17 to demonstrate malice.

18 MS. HALIENA: That's correct, your Honor.

19 THE COURT: All right. Your objection as it relates to
20 keeping the statement out from the next witness -- why don't
21 we go ahead and we're dealing with that now since --

22 MR. SMITH: Yes, sir.

23 THE COURT: -- the jury's not here. That's overruled.

24 As far as this witness recounting those words, obviously
25 he's not allowed to do that. I'll sustain the objection as

1 it relates to hearsay for this witness to have -- to parrot
2 what the next witness is going to say. If you want to ask
3 him if he had -- if the next day he received a communication
4 after the bond hearing that something transpired and he noted
5 it, you may ask that in a quasi-leading sort of fashion.

6 And then I assume you'll be done with this witness?

7 MS. HALIENA: I believe I have two more questions and
8 that's it.

9 THE COURT: All right. The next witness after this
10 gentleman will take how long, roughly?

11 MR. HILL: Five minutes.

12 THE COURT: Okay.

13 MR. HILL: It's the --

14 THE COURT: It's the lady who's out there who's nodding
15 her head?

16 MR. HILL: Yes, Judge.

17 THE COURT: Okay.

18 MR. HILL: Yes, Judge.

19 THE COURT: Very good.

20 Mr. Smith, anything else?

21 MR. SMITH: Nothing else, Judge.

22 THE COURT: All right. Very good.

23 Let's take a moment for ourselves, and we'll be back on
24 the record in just a few moments.

25 Feel free to step down and get some water or whatever.

1 Okay?

2 We're at ease.

3 (Court recessed.)

4 (Court resumed outside the presence of the jury.)

5 THE COURT: Thank you. Have a seat, please.

6 All right. Let's have the jury, please.

7 (The jury entered the courtroom at 3:35 p.m.)

8 THE BAILIFF: All jurors are present.

9 THE COURT: Ladies and gentlemen of the jury, again,
10 thank you for your patience. This delay was not truly my
11 fault this time. There was a slight disturbance down on the
12 third floor which necessitated the security people from up
13 here going down and helping out. It's all over with now. It
14 was probably a lot of drama, but we couldn't keep -- we
15 couldn't go forward without the proper people here to watch
16 over us. Feel free to thank the nice people down at the
17 metal detector tomorrow morning when you come in for what
18 they do for us. Okay?

19 Anyway, that's over and done with. We're resuming.
20 We're still on the direct of this witness.

21 So proceed, please.

22 MS. HALIENA: Thank you, Judge.

23 Q. [By Ms. Haliena] The day after your interview with the
24 defendant, did you receive communications that something had
25 occurred at bond court?

1 A. Yes, ma'am.

2 Q. And so then let's back up to the day of the interview
3 with the defendant.

4 Did he ever complain of any injuries, or did you observe
5 any injuries on him?

6 A. No to both.

7 Q. And why did you decide to charge him with murder?

8 A. The culmination of everything that day. In talking to
9 him, I know that he left his room that day, went down to
10 Bennett Yard Road armed with a knife. I know from talking to
11 him that he said that feelings had been building up over the
12 couple weeks they had been separated, which sparked this
13 incident today. The witnesses that other detectives spoke
14 with, they said Kenneth was pacing up and down Bennett Yard
15 Road looking for Olivia.

16 MR. SMITH: Objection, your Honor. Hearsay.

17 THE COURT: Sustained.

18 Maybe ask him to keep it a little bit more general.

19 BY MS. HALIENA:

20 Q. Can --

21 A. I can rephrase.

22 Q. Okay.

23 A. Based on information I got, I knew he was down there.
24 And the way it was described to me, it was almost as if he
25 was down there hunting her, is how I would say it. And not

1 to mention, all the remarks that were made while I was
2 outside the room. I thought a murder charge was more than
3 appropriate in this case.

4 Q. And throughout your interview, what was the defendant's
5 demeanor?

6 A. Calm. At peace with what he did. Didn't show remorse
7 in the least.

8 Q. So he did not show -- he did not seem sorry for what he
9 did?

10 A. Quite the opposite.

11 MS. HALIENA: Those are all the questions that I have
12 for you. If you can answer any questions defense may have.

13 THE WITNESS: Yes, ma'am.

14 THE COURT: Mr. Smith?

15 MR. SMITH: Thank you, your Honor.

16 CROSS-EXAMINATION

17 BY MR. SMITH:

18 Q. Detective Pritchard, as the -- you were the lead
19 detective in this case; is that correct?

20 A. That's correct. Yes.

21 Q. And so you kind of managed the entirety of the case;
22 would that be fair to say?

23 A. Yes. Well, under supervision. I'm not the big dog.
24 There usually is a supervisor that's also helping as well.

25 Q. But as far as this case, you were the person in

1 charge --

2 A. That's correct.

3 Q. -- at least at the level of trying to get this case
4 ready for court?

5 A. Yes, sir.

6 Q. So when you're doing that, you're trying to figure out
7 what's important in the case; is that fair to say?

8 A. That's fair.

9 Q. And you're trying to focus on those items that you think
10 are important; is that correct?

11 A. That's correct. Yes, sir.

12 Q. And at the same time, you're trying to discount anything
13 that's not important to the case?

14 A. Correct.

15 Q. Okay. Because you don't really want to spend time on
16 things that aren't important?

17 A. Yes, sir.

18 Q. Is that fair?

19 A. Yes, sir.

20 Q. You want to make sure that everything in this case is
21 preserved; is that correct?

22 A. Correct.

23 Q. And you do that because eventually some cases end up in
24 the courtroom, like we are here today; is that right?

25 A. That's right. Yes, sir.

1 Q. And you want to make sure everything you have is
2 accurate; is that correct?

3 A. That's correct.

4 Q. And everything is as complete as it can be?

5 A. That's correct.

6 Q. And that everything is fairly done in the case for both
7 sides?

8 A. Yes, sir.

9 Q. Is that fair?

10 Let's get into this case for just a second.

11 Your main contribution at the beginning of this case was
12 talking to Mr. Dawson; is that correct?

13 A. Yeah. Yes, sir.

14 Q. So prior to talking with Mr. Dawson, you really weren't
15 making assignments about the case or anything at that point;
16 is that correct?

17 A. No. That would have been the supervisor that would have
18 been out that day.

19 Q. All right. Let's jump right to some of the clips that
20 we've listened to in this case.

21 What was the total time of the interview?

22 A. I believe it was right at two hours, I believe.

23 Q. Okay. And is it fair to say that the clips we heard
24 were a very small portion of the entire interview?

25 A. Right.

1 Q. One of the clips, there was some discussion about a
2 knife in the case; is that correct?

3 A. That's correct?

4 Q. And I think you ultimately told the solicitor, you know,
5 "We found a knife," but there was no DNA taken from it; is
6 that correct?

7 A. That's correct?

8 Q. And there was no fingerprints found on it?

9 A. Correct.

10 Q. And there was no blood found on that knife?

11 A. No, sir.

12 Q. But Kenneth told you about the knife that he supposedly
13 used in this case; is that correct?

14 A. Correct.

15 Q. Did you ever find that knife?

16 A. No, sir.

17 Q. Did you ever look for that knife after he gave you that
18 statement?

19 A. Yeah. It was either the follow Monday or Tuesday,
20 whenever I went back to recanvass for video and maybe go back
21 to the car wash, I did check in between Highland Drive and
22 Bennett Yard Road.

23 Q. Okay. And was it just you, or were there other officers
24 involved in that canvassing?

25 A. There wouldn't have been a lot of us. If there was

1 anybody, there would have been one other person with me.

2 Q. All right. So let's talk for a second about the people
3 involved in this case. We've heard a lot of witnesses over
4 the last day or so.

5 A. Yes, sir.

6 Q. During your interview with Kenneth, we heard you mention
7 the name Elbert --

8 A. Correct.

9 Q. -- is that correct?

10 Who is that?

11 A. That was the new boyfriend of Olivia.

12 Q. Okay. And was he on Bennett Yard Road that day?

13 A. Yes, sir, he was.

14 Q. And did you ultimately interview him?

15 A. No. He was interviewed by another detective.

16 Q. So another detective talked to him?

17 A. Yes, sir.

18 Q. So just to go back -- and let me make sure that I'm
19 correct on this one.

20 When you got the initial call, you already knew Ms. Goff
21 was deceased; is that correct?

22 A. No. The initial call was just a stabbing and she was --
23 well, they said Cat 1, which is critical. I got an
24 additional call on the way that said she was deceased.

25 Q. Okay. So you got a call before you ever got to the

1 interview room --

2 A. Correct.

3 Q. -- that she was deceased; is that fair?

4 A. Yes, sir.

5 Q. Did you receive other information before you went into
6 the interview room with Kenneth about the case?

7 A. I believe before I went in, I was very minimalized. I
8 knew there was a bunch of witnesses that either had or had
9 not been interviewed just yet. And I knew the victim was
10 deceased. And I knew that he was found in his hotel room and
11 brought to the bureau. That was pretty much all I knew.

12 Q. Okay. Would you agree that when you began the
13 interview, he asked you right off the bat, "Am I going to be
14 arrested?" Do you remember him asking you that question?

15 A. Correct.

16 Q. And you told him at that point you didn't know?

17 A. Yeah. I mean, that was a true statement. It was still
18 the initial part of the investigation. Depending on what
19 witnesses say and what details may corroborate what they say,
20 there is a chance that --

21 Q. Sure.

22 A. -- he would have been.

23 Q. But you knew Ms. Goff had died at that point?

24 A. That's correct.

25 Q. Okay. He asked you a couple more times about being

1 arrested; is that correct?

2 A. That's correct.

3 Q. And each time you respond "I don't know"?

4 A. Right.

5 Q. We've heard a little bit about Kenneth asking for a
6 cigarette at some point.

7 A. Correct.

8 Q. He did that, correct?

9 A. He did.

10 Q. He did that a couple times?

11 A. Yes.

12 Q. He also asked about some coffee?

13 A. Correct.

14 Q. You been doing this a long time; is that correct?

15 A. Yes, sir.

16 Q. And I think you told the jury you've been involved in a
17 number of murder cases here in Charleston; is that correct?

18 A. Yes, sir.

19 Q. Okay. Do you normally provide a cigarette or a cup of
20 coffee if somebody asks for it?

21 A. I have. If a person tells me "I'm going to tell you the
22 truth if you give me a cigarette," we're going to go smoke.

23 Q. And the reason that you do that is so that somebody,
24 hopefully, is going to be more cooperative after that; is
25 that correct?

1 A. Yeah. I mean, I ultimately want the truth.

2 Q. Okay. When did -- at what point during his interview
3 did you decide that you were going to charge him with murder?

4 A. It wasn't until afterwards when I spoke to the other
5 detectives that interviewed witnesses as well. We were
6 listening to it live as he was saying what he was saying.
7 While I was outside the room, we were listening to it as
8 well. So I was leaning towards a murder charge just from
9 listening to that.

10 But whenever we got all the other witness statements is
11 ultimately when I decided.

12 Q. But while you were in the interview and talking to him,
13 you hadn't made that decision; is that fair to say?

14 A. That's fair.

15 Q. At some point you do kind of reveal that Ms. Goff is in
16 the hospital; is that correct?

17 A. I told him she was dead.

18 Q. You didn't initially tell him that there was a stab
19 wound and that she had been taken to the hospital?

20 A. Yeah. I mean, I think he knew that she had been hurt.
21 I mean, he told me that before I even told him.

22 Q. So at some point there was a discussion that she had
23 been hurt?

24 A. Correct.

25 Q. And then ultimately that she had died; is that correct?

1 A. That's correct.

2 Q. The question you posed to him at one point is, you know,
3 "Did Ms. Goff deserve this?" Is that correct?

4 A. Correct.

5 Q. And that is not an element of a murder charge, is it?

6 A. I just wanted to know his state of mind, how he felt
7 about what he did.

8 Q. Okay. When you finally told Kenneth that Ms. Goff had
9 died, did he believe you at the beginning?

10 A. No. He kept on wanting me to show him proof. I don't
11 know exactly what he meant by that. He just kept on saying
12 he wanted proof.

13 Q. And he asked you about maybe having even another
14 supervisor come in and tell him about that?

15 A. That's correct. Yeah.

16 Q. Ultimately, you didn't bring anybody else in, did you?

17 A. I believe I told him I'd send my sergeant in, but at
18 that time everybody was busy with tasks. I wasn't going to
19 take them away to prove to somebody that --

20 Q. Okay. Now, at some point you are fooling with a cell
21 phone of Kenneth's; is that correct?

22 A. Correct.

23 Q. And it had some type of lock on it?

24 A. Yeah. I think it was a fingerprint lock. And at the
25 time, if we didn't disable the fingerprint lock, it's just

1 more difficult for our forensic analyzer to get into the
2 phone. So I just asked him for the password so we could
3 disable the --

4 Q. Okay.

5 A. -- that portion of it.

6 Q. And he was cooperative with you about that?

7 A. Yeah, he was fully cooperative.

8 Q. Okay. And did you ultimately get into the cell phone or
9 submit it for --

10 A. Yes, sir. I searched both his phone and the victim's
11 phone.

12 Q. Okay. And there's been no information presented about
13 either of those phones, correct?

14 A. There was nothing of any interest that I found on either
15 phone.

16 Q. So let me just sum up a little bit here.

17 Is it fair to say that Kenneth Dawson didn't know what
18 he was charged with when he first came there?

19 A. That's fair.

20 Q. And on multiple occasions, you told him you didn't know
21 if he was being arrested; is that fair?

22 A. Well, he kept on asking if he was under arrest. You
23 know, I was still investigating. I was still in the process.

24 Q. But at some point you said, "You're being detained" --

25 A. Correct.

1 Q. -- or something to that effect?

2 A. He wasn't free to go.

3 Q. Okay. Would it be fair to say that during your
4 interview you brought up the idea of telling the truth to
5 Kenneth several times?

6 A. Correct. Yeah, we were getting -- I was getting
7 information by cell phone kind of letting me know what
8 happened and what witnesses were saying. So obviously his
9 stories weren't lining up, so I was just --

10 Q. And you kept confronting him with information you
11 received during the interview; is that correct?

12 A. Yes, sir.

13 Q. Okay. And you repeated the thing about telling the
14 truth multiple times?

15 A. Yes.

16 Q. And at one point you even suggested "The truth is the
17 only thing that's going to help you out"?

18 A. Correct.

19 Q. All right. And I think you said something to the fact
20 of "Kenneth, you're going to be good if you just tell the
21 truth" or something like that?

22 A. Not meaning "good" in the sense that he's going to go
23 scot-free that day. Meaning "good" meaning "The evidence is
24 going to show and the witnesses are going to show what
25 happened. We're going to charge you regardless. Tell the

1 truth, maybe show some remorse, and help yourself out."

2 That's kind of what I was trying to relate to him.

3 Q. Ultimately, you all get to a point where you think
4 you've got the truth of the case; is that fair to say?

5 A. Correct.

6 Q. And that was from your interview with Mr. Dawson?

7 A. Yes.

8 Q. Did he have any -- did he have to talk to you when he
9 sat down with you?

10 A. No. I told him that he didn't have to.

11 Q. But he chose to; is that correct?

12 A. That's correct. Yes, sir.

13 Q. And I think you characterized it as him being excited to
14 talk to you --

15 A. Yeah.

16 Q. -- is that fair?

17 A. He was eager. Yes, sir.

18 MR. SMITH: Beg the Court's indulgence, your Honor.

19 THE COURT: Yes, sir.

20 (Pause in proceedings.)

21 MR. SMITH: I believe that's all the questions I have
22 for you.

23 THE COURT: Any redirect?

24 MS. HALIENA: Just a couple.

25 The Court's indulgence.

1 THE COURT: Okay. Go right ahead.

2 REDIRECT EXAMINATION

3 BY MS. HALIENA:

4 Q. Briefly, you stated the interview was about two hours.
5 Were you talking for the entire two hours?

6 A. No. I was in and out of the room the whole time.

7 Q. And is it common to give a subject a break for water or
8 bathroom or smoke break?

9 A. Yeah. If they ask for -- if it's a long interview and
10 they ask for food, we're going to give them food. If they
11 ask for water, they're going to get water. If they want to
12 go to the bathroom, they're going to go to the bathroom.

13 Q. Okay. And at some point did the defendant tell you,
14 "Take me to jail"?

15 A. Yeah.

16 MS. HALIENA: Those are all the questions we have.

17 THE COURT: Thank you.

18 All right, sir. Thank you very much. You can step
19 down.

20 (Witness excused.)

21 THE COURT: Solicitor, call your next witness, please.

22 MR. HILL: The State calls Nekisha Goff.

23 CLERK OF THE COURT: If you'd please raise your right
24 hand and place your left on the Bible.

25 (Witness sworn.)

1 CLERK OF THE COURT: Please be seated.

2 Please state your full name, spelling your last name
3 loudly and clearly into the microphone.

4 THE WITNESS: Nekisha Goff, G-O-F-F.

5 NEKISHA GOFF,
6 called as a witness on behalf of the State, being first duly
7 sworn, was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. HILL:

10 Q. Good afternoon, Ms. Goff.

11 A. Good afternoon.

12 Q. Can you please tell us where you're from.

13 A. Charleston, South Carolina.

14 Q. How long have you lived in Charleston?

15 A. All 46 years of my life.

16 Q. And your last name is Goff?

17 A. Goff.

18 Q. Can you tell the jury what your relationship to Olivia
19 was.

20 A. I'm her older sister.

21 Q. I'm sorry?

22 A. I'm her older sister.

23 Q. And how would you describe you and Olivia's
24 relationship?

25 A. We're sisters. We're close.

1 Q. And how often would y'all talk?

2 A. When she want something -- no. Every day just about.

3 Q. And so you knew generally what was going on in her life?

4 A. Yes.

5 Q. And do you know where she was working at the time?

6 A. Yes.

7 Q. Do you know about how long she'd been working there?

8 A. Not too long. She just had started.

9 Q. And did you know that -- I guess, did you know who the
10 defendant was to her?

11 A. I heard about him.

12 Q. Okay. And did you know that they were in a
13 relationship?

14 A. At one point in time.

15 Q. Okay. Do you know about when that relationship had
16 ended?

17 A. Like, maybe the end part of May, first of June.

18 Q. Okay. And do you recall that day in June?

19 A. Oh, yes.

20 Q. And do you remember what happened that day?

21 A. Yes.

22 Q. And where were you?

23 A. I was at home.

24 Q. Okay. And where did you live at the time?

25 A. On Rivers. Not too far.

1 Q. And how did you find out about what happened?

2 A. Family member called me.

3 Q. Did you -- after that phone call, did you go to the
4 scene?

5 A. I was heading there, and then they said to go to the
6 hospital.

7 Q. And I guess with respect to the incident itself, did you
8 have any involvement there that day?

9 A. No.

10 Q. After the incident, did you ever have an occasion to see
11 the defendant?

12 A. No.

13 Q. I guess the next day, did you happen to see the
14 defendant?

15 A. Yes.

16 Q. Okay. Where did you see him?

17 A. At the bond hearing.

18 Q. Okay. Where were you?

19 A. Sitting in the room in the back.

20 Q. And what happened once the defendant appeared?

21 A. As soon as he came out of his door, I guess he went to
22 the camera, or whatever they look into that's out there. He
23 came up the room, flicking us, and he just started rambling
24 like "I told that ho don't play with me. She's a trick. F
25 that B. Bury that B."

1 Q. And what did you do after that?

2 A. I got up and went outside.

3 Q. Is that the last interaction that you had with the
4 defendant?

5 A. Yes, sir.

6 Q. And you said that when he came out he was --

7 A. Flicking.

8 Q. Flicking?

9 A. Like flicking the finger.

10 Q. I'm sorry?

11 A. Sticking up his middle finger at the camera.

12 MR. HILL: I don't have any other questions. Please
13 answer any the defense may have.

14 THE COURT: Any questions, Mr. Smith?

15 MR. SMITH: Just briefly, your Honor.

16 CROSS-EXAMINATION

17 BY MR. SMITH:

18 Q. Ms. Goff, you said you had heard about the defendant; is
19 that correct?

20 A. Yes.

21 Q. Had you ever met him?

22 A. No, sir.

23 Q. But you knew that there was some relationship there?

24 A. Yes, sir.

25 Q. And do you know how long that relationship went on?

1 A. A few months.

2 Q. A few months? Okay.

3 MR. SMITH: I believe that's all the questions I have,
4 Judge.

5 THE COURT: Ma'am, thank you very much. You may step
6 down.

7 (Witness excused.)

8 THE COURT: Solicitor, any additional witnesses from the
9 State.

10 MS. HALIENA: At this point the State rests, your Honor.

11 THE COURT: Very good. Let me -- can y'all approach
12 real quick. Let me talk to you about the scheduling.

13 (An off-the-record discussion regarding scheduling was
14 held at the bench.)

15 THE COURT: All right. Ladies and gentlemen of the
16 jury, we've reached probably a good stopping point this
17 evening. So we're going to go ahead and take a break for the
18 night, and I'll deal with a few more housekeeping matters on
19 this case. But if you would be back tomorrow, please, at
20 9:30.

21 If you've been taking notes, just put your initials or
22 your name on the outside of the tablet, leave them in your
23 chair, and the bailiff will secure those.

24 I do anticipate getting this case to y'all sometime
25 tomorrow for your deliberation. And of course, you've

1 already placed your lunch order, so I'm hoping that perhaps
2 we can have this to you sometime tomorrow morning to
3 beginning your deliberations. Okay?

4 Again, like I said yesterday, don't talk about the case
5 with anyone. Do, however, enjoy your evening. It's a very
6 pleasant day, uncharacteristic for January, at least where I
7 live. Maybe y'all are used to that down here at the coast.
8 But it's very nice outside, so go out and maybe enjoy a nice
9 sunset with somebody that you like. Okay?

10 Have a good night. See you back at 9:30. Thank you for
11 your attention and your patience with us.

12 (The jury was released for the day and exited the
13 courtroom at 3:59 p.m.)

14 THE COURT: Okay. And for the record, Ms. Arora, I
15 assume that the defense moves for a directed verdict and
16 renews all prior motions and objections?

17 MS. ARORA: Yes, your Honor.

18 THE COURT: All right. Very good.

19 In the light most favorable to the State, the Court
20 finds that there is sufficient evidence to warrant allowing
21 this case to proceed further. So I would deny your motion
22 for a directed verdict. And of course, the same ruling as
23 before on all prior objections and motions.

24 You indicated at the bar that your client has expressed
25 to you a desire to testify but you wanted to converse with

1 him more this evening just to make sure that he's comfortable
2 with that decision and that he appreciates the pluses and
3 minuses of testifying. Is that correct?

4 MS. ARORA: Yes, your Honor.

5 THE COURT: All right. Is there any problem if he and I
6 just have a very brief discussion on the record about all of
7 that, or are we okay? All right.

8 Mr. Dawson -- and you can stay seated. But we've gotten
9 to that point in the trial where tomorrow you'll have an
10 opportunity, if you wish, to present a defense and to testify
11 in this case.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: At this stage, understand that your
14 attorneys have introduced no evidence into the record, no
15 exhibits or anything like that. So under the rules, if you
16 were to decline to present a defense, they would get last
17 argument. And I'm sure that's something that she's talked to
18 you about maybe or she will be talking to you about tonight.
19 Okay?

20 And obviously, Mr. Dawson, if you choose to testify,
21 that is entirely your decision, 100 percent. Do you
22 understand that?

23 THE DEFENDANT: I understand, sir.

24 THE COURT: At the same time, you understand that
25 basically the same Miranda rights -- you're an intelligent

1 may. You understand the same Miranda rights that were
2 explained to you by Investigator Pritchard, that you don't
3 have to say anything in this courtroom, you didn't have to
4 talk to him, you don't have to talk to anybody in here? You
5 understand what I'm saying?

6 THE DEFENDANT: I understand.

7 THE COURT: All right. And if you chose not to testify
8 tomorrow, understand, Mr. Dawson, I'll instruct the jury that
9 they cannot use your failure to testify as evidence of guilt.
10 They can't even talk about it in the jury room. And that
11 there's to be no bad inference or there's to be no negative
12 inference against you or your case because you chose not to
13 testify. You understand?

14 THE DEFENDANT: I understand.

15 THE COURT: Okay. Now, of course if you do testify,
16 you'll have to answer any relevant questions put to you. We
17 discussed earlier yesterday that the State doesn't intend to
18 impeach you with any prior convictions unless you open the
19 door. But they're not going to attempt to impeach you with
20 any convictions that would relate to your truth or veracity.
21 So it would only be if you open the door by one of your
22 answers would they be able to talk about prior convictions or
23 prior incidents.

24 But at the same time, once you take the stand, if a
25 question is put to you that's relevant by the State or your

1 attorneys, you go to answer it. You understand that? You
2 can't decide to take the Fifth later on after your lawyers
3 have questioned you and then they get their chance. You
4 understand?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. Now, the way I usually leave this,
7 Mr. Dawson, is your lawyer wants to talk to you a little bit
8 more tonight and kind of help you weigh the pros and cons.
9 Again, it's your decision whether or not you testify because
10 this is a personal right. Only you can waive it. Your
11 lawyers can't. Only you can waive that right.

12 So the way I usually leave it is if Ms. Arora calls you
13 tomorrow as a witness in your case, I'll assume that you've
14 decided at that point in time that you just want to waive
15 your Fifth Amendment rights and testify. Is that fair?

16 THE DEFENDANT: Mm-hmm.

17 THE COURT: Is that a fair way to leave it?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Okay. So if she calls you as a witness,
20 I'll assume that you have decided of your own volition to
21 waive your Fifth Amendment rights. Okay?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right. Fair enough. We'll leave it at
24 that.

25 I feel like there was one other housekeeping matter I

1 need to deal with, but I can't remember what it is.

2 Oh. My law clerk has emailed the jury instructions to
3 you folks. If there's anything that you want added or you
4 feel like needs to be added, feel free to email us back this
5 evening so that we can kind of hit the ground running,
6 working on it tomorrow. But they're pretty standard that
7 you've probably seen several, several times.

8 But any additions that you may want or anything else you
9 may want added or taken away, let us know, please. All
10 right?

11 THE DEFENDANT: Your Honor?

12 THE COURT: Yes, sir.

13 THE DEFENDANT: Can I just say something from the
14 beginning, sir, I really appreciate you being fair with me,
15 because, like, those were, you know, one of the things that,
16 you know, I was really concerned about. I appreciate it.
17 Thank you.

18 THE COURT: All right. I appreciate you saying that. I
19 don't get compliments like that very often from that side of
20 the bench, but I appreciate your feelings along those lines.
21 Okay?

22 THE DEFENDANT: You know, I was saying, you know, real
23 recognize real.

24 THE COURT: All right. It's all good.

25 All right. We'll be at ease until tomorrow around 9:30.

1 And I hope y'all have a pleasant night. Okay?

2 Y'all take care.

3 THE DEFENDANT: Thank you, sir.

4 THE COURT: Yes, sir.

5 MR. HILL: Thank you, Judge.

6 MS. HALIENA: Thank you, your Honor.

7 MS. ARORA: Thank you, your Honor.

8 (Court recessed at 4:05 p.m., to resume at 9:30 a.m.,

9 Wednesday, January 15, 2025.)

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1 (Court resumed at 9:47 a.m., Wednesday, January 15,
2 2025, outside the presence of the jury.)

3 THE COURT: All right. We'll get back on the record.

4 Ms. Arora, I assume we're still in the same position we
5 were yesterday? Your client intends to testify?

6 MS. ARORA: Yes, your Honor. He intends to testify.

7 THE COURT: All right. Very good.

8 The State did rest in front of the jury yesterday,
9 correct?

10 MS. HALIENA: That's correct, Judge.

11 THE COURT: All right. Very good.

12 Let's have the jury, please.

13 MS. HALIENA: Judge?

14 THE COURT: Yes, ma'am.

15 MS. HALIENA: If I may, a quick request.

16 We would request if there could just possibly be a
17 comment or a warning -- just, we've had this issue recently
18 come up when a defendant has testified, about commenting on a
19 possible sentence in front of the jury, which we don't think
20 would be appropriate commenting on the number of years that
21 he is potentially facing, trying to --

22 THE COURT: I think you're probably correct. It would
23 be improper to interject the sentence into his testimony. I
24 think if you could admonish him on that, that would be fine.
25 But I'm sure you already have.

1 MS. ARORA: We don't intend to.

2 THE COURT: Very good.

3 MS. HALIENA: Thank you.

4 (The jury entered the courtroom at 9:50 a.m.)

5 THE BAILIFF: All jurors are present.

6 THE COURT: All right. Very good.

7 Ladies and gentlemen of the jury, welcome back. Thank
8 you for being here and for being on time. We just had a few
9 housekeeping matters we were addressing on this case.

10 At this point in time, Ms. Arora, your case, ma'am.

11 MS. ARORA: Thank you, your Honor.

12 The defense calls Kenneth Dawson.

13 THE DEFENDANT: Good morning, your Honor.

14 THE COURT: Good morning.

15 CLERK OF THE COURT: Will you please raise your right
16 hand and place your left hand on the Bible.

17 (Witness sworn.)

18 CLERK OF THE COURT: Please be seated.

19 Please state your full name, spelling your last name
20 loudly and clearly into the microphone.

21 THE WITNESS: My name is Kenneth Dawson, D-A-W-S-O-N.

22

23

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25

1 KENNETH DAWSON,
2 called as a witness on his own behalf, being first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MS. ARORA:

6 Q. Good morning, Kenneth.

7 A. How you doing, ma'am?

8 Q. Let's just start with this. Did you go to Bennett Yard
9 Road to hurt Olivia?

10 A. No, I did not.

11 Q. Did you go there and try and kill her?

12 A. No, I did not.

13 Q. At any point during this incident did you try to hurt
14 her?

15 A. No, ma'am, I did not.

16 Q. At any point during the incident did you try to kill
17 Olivia?

18 A. No, ma'am, I did not.

19 Q. Let's give the jury some background.

20 How old are you?

21 A. I'm 62 years old.

22 Q. And where did you grow up?

23 A. I grew up in -- well, I was born in Ember Hospital,
24 Queens, New York, but I grew up between Harlem and the Bronx.

25 Q. Okay. And who did you grow up with?

1 A. Well, most summers my mother -- who is deceased now.
2 Most summers I came to Charleston, West Ashley, Orleans
3 Woods, to my mother and -- well, one of my sisters died last
4 year, but I came to Charleston with two -- my mother and my
5 two sisters.

6 Q. And how far did you get in school?

7 A. I'm a high school graduate.

8 Q. And what did you do after you graduated high school?

9 A. Um --

10 Q. Well, let's just start with what did you do for work?

11 A. Okay. I've had several jobs. I'm experienced in hotel
12 maintenance, housing maintenance, and I have -- well, I don't
13 know if it's still valid, but I had a certificate for
14 management of hotels.

15 Q. And so in June of 2020, what were you doing for work?

16 A. I was working at Little Caesars on -- well, I apologize.
17 I had just made assistant manager at Cici's, and I was
18 working at Suburban Extended Stay.

19 Q. Um --

20 A. And I'm living there too. I'm sorry.

21 Q. And you just said Little Caesars. Were you working at
22 Little Caesars?

23 A. Ma'am?

24 Q. Were you working at Little Caesars?

25 A. I was working at Little Caesars, like, in the mornings,

1 and then in the evenings and on my days off I would work at
2 Suburban.

3 Q. How long did you have your job at Suburban?

4 A. Well, when I first came down here in 2018, I had that --
5 that was one of my first jobs. I had left there and had got
6 another job. And then I ran into Ms. Vivian, whom at the
7 time was the director for Suburban Extended Stay and that
8 hotel right next to the old bus station on Dorchester Road.
9 And I saw her in Food Lion.

10 Q. Well, let me get to this.

11 A. Okay.

12 Q. So in June of 2020, were you working at the Suburban?

13 A. Yes, ma'am.

14 Q. And did you have any special arrangements with them with
15 work and living?

16 A. Yes. The owner, Cam, he said that I could stay there
17 and, you know, work there.

18 Q. And let's talk a little bit about Olivia.

19 When did you meet her?

20 A. I met Olivia 2000 -- roundabout November 2019.

21 Q. And how did you meet her?

22 A. At Little Caesars.

23 Q. Okay. And how would you categorize your relationship
24 with her?

25 A. Well, we really didn't have a relationship at first,

1 ma'am. I went to Little -- I'm not gonna ramble, but I went
2 there for an interview and --

3 Q. Well, let's talk about -- was your relationship a
4 friendship?

5 A. At first, yeah.

6 Q. And did it change over time?

7 A. Over time, yes, ma'am.

8 Q. So how would you categorize it over time?

9 A. Wow.

10 Q. Were you dating?

11 A. Well, we talked on the phone for a while, and then we
12 started dating.

13 Q. And how long did you date for?

14 A. Up until May 2020.

15 Q. And what happened in May 2020?

16 A. A lot of things happened, ma'am.

17 Q. Were you still in a romantic relationship?

18 A. At that point, no.

19 Q. And after you broke up, did you have contact with
20 Olivia?

21 A. At some point -- well, actually, I contacted her aunt,
22 Ms. Mamie. And I had asked Ms. Mamie --

23 Q. Did you have contact with Olivia?

24 A. No, not directly.

25 Q. Were you aware she was dating someone else?

1 A. No, I wasn't.

2 Q. Let's go to the day of June 13.

3 A. Okay.

4 Q. Where were you living on this day?

5 A. Suburban.

6 Q. And walk me through your morning. How did that day
7 start?

8 A. Okay. Mr. Cam, the owner of the hotel, picked me up at
9 6:00 and we went to -- he has a laundromat in Hanahan. We
10 went to breakfast at the Sunoco on Rivers Avenue right across
11 from JD Byrider. We went to breakfast and we ate breakfast.
12 Then we went to the laundromat, and I cleaned the laundromat
13 for him: swept, mopped, waxed, cleaned the dryers.

14 Q. Around what time was this?

15 A. This was, like, maybe -- well, we got there after we
16 ate, and it was maybe, like, maybe 6:45.

17 Q. And you just stated you were at the laundromat. How
18 long did you stay there for?

19 A. I stayed there till about 8:00, 8:15.

20 Q. And at 8:00, what happened after that?

21 A. We -- well, I was going to stay at the laundromat that
22 day, but Mr. Cam said that he needed me to do some painting
23 for him at the hotel. So we left there and we went to
24 Lowe's.

25 Q. Okay. And what happened after Lowe's?

1 A. He dropped me off at the Suburban. I got the paint
2 stuff out, put it up in the maintenance shop, and then I went
3 to the office.

4 Q. Around what time was this?

5 A. This had to be about maybe 10 minutes to 9:00, maybe.
6 Almost 9:00.

7 Q. And so what happened next?

8 A. Okay. Cory, the general manager at Little Caesar at the
9 time, he called me and asked me could I come down and do some
10 dough for him, because I think that Monday they were having
11 -- some company downtown Charleston was having a retirement
12 party and they needed, like, 200 pizzas.

13 Q. So after you got that call from Cory, what did you do?

14 A. I took a shower, watched a show on A&E, and then I went
15 down to Little Caesars.

16 Q. And what time was this?

17 A. It was, like, about maybe 9:15. It didn't take me but
18 like -- because I walk fast, so it didn't take me but like
19 maybe six minutes to get down there.

20 Q. How long were you at Little Caesars for?

21 A. I was at Little Caesars till about -- wow. Until about
22 maybe 12:30.

23 Q. And what ---

24 A. 12:45.

25 Q. What did you do when you left?

1 A. I left Little Caesars and went back to the hotel.

2 Q. How did you get back to the hotel?

3 A. Walked.

4 Q. And which road did you walk on?

5 A. I walked out Little Caesars, went around the building,
6 and walked down Dorchester Road towards the -- towards the
7 Harley-Davidson. I apologize.

8 Q. And what happened when you got back to the hotel?

9 A. I walked back to the hotel, and I went into the office.
10 I went into the office. The clerk, Samaria (phonetic) --
11 yeah, that's her name -- she said that I had a phone call.
12 And I'm like, "From who?" And she said, "Well" --

13 MS. HALIENA: Objection. Hearsay.

14 THE COURT: Do you claim an exception?

15 MS. ARORA: No, your Honor.

16 THE COURT: All right. Overruled -- er, sustained.
17 Sorry.

18 BY MS. ARORA:

19 Q. So after you found out you got a phone call, what
20 happened next?

21 A. I stood there and I stood, like, in the office for,
22 like, maybe five to ten minutes talking to her, and the phone
23 rang again as I was walking out of the office.

24 Q. Do you know who was calling you?

25 A. No. I did not know at the time.

1 Q. Okay. And after you walked out of the office --

2 A. Well, as I pushed the door, Samaria said, "Kenny" --

3 MS. HALIENA: Objection.

4 THE COURT: Sustained.

5 BY MS. ARORA:

6 Q. After you walked out of the office, what did you do?

7 A. Went back to my room.

8 Q. Okay. And what happened when you got back to your room.

9 A. Well, as soon as I put the card key in the door and
10 opened the door, the room phone rang.

11 Q. And who was on the phone?

12 A. Elbert Simpkins.

13 Q. Okay. And what did you do when you answered the phone?

14 A. I answered the phone. I said, "Hello." He started
15 talking, and I hung the phone up. I hung the room phone up.

16 Q. And what happened after you --

17 A. My cell phone rang. I had my cell phone plugged up on
18 the -- back up on the sink by the bathroom.

19 Q. Did you answer your cell phone?

20 A. Yeah, I answered it.

21 Q. Okay. And who was calling you.

22 A. That was Elbert again calling me.

23 Q. Okay. And what was that interaction like?

24 A. I'm like, "Hello. What?" And he was telling me
25 something about --

1 MS. HALIENA: Objection.

2 THE COURT: Sustained.

3 BY MS. ARORA:

4 Q. Just categorize, what was the interaction like?

5 A. Okay. The interaction was, you know, we had words on
6 the phone.

7 Q. Okay. So what happened after you were on the phone?

8 A. He started threatening me.

9 Q. And what happened after that?

10 A. I sat back on the bed.

11 Q. And after you sat on the bed --

12 A. When I sat back on the bed, my cell phone rang again.

13 Q. Okay. And what happened next?

14 A. We were going back and forth, back and forth. But he
15 started threatening me, and I just hung the phone up again.
16 But when I hung my cell phone up, my room phone rang again.

17 Q. Okay. And after that, did you do anything?

18 A. I answered the phone, and he started threatening me.
19 And I'm like -- I told him -- I'm like, "Man, don't your mama
20 have something for you to do? You know, like cut the grass
21 or, you know, maybe wash the dishes or something? You know,
22 leave grown people alone." And I hung the phone up again.

23 Q. And what happened after that?

24 A. He called me again and started threatening me again.
25 I'm like, "Man, you know something? Okay, man. Keep that

1 same energy when I get down there."

2 Q. So what happened?

3 A. And I walked down to Bennett Yard Road.

4 Q. Okay. And why did you walk down to Bennett Yard Road?

5 A. Because he was threatening me and he was saying things
6 about my daughter, which at the time I didn't know -- you
7 know, I know that, you know, he didn't know, you know, where
8 she lived at.

9 Q. And how did you walk to Bennett Yard Road?

10 A. The same way I walked to go to Little Caesars.

11 Q. And when you arrived at Bennett Yard Road, where did you
12 go?

13 A. When I arrived to Bennett Yard Road, I saw Elbert and I
14 saw Olivia.

15 Q. Okay. And what happened when you saw them?

16 A. When I saw them, I took a left on Bennett Yard Road and
17 I approached Elbert.

18 Q. What happened when you approached Elbert?

19 A. I'm like, "Why are you calling my phone?"

20 Q. At this point, how far away were you from Elbert?

21 A. Like from me to her.

22 Q. Okay.

23 MS. ARORA: Let the record reflect that's maybe about 6,
24 7 feet.

25 THE COURT: About 6, 7 feet, correct. Yes.

1 BY MS. ARORA:

2 Q. Okay. So you're standing there about 6, 7 feet away
3 from Elbert. What happens?

4 A. We were going back and forth. We were going back and
5 forth. And I'm like, "Man, all that talk on the phone, man,
6 I'm a grown man and I don't take kindly to threats."

7 Q. Okay. Was there anyone else there with Elbert?

8 A. Was anyone else with him? Yes, ma'am. Olivia was with
9 her.

10 Q. Um --

11 A. Er, with him. I'm sorry.

12 Q. And what happened next?

13 A. He reached into his shirt, and I saw a black knife.

14 Q. Okay.

15 A. The handle -- well, not the handle, but I saw a black
16 knife.

17 Q. What was going through your head when you saw that?

18 A. I got scared. I got nervous.

19 Q. Okay. And did you feel threatened?

20 A. Yes, I did.

21 Q. What did you do after you saw Elbert reach into his
22 shirt?

23 A. When he reached into his shirt, I reached for my back
24 pocket.

25 Q. What was in your back pocket?

- 1 A. I had a knife in my back pocket.
- 2 Q. And can you describe that knife?
- 3 A. It was a knife with a brown handle.
- 4 Q. Okay. And what did you do when you reached into your
5 back pocket?
- 6 A. When I reached into my back pocket, I didn't -- I just
7 had my hand back there. He reached, and when he reached he
8 was going to pull the knife out. When he went to go pull the
9 knife out, I pulled mine out.
- 10 Q. Okay. And what happened after that?
- 11 A. And he came -- he came towards me.
- 12 Q. Okay.
- 13 A. When he came towards me, I went towards him.
- 14 Q. And what happened then?
- 15 A. And this man stood behind Olivia and pushed her on me.
- 16 Q. Okay. When that happened, what did you do?
- 17 A. I'm a be honest with you; I panicked. I mean, I
18 panicked.
- 19 Q. And you were panicking. What happened after that?
- 20 A. I went back down to the hotel.
- 21 Q. How did you get back down to the hotel?
- 22 A. I ran back down. And I'm being honest.
- 23 Q. Why did you leave?
- 24 A. I panicked. I mean, I was afraid.
- 25 Q. Why didn't you call for help?

1 A. It didn't really cross my mind. I was thinking -- I
2 said to myself, I'm like, "Man," -- excuse my expression --
3 "Man, this nigga tried to pull a knife on me."

4 You know, that's just a street expression, your Honor.
5 I apologize.

6 Q. So you just said that you went back to the hotel. What
7 happened when you got back to the hotel?

8 A. When I got in the room, I was walking up and down the
9 room. I'm like, "Damn. Damn," just like that.

10 Q. Okay. And did you go back to the hotel?

11 A. Yeah, I went back to the hotel.

12 Q. Okay. Let's address some of what was said earlier this
13 week in court.

14 A. Okay.

15 Q. Were you on Bennett Yard Road earlier in the day on
16 June 13?

17 A. No, not earlier in the day I wasn't.

18 Q. Okay. Did you go to Deborah Jackson's house that day?

19 A. No, I did not.

20 Can I address the Court right quick?

21 Q. Well, listen to my questions.

22 Were you pacing up and down the street that day?

23 A. No, I was not.

24 Q. And let's talk a little bit -- we just heard your story.
25 And why didn't you tell this to officers when they arrived at

1 your hotel room?

2 A. They were yelling and doing all the talking. So I,
3 like, shut down. I mean, you know, all the yelling, you
4 know, I was already, um, you know, um, detained.

5 Q. And you just said you shut down. Were you scared?

6 A. Yeah, because, you know, all of them were, like, talking
7 at the same time so, I mean, I couldn't get a word in. So,
8 you know, I didn't say nothing.

9 Q. Why did you tell police you didn't see Olivia that day?

10 A. I was afraid. I was very afraid that day.

11 Q. Okay. Why did you tell Detective Pritchard that Olivia
12 pushed you?

13 A. I told Detective Pritchard that because Detective
14 Pritchard was pressuring me. He was pressuring me.

15 Q. And why did you tell police that Olivia originally had a
16 knife?

17 A. I'm a tell you the truth; I don't know. But Olivia
18 never had a weapon. She didn't.

19 Q. And big question: Why didn't you tell police,
20 specifically Detective Pritchard, about what happened with
21 Elbert?

22 A. Well, he -- well, truthfully, ladies and gentlemen of
23 the jury, he never brought Elbert up. He never brought him
24 up. But now that I'm here, now I can say I went down to
25 Bennett Yard Road because this guy kept calling my phone.

1 And as far as them seeing each other, I didn't even know
2 that. I didn't even know that, and that's the truth.

3 Q. The jury saw yesterday clips from your interview.

4 A. Mm-hmm.

5 Q. Why were you making statements about Olivia when you
6 were by yourself?

7 A. I was under a lot of pressure. I was angry about a lot
8 of things. And I had a lot of things on my mind.

9 Q. Okay. Did you think she had died?

10 A. I didn't know at the time.

11 Q. And let's go a little bit to what happened at bond
12 court.

13 A. Okay.

14 Q. Can you tell me what happened at bond court?

15 A. Okay. Yeah. I came in bond court from, like, the door
16 I think, like, in the hallway. I was in a room with, like, a
17 big screen and stuff like that TV. And --

18 Q. And let me stop you there.

19 When you say you were in a room, was it a room like
20 this? Or --

21 A. No. It wasn't a big room, no.

22 Q. Okay.

23 A. The room was, like, maybe like that.

24 Q. So a small square?

25 A. Right. A small square.

1 Q. Was anyone else in the room?

2 A. No one else in the room.

3 Q. What could you see on that video screen?

4 A. I couldn't see nothing, but I heard voices.

5 Q. Okay. So you were not in the same room as the judge?

6 A. No. No. No. No. No.

7 Q. And so at this point, why did you give the video the
8 middle finger?

9 A. People were threatening me. They were making noise,
10 yelling my name, you know. And I turned around and I'm
11 like -- excuse me -- I'm like (witness gestured). I was not
12 really at the screen, but all around. I didn't know where
13 the voices was coming from.

14 Q. So you couldn't see anything?

15 A. No, I couldn't see anything.

16 Q. Okay. Let's go back one more question about your
17 interaction with Detective Pritchard.

18 A. Okay.

19 Q. Why did you tell him you weren't sorry?

20 A. At the time I was upset. I was angry. I was hurt. At
21 that interview that we saw yesterday, when I had my head on
22 the table, I was crying. I was crying. That's what I was --
23 I was crying.

24 Q. And lastly, just to end things, did you go down to
25 Bennett Yard Road with the intent to hurt Olivia?

1 A. No, ma'am. I did not, Ms. Arora. No. No.

2 Ladies and gentlemen of the jury, I did not. I'm 62
3 years old, and if I -- and I've always been the type of
4 person if I do --

5 Q. Well, let me --

6 A. -- something wrong, I admit it. No, I did not.

7 Q. Did you go down there with the intent to kill her?

8 A. No, I did not.

9 Q. Did you try to stab her?

10 A. No, I did not.

11 Q. And did you try to kill her?

12 A. No, I did not.

13 MS. ARORA: No further questions. Please answer any
14 questions that the State might have for you.

15 THE WITNESS: Yes, ma'am.

16 THE COURT: Solicitor?

17 MS. HALIENA: Thank you, Judge.

18 CROSS-EXAMINATION

19 BY MS. HALIENA:

20 Q. Good morning.

21 A. Good morning.

22 Q. So do you still think Olivia deserved it?

23 A. No.

24 Q. No?

25 A. No, I don't.

1 Q. But you didn't like seeing her moving on and not wanting
2 to be with you, right?

3 A. That wasn't it, ma'am. That was not it. Me and Olivia
4 parted ways in May 2020.

5 Q. And if you couldn't have her, then nobody could have
6 her, right?

7 A. Ma'am, it's not even like that.

8 Q. And so that's why you went to Bennett Yard Road on
9 June 13 of 2020?

10 A. I went to Bennett Yard Road because Elbert Simpkins kept
11 on calling my phone threatening me.

12 Q. Because --

13 A. That's why I went to Bennett Yard Road.

14 Q. You were jealous that she was with Elbert.

15 A. No. I was not jealous, ma'am. You know, I'm not -- I'm
16 -- you know, I'm not here to, you know, say I'm a Don Juan.
17 But, ma'am, I'm not a bad looking man. I have great hair. I
18 have brown skin. I'm not a bad looking man. So it didn't
19 make any difference.

20 Q. And you spent the early afternoon pacing Bennett Yard
21 Road looking for her?

22 A. No, I did not. I spent the early morning with Mr. Cam
23 at his laundromat in Hanahan.

24 Q. The early afternoon you spent --

25 A. And the early --

1 Q. -- looking for Olivia.

2 A. And the early afternoon, I was at Little Caesars because
3 Mr. Cory had me come down there to do some dough for him
4 because, like I just said, they had a -- some company
5 downtown had a retirement party and they wanted 200 pizzas
6 next -- er, that Monday. And I went down there to make sure
7 that the store, you know, had more dough.

8 Q. When you work for Little Caesars, do you generally wear
9 a Little Caesars shirt or a black tank top?

10 A. I have to wear a Little Caesars shirt.

11 Q. So then what were you wearing that afternoon?

12 A. I had on a Little Caesars shirt.

13 Q. You did not tell law enforcement multiple times that you
14 were wearing a black tank top?

15 A. When I -- when I went back in the hotel, yes, I had on a
16 black tank top. I ran across the street to the Citgo and got
17 me a beer.

18 Q. You didn't tell us that earlier, though, right?

19 A. Say it again.

20 Q. You didn't tell that to us earlier about going to the
21 Citgo?

22 A. No. No. I went to the Citgo right -- actually, it's
23 across from the car wash, and the car wash is next to the
24 hotel.

25 Q. Didn't you just testify that you worked at Little

1 Caesars?

2 A. I had my Little Caesars shirt, right.

3 Q. So then you went home and got into a black tank top?

4 A. Right. Because it was hot. It was June.

5 Q. Okay. And you did not ask multiple family members for
6 Olivia?

7 A. No, I did not. I did not. I did not.

8 Q. And actually, you didn't work at Little Caesars anymore
9 at that time?

10 A. I didn't work at Little Caesars anymore at the time.
11 But Cory called me and said, "Kenny, could you do me a
12 favor?" I'm like, "What is it?" He said, "Man, I don't have
13 another dough person right now. I got 200 pizzas I have to
14 make Monday. Could you come down and make some dough for me
15 and I'll pay you?" I said, "Okay, man."

16 Cory and I didn't have a problem. I did tell him before
17 I quit that if he ever needed me, to call.

18 Q. And you didn't tell this to anybody until today?

19 A. I didn't tell anybody until today.

20 Q. Despite talking to Detective Pritchard for two hours?

21 A. Despite talking to Detective Pritchard.

22 Q. Okay. And you did not live on Bennett Yard Road?

23 A. I did not live on Bennett Yard Road. No, I lived at the
24 Suburban Hotel on Dorchester Road.

25 Q. So there was no reason for you to be on Bennett Yard

1 Road.

2 A. I had to go -- I had to go -- not down there, but across
3 from there. Little Caesars is on the corner of Bennett Yard
4 Road and Dorchester Road.

5 Q. And you knew where the bus stop was in that area, right?

6 A. Of course. It was, like, right in front of the -- right
7 in front of the drive-through window at Little Caesars.

8 Q. And you knew where Olivia lived?

9 A. Of course.

10 Q. And you knew where she had to go to get to work?

11 A. I know Olivia -- I know Olivia caught that bus.

12 Ma'am, I didn't even -- I didn't even know she had a
13 job.

14 Q. Oh.

15 A. I didn't know she had a job.

16 Q. Oh, you didn't know that she had just started a new job?

17 A. I did not know she had a job. I did not know that.

18 Q. So why did you joke about her not living long enough to
19 see her first paycheck?

20 A. I found out she had a job through Kisha.

21 Q. And when was that?

22 A. That might have been, like, three or four days after she
23 got the job.

24 Q. So you did know that she had a new job.

25 A. Like, three or four days after she -- prior to that I

1 didn't know she had a job.

2 Q. Okay. And you brought a knife with you in the event
3 that you saw Olivia that day?

4 A. I took a knife down with me -- like I explained to
5 Ms. Arora and the ladies and gentlemen of the jury, I took a
6 weapon down there because Elbert Simpkins threatened me. He
7 threatened me. And he even called my phone like a child
8 about five or six times. I had even -- excuse me, ma'am. I
9 had even went to his mother's house on Highland Road a couple
10 of times and told her to tell her son to stop playing with
11 me.

12 Q. I thought you didn't know who Elbert was prior to this
13 day?

14 A. I had -- Elbert used to work at Little Caesars.

15 Q. Okay.

16 A. Excuse the expression. I'm not rambling. He got fired
17 for making a pizza and digging in his nose.

18 Q. You've got a little bit of a temper, right?

19 A. Yeah.

20 Q. More so than the average person?

21 A. It depends. It depends. I have zero tolerance for
22 ignorance.

23 Q. And you really loved Olivia?

24 A. Yeah, I cared about her a lot.

25 Q. And you loved her so much that you --

1 A. No. No.

2 Q. -- stabbed her in the heart and --

3 A. No. No. No. No.

4 Q. -- left.

5 A. No. No. No. No, ma'am. Like I -- like I said
6 earlier -- okay? -- Olivia and I parted about May. I can't
7 -- I don't know what date in May, but we parted in May.

8 What I was going to tell Ms. Arora, I had called
9 Ms. Mamie, which is Olivia's aunt, and I said, "Ma'am, could
10 you please come down here and get the rest of Olivia
11 clothes." I did not have no contact with her. I just --
12 because I knew, you know, that she always was at, you know,
13 Ms. Mamie's house. And I pulled Ms. Mamie's number. I said,
14 "Ma'am, could you please come down here and get the rest of
15 Olivia clothes. She cannot come back here."

16 Q. And after you stabbed Olivia, you did not stay on scene?

17 A. No, I did not. I was afraid. Matter of fact, I was
18 terrified. I panicked. I am human. I mean, you know, I
19 panicked.

20 Q. You didn't see family members chasing you down
21 Dorchester Road?

22 A. I never saw them chasing me.

23 Q. But you told Detective Pritchard that you walked home.

24 A. I mean, walking, running. I mean --

25 Q. And you told Detective Pritchard that nobody was

1 following you.

2 A. I didn't realize they were running behind me until I
3 turned in the -- until I -- I stopped running and looked back
4 after I got into Suburban's parking lot.

5 Q. And just to back up a little bit about the phone calls,
6 you are aware that there were phone dumps done on your cell
7 phone, correct?

8 A. Okay. I am aware of that. Now, Elbert kept calling me
9 from -- now, the phone in the room, you know, I don't know
10 whether, you know, they could record it. But every time he
11 called my cell phone, it was from a -- not "unknown." He
12 blocked the number. He blocked the number.

13 Q. And when you were fleeing the scene, you didn't see or
14 hear all the law enforcement officers?

15 A. I saw -- not at first. I really didn't hear all the
16 sirens and stuff until I got back in the room. My room door
17 was open. I closed it. And when North Charleston knocked on
18 the door, I opened the door. There was no problem. I turned
19 around, put my hands behind my back, and I sat on the bed.

20 Q. So your testimony today is that when law enforcement
21 knocked on the door, you opened it?

22 A. I opened the door. I didn't open it, like, right then.
23 They said, "North Charleston Police, Kenneth. Open the
24 door."

25 Q. You did not stay in your room for five minutes and have

1 them get a master key?

2 A. They never got a master key. They never got a master
3 key. They never got a master key.

4 Q. You are aware that all officers have body-worn cameras?

5 A. I understand they got body cameras and phones and
6 everything else.

7 It may have been like maybe five or six minutes, but
8 when they said -- because at first they knocked on the door
9 right -- like, right next to me. Then they knocked on my
10 door. It was about five more minutes, and I opened the door.
11 It was like maybe five, maybe seven minutes.

12 And I'm not being racist, but a big black guy, he was,
13 like, in the front. And I turned around, put my hands behind
14 my back. They didn't have their guns drawn or nothing
15 because I didn't have a weapon. I am afraid of Charleston
16 Police. I am.

17 Q. And you testified a couple of minutes ago that you were
18 scared of these officers so you shut down?

19 A. I was -- yeah, I was afraid of them because they known
20 to shoot first and ask questions later.

21 Q. But you just said that they did not have their weapons
22 drawn.

23 A. I mean, no, but it was so many of them. I mean, two of
24 them had already, you know, unsnapped their, you know, their
25 holster.

1 Q. So were you scared because you had just killed somebody
2 or for yourself?

3 A. Ma'am, I did not know Olivia had died until after. I
4 mean, I'm not going to sit up here and, you know, let you try
5 to manipulate me into saying I knew at first that I killed
6 her. I didn't.

7 Q. If you were scared, wouldn't you have wanted officers to
8 help you?

9 A. I mean, when I opened the door, they didn't want to hear
10 nothing. They told me to put my hands behind my back, and I
11 sat on the bed. And I kept my eye on the one that had his
12 hand on his firearm.

13 Things happened so fast that day, Ms. Mallory. Things
14 happened so fast that day, ma'am. I mean, things happened
15 real fast. I was sweating. It was, like, almost a hundred
16 degrees.

17 Q. And when law enforcement was in your room, you had taken
18 a shower during that five minutes?

19 A. I had taken a shower earlier that morning after Cam
20 dropped me back off about after 8:00 because I had been
21 cleaning and waxing and mopping the laundromat. That's why I
22 took a shower.

23 Q. Why would you tell responding officers that you took a
24 shower right before they came in?

25 A. I never told them that.

1 Q. You never told them that?

2 A. When they went in the bathroom, the towel was probably
3 still wet because with me basically, like, you know, living
4 by myself, when I take a shower, I usually, you know, hang my
5 towel, you know, over the shower, you know, rack.

6 Q. Why did you tell Detective Pritchard you took a shower
7 after stabbing Olivia?

8 A. I did not tell him that. I did not tell Detective
9 Pritchard that. I did not.

10 Q. And why did you change clothing?

11 A. I changed clothing because I had just came -- I had just
12 came from Little Caesars and I had dough all over my shirt.
13 And also the black pants that I had on, there was dough on
14 that too. Well, not dough, but, you know, the flour.

15 Q. You didn't change clothing to try to evade law
16 enforcement?

17 A. No, I did not change to try to evade law enforcement.
18 No, I did not.

19 Q. And when you first talked to officers, you lied about
20 what you had done that day?

21 A. How did I lie? I didn't lie.

22 Q. You told law enforcement officers you had not been on
23 Bennett Yard Road that day, correct?

24 A. I didn't tell them. I was on Bennett Yard Road. I had
25 to be on Bennett Yard Road because that's where Little

1 Caesars is.

2 Q. And you told law enforcement officers that you had not
3 seen Olivia in two weeks, correct?

4 A. Say it again.

5 Q. You told law enforcement officers you had not seen
6 Olivia for two weeks?

7 A. I had not seen her for two weeks at that point. I had
8 been -- like I said, I had been calling Ms. Mamie and asking
9 her would she come down and get the rest of Olivia clothes
10 because I didn't want to take the clothes down there.

11 Q. And you lied to law enforcement officers about what you
12 had been wearing, about the black tank top?

13 A. No, I didn't. I told them I had on a black tank top.
14 True story. I had just went to Family Dollar and bought a
15 pack of four tank tops: a black one, a gray one, a white
16 one, and I think it was a blue -- like, light blue, like
17 maybe the color of the guy jeans right there.

18 Q. And when you talked to Detective Pritchard, you lied and
19 said again that you had not been on Bennett Yard Road that
20 day, right?

21 A. I did not tell him I had not been on Bennett Yard Road.
22 Like I just stated, Little Caesars is on Bennett Yard Road.
23 I went to Bennett Yard Road when Elbert -- like I said, it
24 wasn't Olivia -- when Elbert kept on calling my phone.

25 Q. And you also lied to Detective Pritchard and said you

1 hadn't seen Olivia that day again?

2 MS. ARORA: Objection. Asked and answered.

3 THE COURT: I'll let her ask it again.

4 Go ahead.

5 BY MS. HALIENA:

6 Q. You also lied to Detective Pritchard about not seeing
7 Olivia that day?

8 A. I did not tell him I didn't see Olivia that day.

9 Q. And then you eventually told Detective Pritchard that
10 you pushed Olivia, but that's a lie too, right?

11 A. I did not push her. I never put my hands on her. I
12 saw --

13 Q. You told Detective Pritchard --

14 A. I said a lot of things to Detective Pritchard because I
15 was under pressure. A lot of things had just happened. I
16 had just did something that I would never, ever do. I really
17 cared about Olivia.

18 Q. So you were under --

19 A. And I told her whole family that.

20 Q. You were under so much pressure with Detective Pritchard
21 that you began your post-Miranda interview saying, "Let's
22 chat," correct?

23 A. I said, "Let's chat," yeah.

24 Q. And so you're admitting today that you lied on multiple
25 occasions that day?

1 A. Well, ma'am, I lied because, like I said, I was under
2 pressure. So many things was happening. I was sweating like
3 I had just ran a hundred-yard marathon in the heat. And I
4 was afraid. I was afraid. I haven't been that afraid since
5 I got cornered by a pit bull.

6 Q. And do you recall telling Detective Pritchard that
7 Olivia actually said that she was scared of you that day?

8 A. Olivia did not have any reason to be afraid of me.
9 Olivia stayed at that hotel with me. And there's -- none of
10 the cameras was working at that hotel. I knew that because I
11 worked there. I don't know why she would say that because
12 many nights when she would be down there with her aunt,
13 Ms. Mamie, she would call me, you know, to come meet her
14 halfway. Because I would tell her, you know, "Don't walk
15 Dorchester Road at that time of night because, you know, in
16 that area, you know, there's streetwalkers." So I was going
17 to meet her halfway.

18 Q. So your testimony today is that you did stab Olivia?

19 A. I accidentally stabbed her. I accidentally stabbed her.
20 I went down there to check Elbert because Elbert kept
21 threatening me on the phone. And where I'm from, I don't
22 take -- I don't take threats lightly, not at all.

23 Q. Especially if it's from your ex-girlfriend's new
24 boyfriend, right?

25 A. I mean, I didn't even know they were together. It could

1 have been anybody. It could have been anybody.

2 Q. So that's why you made those comments by yourself about
3 her new boyfriend in the interrogation room?

4 A. I rambled. I was upset. I was upset. Ms. Mallory,
5 Elbert called my phone a few times with an unknown number.
6 He called the cell phone, and then he called the room phone.
7 And then he called the room phone, and then he called the
8 cell phone. And like I said, I have zero tolerance for
9 ignorance.

10 Q. And so your testimony today is that you stabbed Olivia
11 through the heart in the left side of her chest on accident?

12 A. I stabbed her on accident. When Elbert pulled his --
13 that black knife out of his pants, I reached in my back
14 pocket. I did not draw the knife out until he pulled a knife
15 out.

16 Q. What was your knife? A folding knife?

17 A. No.

18 Q. So you lied on June 13 and said that you had a folding
19 knife?

20 A. I don't remember saying I had a folding knife. That
21 knife that they found in the trash can, that's -- that knife
22 don't even have my -- never had my fingerprints on it. And
23 that is the knife that Elbert had. And of course, you know,
24 he's not here today. He was brought from Spartanburg for no
25 reason.

1 Q. So you used a brown-handled knife?

2 A. I pulled a knife out that I brought with me because
3 Elbert was threatening me.

4 Q. And that knife had a brown handle?

5 A. It had -- yes, it had a brown handle.

6 My question, Ms. Mallory, if Elbert was here, would he
7 admit that that knife was his? I don't think so.

8 Q. If -- so you were not angry with Olivia that day?

9 A. No, I was not. I was not angry with Olivia.

10 Q. So if you were not angry with Olivia that day, then why
11 were you cussing her like a dog in those video clips?

12 A. I was -- you might as well say I was going out of my
13 mind. I mean, I was frustrated. I was angry. I was mixed
14 up.

15 Q. So your testimony today is that on June 13, 2020, you
16 were angry out of your mind?

17 A. I mean, not like that.

18 Q. And you say that you were pressured by law
19 enforcement --

20 A. I had -- I had been hurt because of what just happened.

21 Q. And you were so pressured by law enforcement that you
22 said all of those statements by yourself in that
23 interrogation room?

24 A. I said them by myself. And I can't deny that. We seen
25 it in the tape.

1 Q. And those are your true thoughts coming out?

2 A. No. No. Not my true thoughts. I said -- I said it at
3 the time.

4 Q. And you remember what you said to Olivia's family during
5 the bond hearing?

6 A. I remember -- I know what they said to me. I remember
7 what I said to them.

8 Q. Do you think of yourself as a victim in this case?

9 A. No, ma'am. I mean, I would have been a victim if Elbert
10 had got me with that knife.

11 Well, I don't know about that.

12 Q. But we can agree, and you just testified earlier, Olivia
13 did not have a knife, correct?

14 A. Olivia did -- I did not go down there to hurt Olivia. I
15 did not.

16 Q. That's not my question. Olivia did not have knife?

17 A. No, Olivia didn't have a knife.

18 MS. HALIENA: The Court's indulgence.

19 THE COURT: Yes, ma'am.

20 (Pause in proceedings.)

21 BY MS. HALIENA:

22 Q. Couple more questions.

23 Is it fair to say that you're afraid and under pressure
24 today?

25 A. No, I'm not afraid and under pressure today.

1 Q. And you got so upset over five or six phone calls from
2 Elbert that you walked down to Bennett Yard Road --

3 A. Elbert threatened --

4 Q. -- and stabbed Olivia?

5 A. Elbert threatened me. And he said, "If I knew where
6 your daughter lived, I'd F your daughter up." And when he
7 said that, I went through the roof.

8 Q. My question --

9 A. I said, "Okay. Keep that energy. I'll be down there."
10 My daughter was -- what? -- 10 years old at the time.

11 Q. My question is five or six phone calls from somebody
12 else enraged you so much that you stabbed Olivia?

13 A. When he said what he said about my daughter, yes, ma'am.
14 And it could have been anybody saying anything about my
15 daughter.

16 Matter of fact, my daughter was 10 when I first came
17 down from the Bronx. She was the reason why I came back down
18 here.

19 Q. And you loved her so much you stayed to help her?

20 A. Say it again.

21 Q. You loved Olivia so much that after you stabbed her in
22 the heart, you stayed to help her?

23 A. I stayed to help her? No, I didn't stay to help her.

24 Q. Why not make Elbert pay for it? Why Olivia?

25 A. What do you mean? Make Elbert pay for what? Being in

1 this chair where I'm at?

2 Q. No. If you're mad at Elbert, why stab Olivia?

3 A. Elbert went behind her when I pulled my knife and pushed
4 Olivia on me and he backed up. And then he lied and said he
5 went down the street to get a cigarette. First, he said he
6 didn't see anything. That's a lie. That's a lie.

7 Q. And when you heard officers outside your room, if you
8 really loved Olivia, why not tell them, "Go help her"?

9 A. Ma'am, like I said, I was afraid. I was afraid. The
10 officer had acted like he wanted to pull his sidearm, and one
11 had a Taser out. I was afraid. I was afraid. I did say to
12 myself when I was in that room, I'm like, "What the -- have I
13 done? Man, what have I done? That wasn't meant to happen."
14 I was walking up and down the room.

15 Q. So if you --

16 A. I was sweating and the air conditioning was on.

17 Q. You were afraid for yourself, but --

18 A. I was afraid -- when me pulled the knife on me, I was
19 afraid for myself. I sure was.

20 Q. No. In the room, you were afraid for yourself and you
21 had just stabbed Olivia?

22 A. I mean, I'm not going to say I was afraid for myself.
23 Before law enforcement came there, I was walking up and down
24 the room. I heard the sirens. I did open the door at one
25 point.

1 MS. HALIENA: No further questions.

2 THE COURT: Any redirect?

3 MS. ARORA: No, your Honor.

4 THE COURT: Sir, you can step down. Thank you.

5 THE WITNESS: Yes, sir.

6 (Witness excused.)

7 THE COURT: Any additional witnesses, Ms. Arora?

8 MS. ARORA: No, your Honor.

9 THE DEFENDANT: Thank you, your Honor.

10 THE COURT: Yes, sir.

11 Ms. Haliena, you anticipate any reply testimony.

12 MS. HALIENA: The Court's indulgence.

13 THE COURT: Yes, ma'am.

14 Let's do this. Ladies and gentlemen of the jury, we're
15 going to go ahead and take a brief break while they're making
16 that decision. If you would, during the break, don't start
17 talking about the case yet, of course. Don't start
18 discussing it yet. But do take a break, and we'll have you
19 back out here just as soon as possible. Okay?

20 Thank you.

21 (The jury exited the courtroom at 10:37 a.m.)

22 (The following proceedings were had outside the presence
23 of the jury.)

24 THE COURT: Okay. We'll be at ease for a few moments.
25 Okay?

1 Solicitor, when you've made a decision, just let Amira
2 know, and them, please. Okay?

3 MS. HALIENA: Thank you, Judge.

4 (Court recessed.)

5 (Court resumed outside the presence of the jury.

6 THE COURT: Have a seat, please.

7 Solicitor, do you intend to offer any reply testimony?

8 MS. HALIENA: No, Judge.

9 THE COURT: All right. Very good.

10 Based on the testimony that was just provided, I've
11 asked my clerk to add two parts to the instructions: the
12 instruction on prior consistent statements and an instruction
13 on accident.

14 I assume you were going to be requesting the same.

15 MS. ARORA: Your Honor, I was also going to be
16 requesting a self-defense instruction.

17 According to *State versus Day*, if there's any evidence
18 in the record from which it could reasonably be inferred that
19 the defendant acted in self-defense, the defendant is
20 entitled to an instructions on the defense, and the Court's
21 refusal to do so would be error.

22 THE COURT: Okay. Were you wanting both instructions?

23 MS. ARORA: Your Honor, I would ask for accident and
24 self-defense.

25 THE COURT: Okay. Solicitor, any thoughts?

1 MS. HALIENA: Judge, we don't think self-defense would
2 be proper based on the defendant's testimony today that he
3 himself went to the location, he himself was armed with a
4 deadly weapon, and he pulled the knife. It sounded like he
5 was holding out a knife and he just claims that the victim
6 was pushed into him. And he said a couple times that he was
7 angry and he wasn't scared until the officers showed up.
8 Self-defense would also require some type of intent, which
9 there was no intent based on his statements today.

10 THE COURT: Help me understand self-defense. It seems
11 to be more of a -- I mean, his testimony was essentially that
12 she was pushed into him. And if the jury does believe his
13 version of events, that seems to be accident.

14 MS. ARORA: Your Honor --

15 THE COURT: Self-defense is usually directed at a
16 decedent who was attacking.

17 MS. ARORA: Your Honor, based off of his testimony --
18 and his testimony that Elbert pulled out a knife on him and
19 his reaction was to pull out his own knife -- I do believe
20 that self-defense would be proper in this case.

21 THE COURT: All right. Add self-defense.

22 Do y'all need to look at this before we proceed further?

23 MS. HALIENA: Yes, if we could.

24 THE COURT: Go ahead and email it to them.

25 I'll just hang out -- copy me on it too. And I'll just

1 hang out up here.

2 MS. HALIENA: Accident as well?

3 THE COURT: Yes.

4 MS. HALIENA: Okay.

5 THE DEFENDANT: Thank you, sir.

6 MS. ARORA: Your Honor, do you want me to go ahead and
7 do the motion to renew my motion for directed verdict now?

8 THE COURT: Sure. While we're on the record, you do
9 renew all prior motions?

10 MS. ARORA: Yes, your Honor. I would renew all prior
11 motions, directed verdict motion as well.

12 THE COURT: Very good. Same rulings as before.

13 And do you intend to force the State to open on the law?

14 Or does the State want to open on the law?

15 Or do y'all have a preference or thoughts on that?

16 MS. ARORA: I wasn't going to force them, but if they --

17 THE COURT: Or do you want to --

18 MS. HALIENA: We can open and then have the rebuttal.

19 THE COURT: All right. That's fine.

20 (Pause in proceedings.)

21 THE COURT: There was no testimony, I'm correct -- am I
22 correct that there was no testimony about prior difficulties?
23 I don't think there was.

24 MS. ARORA: You're correct.

25 THE COURT: Just trying to clean this up a little bit

1 based on a previous case that I tried.

2 MR. SMITH: Yes, sir.

3 THE COURT: Aside from those additions, were y'all
4 otherwise okay with the instructions that my clerk emailed to
5 y'all last time?

6 MS. ARORA: Yes, your Honor.

7 MS. HALIENA: Yes.

8 THE COURT: Those additions should be right towards the
9 end, just after the principal charges.

10 (Pause in proceedings.)

11 Have y'all had a chance to look at those? Are you
12 comfortable? Any suggestions?

13 MR. HILL: Judge, I'm just looking at it and I noticed
14 that there was a 2019 Court of Appeals case, which is *State*
15 *v. Owens*, with respect to the charge of accident. And it is
16 427 S.C. 325, where the Court of Appeals, I guess, suggested
17 a new charge on accident. The Supreme Court then heard that
18 case and elected not to comment directly on the proposed
19 charge by the Court of Appeals, but they just reiterated the
20 fact that it was still the State's burden to prove the case
21 beyond a reasonable doubt to show that there was malice and
22 an intentional killing in a murder.

23 But I guess I would just ask the Court to look at that
24 language. I don't want to recharge something that may have
25 -- I mean, I don't know the intimate details of *State v.*

1 Owens but --

2 THE COURT: Was Owens out of Edgefield?

3 MR. HILL: It was here in Charleston.

4 THE COURT: 427 S.C. 325?

5 MR. HILL: 427 S.C. 325. And the Supreme Court cite is
6 433 S.C. 482.

7 THE COURT: While she's pulling that up, what's the
8 nuance between what I have and what the Court of Appeals is
9 suggesting?

10 MR. HILL: It goes into a little more detail. Would you
11 like me to read it?

12 THE COURT: Sure.

13 MR. HILL: The defendant has raised the defense of
14 accident. Harm to another, including death, is excusable on
15 the ground of accident if the harm was caused by the
16 unintentional and lawful act of a defendant exercising due
17 care. For the defense of accident to apply, you must find,
18 1, the act of the defendant that caused the harm was
19 accidental and not intentional; 2, the act was lawful; and 3,
20 the act was not careless, negligent, or reckless.

21 If you find the defense of accident applies, you must
22 find the defendant not guilty. However, if the State has
23 proven beyond a reasonable doubt that any of three elements
24 of the offense of accident do not apply, the defendant is not
25 entitled to the defense. The defendant engaged in unlawful

1 conduct, including the unlawful possession of a weapon, is
2 entitled to claim the defense of accident unless the State
3 has proven beyond a reasonable doubt that the unlawful
4 conduct was not merely incidental but was the direct and
5 foreseeable cause of the victim's harm.

6 THE COURT: Do y'all have a position on that?

7 MS. ARORA: Beg the Court's indulgence.

8 THE COURT: And just thinking out loud, quite honestly,
9 sometimes the problem that I have with the jury -- with all
10 jury instructions is it seems to sometimes make things more
11 complicated than they actually need to be. People
12 intuitively know what an accident is. It's an unintentional
13 occurrence. Which kind of is why I like the simplicity of
14 the instructions from the bench book, as opposed to the one
15 suggested by the Court of Appeals.

16 Plus, I think the Court of Appeals may have gotten that
17 wrong because they indicate that there are three parts to
18 that. And the State, if they disprove any one of those
19 parts -- I think that under accident, if it was caused by the
20 negligent or carelessness on the part of the defendant in
21 handling the weapon or if it was caused by unlawful activity
22 by the defendant, then accident would not apply.

23 And it seems like the Court of Appeals indicates that,
24 with conjunctive "and," both of those have to apply, which
25 doesn't intuitively make sense. If the defendant's engaged

1 in an unlawful activity, then accident would not apply. Or
2 if the defendant was careless or negligent in the handling of
3 the weapon, then accident would not apply.

4 But I think the way the Court -- the way you read it, it
5 sounds as if the Court is indicating that both of those --

6 I don't know. I like mine. It's simpler.

7 You got a preference?

8 MS. ARORA: Your Honor, we're happy to use yours if
9 that's what you prefer. I understand the State's position.
10 We don't have an objection either way.

11 THE COURT: To mine or to theirs or you don't care?

12 MS. ARORA: I think it's fine as is.

13 THE COURT: I'm going to go with mine.

14 MR. HILL: Thank you.

15 THE COURT: I'm not really sure it's a deal breaker.
16 Any other thoughts?

17 MS. ARORA: No, your Honor.

18 THE COURT: Solicitor, y'all good?

19 MS. HALIENA: The only -- there is a portion that says
20 "threats by the victim." I'm not sure if there was any
21 testimony about threats by the victim.

22 THE COURT: Oh, yeah. Good point.

23 Yeah, you're talking about on the bottom of page 16.

24 MS. HALIENA: That's correct.

25 THE COURT: Yeah, I think what I'm going to do is just

1 the phrase "by the victim," I'll just eliminate that from
2 both the title heading and the body of that instruction. So
3 we'll pull that language and then reprint 16 to 19.

4 Why don't we do this. We'll go ahead and take another
5 break. You folks out there at counsel table may need one, so
6 we'll take another brief comfort break. And when we come
7 back in about ten minutes, we'll go straight into everything
8 if that's cool. All right?

9 THE DEFENDANT: Thank you, your Honor.

10 THE COURT: All right. We'll see y'all back in about
11 ten minutes.

12 (Court recessed.)

13 (Court resumed outside the presence of the jury.)

14 THE COURT: Thank you. Have a seat, please.

15 All right. Let us have the jury, please.

16 Who's going to close for the State?

17 MS. HALIENA: I will.

18 THE COURT: All right. Very good.

19 (The jury entered the courtroom at 11:45 a.m.)

20 THE BAILIFF: All jurors are present, your Honor.

21 THE COURT: Thank you very much.

22 Solicitor, nothing further?

23 MS. HALIENA: No, Judge.

24 THE COURT: All right. Ladies and gentlemen, we have
25 reached that portion in the trial where the attorneys will

1 give you their closing arguments. And the way that we'll
2 proceed is the State will go first, to be followed by the
3 defense, and then the State will get the final argument.

4 And I will let you know that it is customary for the
5 attorneys to refer to evidence or facts or testimony or
6 exhibits during the course of their closing arguments. If at
7 any time, however, what they say about the facts differs from
8 your recollection of the facts or the testimony, of course go
9 with your recollection of the facts as opposed to what the
10 lawyers say because you are, of course, the judges of the
11 facts in this case.

12 They may also allude to the law that I'm going to
13 instruct you on. And candidly, that's the reason for the
14 delay in getting you out here. I had circulated to the
15 attorneys my instructions to you on the law last night, but
16 we had to have a discussion -- a "charge conference" is what
17 it's technically called. We had to have a discussion about
18 those instructions out here on the record after we took a
19 break. So that's what took a little bit more time to tweak
20 the instructions to account for everything that needed to be
21 instructed to you.

22 So with that, ladies and gentlemen, I'll invite you to
23 please give due attention to the closing arguments of
24 counsel.

25 And Ms. Haliena, you're recognized for the first part of

1 your closing now.

2 (A PowerPoint presentation was displayed on screen in
3 open court.)

4 MS. HALIENA: Thank you, your Honor.

5 May it please the Court.

6 THE COURT: Yes, ma'am.

7 MS. HALIENA: Ms. Arora. Mr. Smith. Ladies and
8 gentlemen of the jury.

9 So it's been a short week. You've heard a lot. You've
10 heard a lot of testimony. You've seen a lot of evidence. So
11 now that we are nearing the end, it is now your job to apply
12 the facts to the law in your deliberations. And what you've
13 heard this week is that on June 13 of 2020, the victim,
14 Olivia Goff, was killed by her jealous ex-boyfriend, that
15 defendant.

16 At the beginning of the week you heard from Lakesha
17 Jackson, Olivia's cousin. You heard from Deborah Jackson,
18 her aunt, and Martez Johnson, Lakesha's husband. Through
19 these witnesses, you've learned that the victim had been
20 dating the defendant for a brief amount of time and that they
21 had broken up a couple weeks prior to this incident. You
22 heard that the victim's behavior with this defendant was a
23 little different, but she had recently moved on and she was
24 dating somebody new, somebody that lived down the street
25 named Elbert, who the family seemed to know as Akeem or

1 Hakeem.

2 And you learned that on June 13 of 2020, the
3 defendant -- although he had no reason to be there -- had
4 spent the early afternoon hours pacing Bennett Yard Road, in
5 Charleston County, back and forth, back and forth in front of
6 their home, looking for Olivia, repeatedly asking for Olivia.

7 The victim came walking up to 2508 Bennett Yard Road
8 with her new boyfriend as she got ready to go to her new job
9 at Wendy's. You heard that she came into the home. She
10 grabbed a cup of ice. She talked with some family members in
11 her uniform. And she started walking towards Dorchester Road
12 to the bus stop. Lakesha, Deborah, and Martez were all on or
13 near the porch at that time as Olivia turned left and walked
14 just out of sight.

15 And suddenly, quickly, Olivia came running back,
16 clutching her chest. You heard her final dying declaration:
17 "Auntie Deborah, Kenny stabbed me." And those are the last
18 words that she said before she collapsed in her family's arms
19 on their porch. She quickly fell unconscious, and then it
20 was a chaotic scene. Those three, they observed this
21 defendant running away right afterwards, and some of the
22 family members gave chase.

23 Martez was one of those family members. He knew the
24 defendant to be the ex-boyfriend who lived at the Suburban
25 Extended Stay down the street. He testified that he heard

1 the victim gasping before she went unconscious, no more words
2 after "Kenny stabbed me." He immediately went running down
3 the street after Kenny with his stepson Marquell. He also
4 described that Kenny was wearing a black beater.

5 And all of these witnesses said that Elbert, the new
6 boyfriend, had walked initially with the victim but had
7 turned around and was no longer with her.

8 Marquell Jackson, the stepson, he was just a teenager at
9 the time. You heard him on the stand recall that he saw this
10 defendant pacing back and forth in front of the home
11 beforehand, and he said that was really odd. He also saw
12 Olivia come with her new boyfriend, get a cup of ice. The
13 new boyfriend turned around. Olivia went walking to the bus
14 stop, and Marquell was actually not too far behind her
15 outside.

16 He actually observed this defendant jump out of a bush.
17 He saw this defendant, quote/unquote, "stick" Olivia. He
18 said it was quick. There were no words exchanged. He saw
19 this defendant take out a knife, stab her, and run. He saw
20 Olivia go back to the house and collapse, and he ran with his
21 stepfather after the defendant. He was stopped by officers
22 on the way, and he directed them to where the defendant had
23 fled to.

24 You also heard from James Gann. Former Sergeant Gann,
25 he arrived on scene immediately. He had been just down the

1 street. He corroborates Marquell and Martez's story. He saw
2 two men running down Dorchester Road when he arrived. He
3 immediately went to the victim, saw she was unconscious, and
4 he called for EMS.

5 His body camera was played in court, and it is available
6 for you to review in the deliberation room. This body camera
7 shows his first impression on the scene and shows the chaos
8 of what was happening on the scene. Witnesses on scene
9 immediately told him what they saw, relayed information to
10 him, and he was able to send this information to the other
11 law enforcement officers on the way.

12 You heard from EMT Kailyn Monaghan. She testified as to
13 what she saw when she arrived on the scene. The victim was
14 unconscious. There were life-saving measures that were
15 attempted, but nothing was able to save her.

16 You heard from Dr. Beaver, the pathologist. He gave a
17 very thorough explanation of the autopsy process. He
18 performed this victim's autopsy, and he explained the wound.
19 He explained that the victim died from a single stab wound to
20 the upper left portion of her chest. It went through her
21 ribs into her heart, piercing the left atrium as well as the
22 aorta, causing internal bleeding.

23 He said that this caused quick shock and irreversible
24 damage, and he would expect somebody with an injury like that
25 to die within a matter of minutes. He said he would not be

1 surprised to hear that there was not a lot of blood on scene
2 because most of this blood was internal. He explained the
3 cause of death was a stab wound, the manner of death a
4 homicide.

5 What was particularly interesting about his testimony is
6 that that wound was consistent with somebody who was taken by
7 surprise. This was a wound that was, he explained,
8 "regular." I think he referred to it as not really having a
9 dogleg, which means that there was really no movement of the
10 victim when the knife went in. It was a quick in and out,
11 which is why the knife could be clean.

12 And he explained how it was really important for him to
13 look at the body to make sure that there were no defensive
14 wounds. He saw no defensive wounds. So she has no defensive
15 wounds, and the wound was regular. He thinks that this is
16 consistent with a surprise attack, not a "She fell into me."

17 Next you heard from Officer Lynch and Officer Wallace.
18 They both responded quickly to the call. They arrived at the
19 Suburban Extended Stay where the defendant fled to. And
20 Officer Lynch actually saw this defendant running into his
21 room in a black tank top.

22 You heard how they attempted for about five minutes to
23 get this defendant to answer the door and he did not. He was
24 in Room 228, and they eventually had to go get a master key
25 from the hotel lobby in order to enter. Once they entered

1 his room, they saw the defendant in there in a different
2 outfit. They immediately Mirandized the defendant, and they
3 stayed with him until he was transported for his formal
4 interview.

5 At that time, the defendant claimed he had not been to
6 Bennett Yard Road, hadn't been there in weeks. He said
7 something about having an ex-girlfriend there, hadn't seen
8 her in weeks. He stated that he did not wear a black tank
9 top, he did not have a black tank top. And then once he was
10 asked, "Hey, is there a black tank top in that dirty clothes
11 bag?" "Yeah, I might have been wearing a black tank top."

12 You heard from former Detective Powitchko and Crime
13 Scene Tech Kendra Moseley. Powitchko sent other detectives
14 out to do a variety of tasks, like obtain a search warrant
15 for the motel room and try to get surveillance video of the
16 surrounding areas, using communications with Detective
17 Pritchard while he was interviewing the defendant. He also
18 assisted Crime Scene Tech Moseley at the hotel.

19 Crime Scene Tech Moseley first arrived at the crime
20 scene location -- the incident location on Bennett Yard Road.
21 She took photos of that crime scene. And I encourage you all
22 to look at these photos as well as the maps to get familiar
23 with the area.

24 Moseley also took photos and collected evidence from the
25 defendant's room. Take a look at those too. You're going to

1 see a bag with what looks like a black tank top -- the
2 suspect's attire -- on the floor. You're going to see a
3 photo of a wet shower. This shows the defendant -- though he
4 had a different story today -- ran home, showered, and
5 changed right after stabbing his ex.

6 And not everything was collected. They didn't have a
7 description of what the suspect was wearing at the time. But
8 that's fine. All of these things were documented and
9 photographed. And this clothing really doesn't do anything
10 to move the wheel.

11 Similarly, Kendra Moseley went to the bus stop. She
12 took photographs and collected a knife that was located on
13 the scene. And though it was tested and found not to have
14 any DNA from the victim or the defendant on it, just due
15 diligence, she made sure she was collecting everything of
16 interest.

17 But this knife is a red herring. The defendant said
18 where he tossed the knife, that bus stop was not it.
19 Dr. Beaver stated a knife could or could not be clean. And
20 then today we heard the defendant say that he actually used a
21 fixed blade with a brown handle, so that's not that knife.
22 But regardless, everything was thoroughly documented by crime
23 scene.

24 Detective Pritchard took the stand as well. He is who
25 had the formal interview with the defendant. He gave this

1 defendant his Miranda warning a second time. Take a look at
2 that form. It is going to be back there in your jury
3 deliberation room with you.

4 Take a look at the oral Miranda warning recording.
5 Defendant was more than eager to talk. He read his Miranda
6 form to himself. And after signing it, he said, "All right,
7 Mr. P. Let's chat." And then he proceeded to lie and lie
8 and change his story.

9 He eventually admitted that, yeah, he was the guy
10 wearing the black tank top. And his first story was that, "I
11 wasn't on Bennett Yard Road. I never saw Olivia." Then it
12 was, "Well, I was on Bennett Yard Road. I saw Olivia, but
13 there was no altercation." Then it was, "Yeah, I was on
14 Bennett Yard Road. I saw Olivia. She took out a knife so I
15 pushed her. She said she was scared of me."

16 Eventually he says, "I'll tell you the truth if I can
17 have a cigarette." So they go out and have a smoke break,
18 and that leads to a confession where the defendant admits
19 that he jabbed her once in the chest with a folding knife,
20 then he went home, showered, and he had tossed the weapon
21 somewhere on his way.

22 They returned back to the interrogation room, and this
23 defendant says that the stabbing occurred because Olivia was
24 with another man and that sparked something. And he said
25 that this had kind of been brewing for days. It had just

1 been building up, though his story was different today. I
2 encourage you to go back and listen to that clip.

3 Also in that clip, along with disparaging Olivia and
4 calling her names, when he's asked about Elbert, the new
5 boyfriend, this defendant says he doesn't really know him.
6 So that's interesting.

7 You also heard what the defendant said when Detective
8 Pritchard left the room. He talked to himself a lot. I
9 encourage you to go back and listen to these clips as well.
10 This will give you the clearest picture of this defendant's
11 intent that day. Pay attention to what he says when he does
12 not think anyone is listening.

13 You learned that, based on defendant's confession as
14 well as all the witness statements, this defendant was
15 arrested. And after this arrest, Detective Pritchard
16 continued to work on the case. He tied up loose ends. He
17 did some followups. He looked at cell phone dumps. Didn't
18 find anything. No luck on surveillance videos. No matches
19 on DNA. Again, we don't need any of those to prove our case.
20 But he was thorough.

21 At the end of yesterday, you heard from Nekisha Goff,
22 Olivia's sister. You heard about what she witnessed when she
23 attended the defendant's bond hearing the following day.

24 And this morning you heard a lot. You heard from the
25 defendant again. He admitted today that he was not scared of

1 Olivia. He said she did not have a knife on multiple
2 occasions today. What he did tell you is that he came to
3 Bennett Yard Road armed with a knife. He said he saw Elbert,
4 the new boyfriend, about six to seven feet away.

5 And now he's claiming that Olivia did nothing wrong, he
6 wasn't scared of her, and she didn't have a knife,
7 conveniently got pushed into him. So Olivia got pushed into
8 him, but somehow that deep puncture wound that went through
9 her heart -- clean wound -- that's how she got that wound.

10 You saw him caught in multiple lies today. His
11 testimony today conveniently changed significantly. Why
12 would that be? Is it because he's really the only person
13 with a motive to lie? He claims that he's telling the truth
14 now because he was under so much pressure that day. But take
15 a look at the clips back in your deliberation room. Look at
16 his demeanor. Was he really under pressure?

17 In a few minutes, Judge Addy's going to instruct you on
18 the law in this case. I'm just going to quickly go through a
19 preview of what you're going to hear.

20 This defendant is charged with murder, which is when a
21 defendant kills another person with malice aforethought.

22 So what is "malice"? Malice is going to be ill will,
23 hatred, hostility towards another, intentional doing of a
24 wrongful act without just cause and with the intent to
25 inflict injury, or it's a combination of evil intent and the

1 act.

2 Malice can be express or inferred. I would argue that
3 we have both in this case. You heard defendant's words. You
4 heard the hatred and the ill will that he had for Olivia
5 because she moved on to somebody else. You heard about how
6 he hunted her beforehand -- for the hours beforehand, pacing
7 back and forth, asking repeatedly he wanted to see Olivia.
8 And there was a total disregard for human life in this case.

9 He's also charged with the possession of a weapon during
10 the commission of a violent crime. Murder is a violent
11 crime. He admits he had a knife and he stabbed Olivia.

12 The judge is also going to instruct you on a variety of
13 other things including self-defense. You're going to hear
14 that there's four elements that must all be present.

15 For self-defense to apply, the defendant has to be
16 without fault. Even if you believe what he said today, he's
17 not without fault. He went to Bennett Yard Road for a fight.

18 There has to be actual danger of losing your life or
19 serious injury. He said Elbert was six to seven feet away
20 from him. He was not in danger. The victim did not have a
21 knife. He said he was not scared of her.

22 Third, a reasonably prudent person would have
23 entertained these same thoughts. When asked today if he has
24 a little bit of a temper, a little bit of a hot head, "Yeah.
25 Yeah." A reasonably prudent person would not think that they

1 were in danger or in fear for their life in that situation.

2 And fourth, there has to be no other means of avoiding
3 this danger. He could have stayed at the hotel. He didn't
4 have to go there with a knife.

5 Even if you believe everything he said today, the
6 self-defense argument fails. He went to the location armed.
7 He pulled out a knife, and he stabbed the victim.

8 You're also going to hear about accident, how in an
9 accident, the act has to be unintentional, you have to be
10 acting lawfully, and you have to have reasonable care in
11 handling the weapon. Even if you believe everything he said
12 today, that's not the case. This was not an accident.

13 You're going to hear about direct and circumstantial
14 evidence. And I submit to you that there's an abundance of
15 both in this case. We have eyewitness accounts; we have the
16 defendant's, at this point, multiple confessions; and
17 corroborating evidence.

18 Credibility of witnesses is something that you will all
19 to take into consideration as well. You heard from a variety
20 of people over the past couple days. You heard from
21 eyewitnesses, law enforcement officers, medical
22 professionals. None of them have a motive to lie, but he
23 does. Everybody's testimony besides the defendant's is
24 consistent.

25 And finally, we get to "beyond a reasonable doubt." And

1 that's what we are tasked with proving this case beyond a
2 reasonable doubt. And at the beginning of this week, as
3 Durham told you in his opening, beyond a reasonable doubt is
4 not beyond all doubt. You don't have to be convinced beyond
5 a shadow of a doubt. If you knew just without any doubt what
6 happened, you couldn't be on this jury because you would
7 actually be a witness in this case.

8 You have to be firmly convinced. That's what "beyond a
9 reasonable doubt" is.

10 We heard the defendant in his own words talk about what
11 he did to Olivia Goff and how he felt about it. And again,
12 you have access to the evidence in this case: to the
13 photographs, to the videos. Watch them in the jury room.
14 Review them. Listen to his words.

15 You're going to recall that the defendant joked that
16 Olivia didn't even live long enough to see her first
17 paycheck. You're going to hear that the defendant bragged to
18 himself that he, quote/unquote, "killed that bitch" on
19 June 13, a Saturday. You're going to hear defendant laughing
20 and saying, "When I lay down tonight, I know where she at.
21 Everybody gonna know where she at. Bitch." You're also
22 going to go to recall some of these other statements.

23 (Video played in open court.)

24 MS. HALIENA: And defendant explicitly told Detective
25 Pritchard why most women are killed and why the victim

1 deserved what she got that day.

2 (Video played in open court.)

3 MS. HALIENA: As jurors, you are the judge of the facts.
4 You get to use your common sense and reason in that
5 deliberation room. And based on everything that you have
6 heard this week, we are asking you to hold this defendant
7 accountable and to find him guilty of murder and possession
8 of a weapon during the commission of a violent crime.

9 Thank you.

10 THE COURT: Thank you, Solicitor.

11 Ms. Arora, you're recognized for your closing, ma'am.

12 MS. ARORA: Thank you, your Honor.

13 May it please the Court.

14 THE COURT: Yes, ma'am.

15 MS. ARORA: There are two sides to every story. I told
16 y'all that on Monday when you first started with this trial.
17 I told you the State was going to present you with their
18 witnesses and their evidence, and I specifically asked you to
19 listen to the why.

20 There's another part of this story. And that's the,
21 "Why did Olivia get stabbed." I told you from the outset on
22 Monday this isn't a whodunit case. This isn't an identity
23 case. Kenneth was there. He was there on June 13. He was
24 on Bennett Yard Road. He did stab Olivia. The issue is why.

25 Kenneth went down to Bennett Yard Road because he was

1 getting threats from Elbert, who was Olivia's boyfriend. He
2 walked down from the hotel to Bennett Yard Road, and he comes
3 across Olivia and Elbert. When he comes across them, there's
4 words exchanged, and he sees Elbert reach into his waist and
5 pull out a knife. Kenneth then reacts. He's scared. He's
6 frightened. And he reaches into his back pocket and pulls
7 out his knife.

8 He did not go down to Bennett Yard Road because he
9 wanted to hurt Olivia. He did not want to kill Olivia that
10 day. He stabbed her by accident.

11 You've heard the State and you'll hear more from the
12 judge about this, about the State's burden. They must prove
13 their case to you beyond a reasonable doubt. What I mean by
14 this is it's the State's responsibility to put up evidence
15 that leaves you firmly convinced of our client's guilt. It's
16 not the responsibility of the defendant. It's not my
17 responsibility. It's not Kenneth's responsibility. Kenneth
18 is innocent until the State meets that burden.

19 What is "beyond a reasonable doubt"? It's important
20 that all of you understand that there are no other reasonable
21 explanations to the State's theories or evidence. Kenneth
22 deserves that benefit.

23 In the simplest terms, how I usually figure out
24 reasonable doubt is, you know, there's a March madness
25 bracket. I'm sure all of y'all have done that at some point.

1 They lay out those brackets, and you start to make your
2 decision. You have those games that are 16 and the 1
3 match-up. You quickly pick that 1 seed to go forward to the
4 next game.

5 You know, but then there are some teams you might have
6 that 8 and 9 match-up, that 10 and 7 match-up. You might
7 think, go back, do some research, look at the Vegas odds.
8 But you take a step back and you think and you have to ask,
9 "Does that 7 team move forward or does that 10 team move
10 forward?" That's reasonable doubt.

11 What's the reasonable doubt in our case? I think
12 there's a multiple list of issues, and I'll go through each
13 of them with you.

14 I think the first biggest one we need to look at is
15 Elbert. We know from witnesses this week that have
16 testified, you heard from Olivia's family that someone named
17 Akeem or Hakeem was on scene and that he was with Olivia.
18 Marquell stated that. Detective Pritchard, you hear him talk
19 about Elbert in his testimony as well.

20 Sergeant Gann tells you he originally arrives to the
21 scene. He does kind of a cursory assessment, sees witnesses,
22 gathers information. At that point no one is patted down for
23 weapons. He tells you that.

24 We hear that there is a black folding knife found on
25 Dorchester Road at the bus stop. The State just told you

1 that's a red herring. I would ask you to look more closely
2 at that. Kenneth testified that he saw Elbert had a black
3 knife. I would just ask you to consider the route that the
4 knife was found on, look at what you heard today, look at
5 what Kenneth told you about that knife. That knife was not a
6 weapon used by Kenneth. He tells you that. But why else
7 would that knife be there in that trash can?

8 So Kenneth meets with Detective Pritchard, and you also
9 hear him talking with Officer Lynch and Officer Wallace in
10 his hotel room. I think the biggest thing I want you to
11 consider is Kenneth tells you he did change his story. But I
12 want you to look at his testimony, as well as the testimony
13 of those officers that interviewed him.

14 He was apprehended in his hotel room. You heard Officer
15 Lynch and Officer Wallace both testify as to their protocol.
16 They are knocking more than once, announcing "North
17 Charleston Police." They have their guns drawn. Some have
18 their Tasers drawn.

19 You have at least five or six officers waiting outside
20 the hotel room. And when they get inside that hotel room,
21 they rush him. You heard Kenneth talk about that. He was
22 scared. He was in self-preservation mode. You hear on one
23 of the body-camera clips that he is confused. He's confused.
24 He's scared. He's excited.

25 You heard from Officer Wallace and there was testimony

1 from Officer Lynch that officers were with Kenneth this whole
2 entire time in the hotel room. And you can see on the
3 body-camera clips -- and I urge you to go back and watch --
4 there's officers in multiple different areas of the room, all
5 standing around Kenneth. And you heard Officer Wallace from
6 earlier that Kenneth had to go to the bathroom and they
7 followed him to the bathroom.

8 Kenneth was under extreme stress at that point. And
9 once again, he was scared. He tells us that. And that is
10 why his story changed. He had no mal intent.

11 Kenneth addressed to you the comments that he made --
12 the comments that he made to Detective Pritchard and while by
13 himself in that interview room. He acknowledged he has a
14 temper. His emotions were high. He is in a room and you
15 also heard he was unsure whether Olivia was deceased or not.
16 He asked Detective Pritchard to provide him with proof. He's
17 been in custody of officers for a number of hours at this
18 point. You hear Detective Pritchard say that the interview
19 was at least two hours. He's making those comments under
20 stress. And he told you that today.

21 You heard the State tell you today that Kenneth was on
22 Bennett Yard Road hunting for Olivia. You will look -- and
23 you can go back and look at the maps -- and you heard
24 testimony that the Suburban was .3 miles away from Bennett
25 Yard Road. You also heard testimony from Kenneth himself

1 that he was on Bennett Yard Road. The Little Caesars was at
2 the corner of Dorchester and Bennett Yard Road, and he was
3 working that day and he walked to work. It's possible that
4 someone could have seen him that day earlier when he was at
5 work.

6 I also ask you to consider that we have multiple
7 witnesses. They can all tell you -- it was Deborah, Lakesha,
8 Marquell. And they can tell you that they heard Olivia run
9 back and go on the porch and say, "Auntie Deborah, Kenny
10 stabbed me." They don't know the why. They testified that
11 they did not see the incident. They saw Olivia walk away,
12 and they see her come back.

13 You heard Martez earlier this week testify that he saw
14 Olivia. And he was asked what her reaction was that day when
15 she heard Kenneth was looking for her. He stated her
16 reaction was normal and she didn't seem too concerned. That
17 tells you that she was not scared of Kenneth.

18 Marquell is the family member that came up and testified
19 and he stated he saw this incident. It's important to point
20 out he stated he was not right next to her. He was behind
21 her.

22 You heard me ask Officer Wallace earlier this week if he
23 was able to get surveillance video. He said he wasn't aware
24 of any. And then you further heard Detective Pritchard and
25 Powitchko talk about the surveillance video as well. They --

1 Detective Pritchard said that he didn't believe the
2 surveillance videos at the car wash would have been important
3 because it wouldn't have showed the incident. The
4 surveillance video could have showed Kenneth walking or
5 leaving or as he showed up multiple times that day to Bennett
6 Yard Road. There's also no evidence -- there could have been
7 Ring video or anything else in that neighborhood. There's no
8 evidence that was presented that's going to show anything
9 else that happened on Bennett Yard Road that day.

10 You heard Dr. Beaver speak about what they called the
11 autopsy. And he went through what was the cause of death,
12 what injuries he saw. He talked about that there was one
13 wound. It was small. It was a quick in and out, meaning the
14 knife didn't stay in there that long. You also heard that
15 there was no defensive injuries and that he doesn't believe
16 this person was trying to defend themselves. It's
17 consistent, what the State said, with someone that was taken
18 by surprise.

19 I ask you to think about that. Compare that with
20 Kenneth's story. He wasn't trying to attack Olivia. She
21 wouldn't have a defensive wound because he wasn't trying to
22 attack her. He had his knife out in defense of himself
23 against Elbert and she got in the way.

24 Going back to Detective Pritchard's interview, you heard
25 him testify that it was two hours long. I ask you to

1 consider that we didn't see that two-hour-long clip. The
2 State chose what they felt was important out of those two
3 long hours and presented that to you. I ask you to consider
4 why they did that. You heard Detective Pritchard ask our
5 client, "Did you feel like Olivia deserved this?" He was
6 fishing for an answer and a comment that would hurt Kenneth.

7 There are two sides to every single story. You heard
8 Kenneth's side of the story. You heard that this morning.
9 You heard he did not mean to hurt Olivia. He stated he did
10 not go down to Bennett Yard Road to hurt her. He did not go
11 down to Bennett Yard Road to kill her. He was threatened.
12 He was scared. And he pulled out his knife because of that.
13 You heard him. He did not want to hurt or kill her.

14 I told y'all on Monday that we picked you because we
15 felt like each of you could put your feelings aside. You
16 cannot rely on your sympathy or emotions when making your
17 decision today. Not only is this the most important day in
18 Kenneth's life, it's also the most important day in your life
19 -- or one of the most important days. You are going to go
20 back to your jury room and deliberate. The judge will ask
21 you all to make a collective decision.

22 I want to remind you it's an individual decision as
23 well. You each have a different perspective. That's why we
24 chose you. You have different backgrounds. You have
25 different jobs. Each of your thoughts on this case, they're

1 important. You might see differently, think differently than
2 the person sitting next to you. And that's okay. That's why
3 you get to go back and deliberate.

4 I want to remind you, though, that with this decision,
5 you only have one chance to get it right. One chance. Once
6 the decision is made collectively, between all of you, you
7 can't change your vote. You can't change it five minutes
8 after the verdict. You can't change it one day after the
9 verdict. You can't change it six months after the verdict.

10 Kenneth has been patiently waiting for this day since
11 June of 2020, waiting for each and every one of you to listen
12 to the evidence in this case. I am asking you today to
13 review the evidence and render the only just verdict that you
14 can. I'm asking you to find Kenneth not guilty of murder and
15 not guilty of possession of a weapon during the commission of
16 a violent crime.

17 Thank you.

18 THE COURT: Thank you, ma'am.

19 Ms. Haliena, anything in reply?

20 MS. HALIENA: Briefly, Judge.

21 THE COURT: Yes, ma'am.

22 MS. HALIENA: You just heard from the defense, as well
23 as the defendant earlier, Kenneth Dawson stabbed the victim.
24 He claims that he pulled out a brown-handled knife -- that's
25 what he said today -- which is remarkably consistent with

1 what Marquell says he saw: a brown handled knife. Who do
2 you really believe?

3 And Marquell also said that, yeah, Elbert was with
4 Olivia when she first went walking down Bennett Yard Road,
5 but then he turned around. He wasn't there with her when she
6 was walking to the bus stop.

7 Do you believe him or Marquell?

8 Actually, most of the people testifying said Elbert
9 actually went back to his house when Olivia reached her
10 relative's house. I believe it was Lakesha that said that
11 Elbert turned around because he needed to get a cigarette.
12 That's why Olivia was no longer with her -- er, with Elbert
13 when she started going to the bus stop.

14 It's interesting the defense says Elbert goes behind
15 Olivia and then shoves Olivia, yet the defendant says he was
16 still scared. He was still scared of Elbert seven feet away
17 with somebody between them?

18 This defendant described a little knife. He says he
19 accidentally stabbed the victim. But Dr. Beaver told you
20 what it takes to get that type of wound. That wound was
21 deep. It went between the ribs, through the heart and the
22 aorta. He told you that it requires force to compress the
23 skin and the tissue to the extent that it was done to Olivia.
24 This force is the force of an intentional act, not a "Well,
25 she fell into me."

1 Defense says that Kenny was just -- he was lying on
2 scene because he was under extreme stress at that point on
3 June 13. But I submit to you he was not under extreme stress
4 because those officers were so scary. He was under stress
5 because he had just killed somebody. He didn't want to get
6 caught.

7 And the two-hour interview, you heard from Detective
8 Pritchard, this was not just a two-hour grilling. They
9 weren't talking the whole time. He was allowed to go to the
10 bathroom. He was allowed to go outside and smoke. He had
11 several cups of coffee.

12 Ms. Arora states that the witnesses on scene that didn't
13 actually see the stabbing, they don't know why the stabbing
14 happened. But again, I remind you they all said that Elbert
15 walked away. He was not there. Now, that's new. That's
16 from the defendant and the defendant only.

17 I think it's important to look back at the clips in the
18 jury room and notice that the only person that the defendant
19 is mad at in those clips is Olivia, not Elbert. He doesn't
20 mention him. Don't you think he'd maybe be a little bit more
21 mad at the person that killed the person he loved right in
22 front of him? No. He was mad at Olivia because she moved
23 on. He showed his true colors when he was by himself in that
24 room. And Detective Pritchard testified as to everything
25 that was said in that room. There are evidentiary reasons

1 why you can't see everything, but you heard it all.

2 And Ms. Arora says you can't change your vote. You're
3 not going to need to because the only thing that you can do
4 with this evidence is find him guilty.

5 THE COURT: Thank you, Solicitor.

6 All right. Ladies and gentlemen, it now becomes my
7 obligation to instruct you on the law that applies in this
8 particular case. And I will let you know that the way many
9 judges do this is that they'll simply sit up here and read to
10 you essentially 19 pages of law and you're supposed to get --
11 inside of 15 minutes you're supposed to comprehend in 15
12 minutes what it took me three years to learn. Okay? I
13 always found that a little unreasonable. And I think that
14 tradition dates back to our colonial period when, honestly,
15 most people just could not read so the only option was for
16 the judge to explain stuff to the jury.

17 What I'm saying to you, ladies and gentlemen, is that
18 I'm going to give you a copy of these instructions that you
19 can refer to during your deliberations. Okay? And if you
20 have any questions about the instructions, just write me a
21 note. If you have any questions about the law that applies,
22 just write me a note and let me know what it is that you're
23 struggling with, Mr. Foreman, and I'll try and give you a
24 better explanation. But obviously, I think it helps you if
25 you have a written copy of the instructions to understand

1 what I'm about to read to you.

2 If you have any questions about the facts, however, odds
3 are I'm going to be forced to say, "Hey, I can't help you,"
4 because there is no mechanism in the law to reopen testimony
5 or reopen the record and take any additional testimony. So
6 if you have a factual question, I probably won't be able to
7 help you. If you go a legal question, I probably can help
8 you. All right?

9 Of course, refer to these instructions as a whole and
10 don't simply ignore some portion of the instructions to the
11 detriment of another part of the instructions.

12 Now, ladies and gentlemen of the jury, as I explained to
13 you on Monday, the indictments in this case charge the
14 defendant with the offenses of murder and possession of a
15 weapon during the commission of a violent crime. And I'll
16 remind you that the fact that Mr. Dawson was arrested,
17 charged, and indicted in this case is not evidence and cannot
18 be considered by you as evidence of guilt. Nor do these
19 indictments create any presumption or inference of guilt.
20 Again, these documents are merely the written instruments
21 that contain the charges against the defendant. They're the
22 means by which these cases are brought into court.

23 In this case, ladies and gentlemen, the defendant has
24 pled not guilty to these charges, and that plea puts the
25 burden on the State to prove him guilty. I instruct you that

1 a person charged with committing a criminal offense in this
2 state is never required to prove his innocence. It's an
3 important rule of law that the defendant in a criminal trial,
4 no matter what the seriousness of the charge may be, will
5 always be presumed to be innocent of the crime for which the
6 indictments were issued unless guilt has been proved by
7 evidence satisfying you of that guilt beyond a reasonable
8 doubt.

9 Now, this presumption of innocence does not end when you
10 begin your deliberations. Rather, it accompanies the
11 defendant throughout the trial until you reach a verdict of
12 guilt based on evidence satisfying you of his guilt beyond a
13 reasonable doubt. The presumption of innocence is not just a
14 legal theory. It's not merely a legal phrase. It's a
15 substantial right to which everyone is entitled unless you,
16 the jury, are satisfied from the evidence of his guilt beyond
17 a reasonable doubt.

18 Well, what is a "reasonable doubt" in the law? A
19 reasonable doubt is the kind of doubt that would cause a
20 reasonable person to hesitate to act. I instruct you that
21 the State has the burden of proving the defendant guilty
22 beyond a reasonable doubt. Some of you may have served as
23 jurors in cases -- civil cases where you are told that it's
24 only necessary to prove that a fact is more likely true than
25 not true, such as by the greater weight or the preponderance

1 of the evidence. In criminal cases, the State's proof must
2 be more powerful than that. It must be proof beyond a
3 reasonable doubt.

4 Proof beyond a reasonable doubt is proof that leaves you
5 firmly convinces of the defendant's guilt. Now, there are
6 very few things in this world that we know with absolute
7 certainty. And in criminal cases, the law does not require
8 proof that overcomes every possible doubt.

9 If, based on your consideration of the evidence, you're
10 firmly convinced that the defendant is guilty of the crimes
11 charged, you should find him guilty. If, on the other hand,
12 you think there's a real possibility that the defendant is
13 not guilty, you should give him the benefit of the doubt and
14 find him not guilty.

15 Now, again I remind you that during this trial, you and
16 I have certain duties to perform. As the trial judge, it's
17 been my responsibility to preside over the trial of this case
18 and rule on the admissibility of the evidence offered during
19 the trial. You are to consider only the competent evidence
20 before you. You are to consider only the testimony which has
21 been presented from the witness stand, as well as the
22 exhibits that have been made a part of record in this case.

23 I also have the additional duty to charge the law. And
24 as the presiding judge, I'm the sole judge of the law.
25 Understand it's your duty to accept and apply the law as I

1 state it to you now. So if you already have some idea as to
2 what the law is or what the law should be and it doesn't
3 agree with what I now tell you the law is, you have to
4 abandon that idea because you're sworn to accept and apply
5 the law as I state it to you now.

6 Now, in every case tried in a court before a jury, the
7 jury becomes the sole and exclusive judge of the facts in a
8 case. As I explained on Monday, a judge cannot intimate,
9 state, comment on, or make any statement to a jury about the
10 facts in a case. Because you are the sole judges of the
11 facts, you are not to infer from what I have said during the
12 progress of this trial in ruling upon the admissibility of
13 evidence or otherwise, or anything that I say to you now,
14 that I have any opinion about the facts in this case. Ladies
15 and gentlemen, the law does not permit me to have any opinion
16 about the facts. This is a matter solely for you to
17 determine. As jurors, it's your duty to determine the
18 effect, value, weight, and truth of the evidence presented
19 during this trial.

20 Now, there are two types of evidence which are generally
21 presented during the trial: direct evidence and
22 circumstantial evidence. Direct evidence directly proves the
23 existence of a fact and does not require deduction, such as
24 testimony by an eyewitness. Circumstantial evidence is proof
25 of a chain of facts and circumstances indicating the

1 existence of a fact.

2 Now, I instruct you that crimes may be proven by
3 circumstantial evidence, and the law makes no distinction
4 between the weight or value to be given to either direct or
5 circumstantial evidence. However, to the extent that the
6 State relies on circumstantial evidence, all the
7 circumstances must be consistent with each other and, when
8 taken together, point conclusively to the guilt of the
9 accused beyond a reasonable doubt. If these circumstances
10 merely portray the defendant's behavior as suspicious, then
11 the proof has failed.

12 Again, the State has the burden of proving the defendant
13 guilty beyond a reasonable doubt, and this burden rests with
14 the State regardless of whether the State relies on direct
15 evidence, circumstantial evidence, or some combination of the
16 two.

17 Now, necessarily, ladies and gentlemen, you must
18 determine the credibility of witnesses who have testified in
19 this case. Again, "credibility" simply means believability.
20 It becomes your duty as jurors to analyze and to evaluate the
21 evidence and determine which evidence convinces you of its
22 truth.

23 In determining the believability of witnesses who have
24 testified, you may believe one witness over several or
25 several witnesses over one. You may believe a part of the

1 testimony of a witness and reject the remaining part of the
2 testimony of that same witness. You may believe the
3 testimony of a witness in its entirety or reject it in its
4 entirety. You may consider whether any witness has exhibited
5 to you any interest, bias, prejudice, or other motive in this
6 case. You may also consider the appearance and manner of a
7 witness while they're on the witness stand.

8 Now, as I explained yesterday as it related to the
9 forensic pathologist, ladies and gentlemen, normally the
10 rules of evidence do not permit a witness to testify to
11 opinions or conclusions, but an exception to this rule exists
12 for witnesses who are experts in some particular field or
13 calling. If an individual or a witness has become an expert
14 in some art, science, or profession, they may give an opinion
15 as to the subject matter in which the witness claims to be an
16 expert and they may also give the reasons for that opinion.

17 You should consider any expert opinion given by a
18 witness and, like any other evidence, give it the weight you
19 determine it should have. If you decide that an expert
20 witness's opinion is not based on sufficient education and
21 experience or if you decide that the reasons given in support
22 of the opinion are not sound or that the opinion is
23 outweighed by other evidence, you may disregard the opinion
24 entirely. An expert witness's testimony is to be given no
25 greater weight than that of any other witness simply because

1 the witness is an expert, and you do not have to accept their
2 opinion even though it's uncontradicted.

3 Now, there's been evidence presented during this trial
4 that witnesses have made prior statements which are not
5 consistent with their present testimony. You may use this
6 evidence to decide whether to believe the witness. You may
7 also use evidence of the earlier contradictory statement to
8 determine the truth of those statements. It's up to you to
9 decide whether to believe the earlier statements or the
10 testimony given at trial. If a witness is shown to have
11 knowingly testified untruthfully concerning any material
12 matter, you may consider this in determining whether to trust
13 the witness's testimony as to other matters. You may reject
14 all of the testimony of that witness or give all or part of
15 the testimony the weight you think it deserves.

16 Now, in this case, ladies and gentlemen, the defendant
17 is charged with murder. The State, therefore, must prove
18 beyond a reasonable doubt that the defendant killed another
19 person with malice aforethought. Malice is defined as
20 hatred, ill will, or hostility towards another person. It's
21 the intentional doing of a wrongful act without just cause or
22 excuse and with an intent to inflict an injury or under
23 circumstances that the law will infer an evil intent.

24 Now, malice aforethought does not require that malice
25 exists for any particular time before the act was committed,

1 but malice must exist in the mind of the defendant just
2 before and at the time of the act being committed.
3 Therefore, there must be a combination of the previous evil
4 intent and the act.

5 Malice aforethought may be express or inferred. Now,
6 these terms "express" and "inferred" do not mean different
7 kinds of malice, but merely the manner by which malice may be
8 shown to exist. That is either by direct evidence or by
9 inference from the facts and circumstances which are proven.

10 Express malice is shown when a person speaks words which
11 express hatred or ill will for another or when the person
12 prepared beforehand to do the act which was later
13 accomplished. Any acts of preparation going to show that the
14 deed was within the defendant's mind would be express malice.
15 Malice may also be inferred from conduct showing a total
16 disregard for human life.

17 Now, the defendant is also charged with possession of a
18 weapon during the commission of a violent crime. The State
19 must, therefore, prove beyond a reasonable doubt that the
20 defendant was in possession of a deadly weapon during the
21 commission of a violent crime.

22 In order to find the defendant guilty of possession of a
23 weapon during the commission of a violent crime, you must
24 first find him guilty of either committing a violent -- you
25 must first find him guilty of committing a violent crime.

1 Under South Carolina law, I instruct you that murder is
2 classified as a violent crime. The State must prove beyond a
3 reasonable doubt that the weapon used further advanced or
4 helped in the commission of that crime.

5 Now, the defendant has raised the defense of accident.
6 An act may be excused on the ground of accident if it was
7 shown that the act was unintentional, that the defendant was
8 acting lawfully, and that reasonable care was used by the
9 defendant in the handling of the weapon. For example, if a
10 person is lawfully armed in self-defense and the firearm were
11 to accidentally discharge, the defense of accident would
12 apply. Again, the burden is on the State to prove beyond a
13 reasonable doubt that the act was not an accident but was
14 caused by the negligence or carelessness on the part of the
15 defendant in the handling of a the weapon or by unlawful
16 activity by the defendant.

17 Now, the defendant has also raised the offense of
18 self-defense. I instruct you that self-defense is a complete
19 defense and, if it is established, you must find the
20 defendant not guilty. Again, the State has the burden of
21 proving self-defense by proof beyond a reasonable doubt. If
22 you have a reasonable doubt of the defendant's guilt after
23 considering all the evidence, including any evidence of
24 self-defense, then you should find the defendant not guilty.
25 If, on the other hand, you have no reasonable doubt of the

1 defendant's guilt after considering all the evidence,
2 including the evidence of self-defense, you should find the
3 defendant guilty.

4 The following elements are required to establish
5 self-defense.

6 First, the defendant must be without fault in bringing
7 on the difficulty. If the defendant's conduct was the type
8 which was reasonably calculated to and did provoke a deadly
9 assault, then the defendant would be at fault in bringing on
10 the difficulty and would not be entitled to an acquittal
11 based on self-defense. Self-defense is not available to
12 anyone who uses language which is so contemptuous that a
13 reasonable person would expect it to bring on a physical
14 encounter and which did actually contribute to the physical
15 encounter.

16 Second, the second element of self-defense is that the
17 defendant was actually in imminent danger of death or serious
18 bodily injury or that the defendant actually believed he was
19 in imminent death -- imminent danger of death or serious
20 bodily injury. If the defendant was actually in imminent
21 danger, it must be shown that the circumstances would have
22 warranted a person of ordinary firmness and courage to strike
23 the fatal blow to prevent death or serious bodily injury. If
24 the defendant believed he was in imminent danger of death or
25 serious bodily injury, it must be shown that a reasonably

1 prudent person of ordinary firmness and courage would have
2 had the same belief.

3 In deciding whether the defendant actually was or
4 believed he was in imminent danger of death or serious bodily
5 injury, you should consider all the facts and circumstances
6 surrounding the crime, including the physical condition and
7 characteristics of the defendant and the assailant. I
8 instruct you, ladies and gentlemen, that the defendant does
9 not have to show that he was actually in danger. It's enough
10 that the defendant believed he was in imminent danger and a
11 reasonably prudent person of ordinary firmness and courage
12 would have had the same belief.

13 The defendant has the right to act on appearances even
14 though the defendant's beliefs may have been mistaken. It's
15 for you to decide whether the defendant's fear of imminent
16 danger or death or serious bodily injury was reasonable and
17 would have been felt by an ordinary person in the same
18 situation. I instruct you further that words accompanied by
19 hostile acts may, depending on the circumstances, establish
20 self-defense. Furthermore, threats made may be considered in
21 determining whether the defendant actually was or believed he
22 was in imminent danger.

23 Third, ladies and gentlemen -- or rather, the final
24 element of self-defense is that the defendant had no other
25 probable way to avoid the danger of death or serious bodily

1 injury than to act as the defendant did in this particular
2 instance. I instruct you further that a person cannot be
3 required to make an exact calculation as to the degree or
4 amount of force which may be needed to avoid death or serious
5 bodily harm. Therefore, in self-defense, the defendant has
6 the right to use the force needed to avoid death or serious
7 bodily harm.

8 The force used in self-defense does not have to be
9 limited to the degree or amount of force used by the victim
10 -- or the assailant, rather. The defendant has the right to
11 use so much force as appeared necessary -- as appeared to be
12 necessary for complete self-protection in which a person of
13 ordinary reason and firmness would have believed to be need
14 to prevent death or serious bodily harm.

15 Now, ladies and gentlemen of the jury, I've prepared a
16 verdict form to help you and help kind of guide or lead your
17 deliberations.

18 And Mr. Foreman, this is about as simple as I can make
19 it. You can read. The law still makes me explain it to you.
20 All right?

21 Basically, the first statement on the verdict form is,
22 "We, the jury in the above-captioned case, on the charge of
23 murder, unanimously find Kenneth Dawson," and then there are
24 two mutually exclusive options: either not guilty or guilty.

25 If you find the State has failed to meet its burden of

1 proving the defendant's guilt on the charge of murder beyond
2 a reasonable doubt, you would -- and all 12 of you agree, you
3 would initial "not guilty" and then just sign your name.
4 Okay? If, on the other hand, you find the State has met its
5 burden of proving the defendant's guilt beyond a reasonable
6 doubt and all 12 of you agree, you would initial next to
7 "guilty" and then proceed down to the next charge, the
8 possession of a weapon charge. Okay?

9 Same two mutually exclusively options are available on
10 that charge as well: not guilty or guilty.

11 If you have trouble understanding this, send me a note.
12 I don't think you will. All right?

13 Now, ladies and gentlemen of the jury, I'll remind you
14 that your verdict has to be unanimous. Some states used to
15 have majority verdicts. I think all states have now moved to
16 unanimous verdicts, so now all states are doing it correctly.

17 So all 12 of you have to agree on the outcome in this
18 particular case. I'll remind you that you've been selected
19 as 12 impartial individuals. That means you have no interest
20 in the outcome of this case. You have no friends to reward.
21 You have no enemies to punish. Your job is simply to find
22 the facts, apply the law to those facts, and reach a verdict
23 as I have just described -- er, just explained to you.

24 Now, just a few other housekeeping matters, Mr. Foreman.

25 If at any point during the course of your deliberations,

1 if you find it necessary to communicate with me by way of a
2 note, the one thing I don't want to know about is any kind of
3 division between the jury, any sort of numerical division.
4 So never tell me, "Okay. We're leaning 11 to 1" or "10 to 2"
5 or "6-6." I don't need to know numerical divisions or
6 anything like that how the jury is leaning. Okay?

7 Again, if you have any questions about the law or need
8 any help on that, simply send me a note and I'll try and help
9 you with that.

10 Is there a DVD player in the back where they can view
11 those cassettes?

12 CLERK OF THE COURT: Yes, sir.

13 THE COURT: Okay. The DVDs will go back there. If you
14 have any trouble viewing those, I'll let the bailiff know and
15 we'll get some tech person in there. But you've got a lot of
16 young person on the jury, so we can rely on them and they can
17 probably figure it out if we can't.

18 Your lunches are back there. Adjourn to the back. Go
19 ahead and grab your lunches. Feel free to start eating.
20 Your cue to begin deliberations will be receipt of these
21 instructions, the verdict form, as well as all the evidence.
22 Okay? So when you get the instructions, the verdict form,
23 and the various exhibits, that's when you can start your
24 deliberations. And I'll also ask the alternates to step out
25 at that time. Okay?

1 So with that, adjourn to the back. You know what your
2 cue is to begin deliberations. Go ahead and grab your
3 lunches.

4 Thank you very much. You can start when I tell you to.
5 All right?

6 (The jury exited the courtroom at 12:57 p.m.)

7 (The following proceedings were had outside the presence
8 of the jury.)

9 THE COURT: The defendant needed to step out. I think
10 he needed an emergency bathroom break.

11 But are you okay with the instructions, defense?

12 MS. ARORA: Yes, your Honor.

13 THE COURT: The State's okay with them?

14 MS. HALIENA: Yes.

15 THE COURT: Very good.

16 All right. Let's make sure we've got all the exhibits
17 together, and we're go ahead and get them working.

18 (The jury was instructed to begin their deliberation on
19 the verdict at 1:03 p.m.)

20 (The alternates were released from service at 1:05 p.m.)

21 THE COURT: They started deliberating about 3 after
22 1:00. We'll be at ease.

23 (Court recessed.)

24 (The jury indicated they had reached a verdict at 2:23
25 p.m.)

1 (Court resumed outside the presence of the jury.)

2 THE COURT: Thank you. Have a seat, please.

3 All right. I'm informed that the jury has reached a
4 verdict. Anything prior to receiving the jury back in the
5 courtroom? Anything from the State?

6 MS. HALIENA: No, your Honor.

7 THE COURT: From the defense?

8 MS. ARORA: No, your Honor.

9 THE COURT: Okay. Let's have the jury, please.

10 (The jury entered the courtroom at 2:37 p.m.)

11 THE COURT: All right. The record will reflect that the
12 jury is back and seated.

13 Mr. Foreperson, I'm told that the jury has reached a
14 verdict. Is that correct?

15 JURY FOREPERSON: We have.

16 THE COURT: All right. And all 12 of you agree on the
17 outcome?

18 JURY FOREPERSON: We have.

19 THE COURT: All right. If you would hand the verdict
20 form, please, to the bailiff.

21 All right. Madam Clerk, if you'll publish the verdict,
22 please.

23 CLERK OF THE COURT: Yes, your Honor.

24 If the defendant will please stand.

25 Case Number 2024-GS-10-02850, the State of South

1 Carolina versus Kenneth Dawson, indictment for murder. We,
2 the jury, in the above-captioned case, on the charge of
3 murder unanimously find Kenneth Dawson guilty. Signed by the
4 foreperson of the jury, dated January 15, 2025.

5 Mr. Foreperson, ladies and gentlemen of the jury, if
6 this is your verdict, please raise your right hand.

7 Thank you.

8 Case Number 2024-GS-10-02851, the State of South
9 Carolina versus Kenneth Dawson, indictment for possession of
10 a weapon during the commission of a violent crime. We, the
11 jury in the above-captioned case, on the charge of possession
12 of a weapon during the commission of a violent crime
13 unanimously find Kenneth Dawson guilty. Signed by the
14 foreperson of the jury, dated January 15, 2025.

15 Mr. Foreperson, ladies and gentlemen of the jury, if
16 this is your verdict, please raise your right hand.

17 Thank you.

18 THE COURT: The record will reflect that all 12 hands
19 were raised both times.

20 Anything prior to discharge of the jury from the State?

21 MS. HALIENA: No, your Honor.

22 THE COURT: Defense?

23 MS. ARORA: Your Honor, at this time I would poll the
24 jury.

25 THE COURT: All right. Ladies and gentlemen of the

1 jury, in a moment the clerk is going to call your juror
2 numbers individually. And when your number is called, just
3 raise your right hand. She'll then ask you if that's your
4 verdict and if it's still your verdict. Simply answer
5 appropriately. Okay?

6 Please poll the jury.

7 MS. ARORA: Yes, your Honor.

8 Again, ladies and gentlemen of the jury, I will call out
9 your number. And when I do, please raise your hand. I will
10 then ask you each two questions. Please answer yes or no.

11 Juror Number 5, is this your verdict?

12 JUROR: Yes.

13 CLERK OF THE COURT: Is this still your verdict?

14 JUROR: Yes.

15 CLERK OF THE COURT: Juror Number 62, is this your
16 verdict?

17 JUROR: Yes.

18 CLERK OF THE COURT: Is this still your verdict?

19 JUROR: Yes.

20 CLERK OF THE COURT: Juror Number 76, is this your
21 verdict?

22 JUROR: Yes.

23 CLERK OF THE COURT: Is this still your verdict?

24 JUROR: Yes.

25 CLERK OF THE COURT: Juror Number 114, is this your

1 verdict?

2 JUROR: Yes.

3 CLERK OF THE COURT: Is this still your verdict?

4 JUROR: Yes.

5 CLERK OF THE COURT: Juror Number 179, is this your
6 verdict?

7 JUROR: Yes.

8 CLERK OF THE COURT: Is this still your verdict?

9 JUROR: Yes.

10 CLERK OF THE COURT: Juror Number 205, is this your
11 verdict?

12 JUROR: Yes.

13 CLERK OF THE COURT: Is this still your verdict?

14 JUROR: Yes.

15 CLERK OF THE COURT: Juror Number 207, is this your
16 verdict?

17 JUROR: Yes.

18 CLERK OF THE COURT: Is this still your verdict?

19 JUROR: Yes.

20 CLERK OF THE COURT: Juror Number 214, is this your
21 verdict?

22 JUROR: Yes.

23 CLERK OF THE COURT: Is this still your verdict?

24 JUROR: Yes.

25 CLERK OF THE COURT: Juror Number 226, is this your

1 verdict?

2 JUROR: Yes.

3 CLERK OF THE COURT: Is this still your verdict?

4 JUROR: Yes.

5 CLERK OF THE COURT: Juror Number 230, is this your
6 verdict?

7 JUROR: Yes.

8 CLERK OF THE COURT: Is this still your verdict?

9 JUROR: Yes.

10 CLERK OF THE COURT: Juror Number 283, is this your
11 verdict?

12 JUROR: Yes.

13 CLERK OF THE COURT: Is this still your verdict?

14 JUROR: Yes.

15 CLERK OF THE COURT: Juror Number 292, is this your
16 verdict?

17 JUROR: Yes.

18 CLERK OF THE COURT: Is this still your verdict?

19 JUROR: Yes.

20 CLERK OF THE COURT: Your Honor, the jury has been
21 polled and the verdict stands.

22 THE COURT: Anything else from the defense prior to
23 discharge?

24 MS. ARORA: Your Honor, at this time I would renew all
25 previous pretrial and trial objections and motions and move

1 for a new trial.

2 THE COURT: All right. Very good.

3 Same rulings as before. The Court does find that there
4 is sufficient direct evidence and circumstantial evidence to
5 warrant having submitted this matter to the jury and the
6 jury's verdict is, of course, supported by ample evidence.
7 Your motion is accordingly denied.

8 Anything else further at this point?

9 MS. ARORA: No, your Honor.

10 THE COURT: All right.

11 Ladies and gentlemen of the jury, I want to thank you
12 for your attention on this case and for your work here this
13 week. And as I explained to you, your presence here these
14 last three days has been absolutely necessary in order for us
15 to resolve this case. I want to thank you sincerely for the
16 attention that you have given to this case and for your
17 efforts here and your attention here.

18 I will let you know that you will get a letter from me.
19 It will probably be sometime next week when I get back to the
20 office. The letter is a formal thank you for your service,
21 but I also have kind of an ulterior motive, if you will.

22 If there's anything that you liked about jury service,
23 please let me know. If there's anything that you did not
24 like about jury service, definitely let me know. Okay? I've
25 been practicing law for about 31 years now. I've had this

1 job for 14, and I will routinely change how court operates
2 based on feedback from jurors like you. Okay? The idea
3 about, "Hey, Judge, why don't you write down the jury
4 instructions and give us a copy," that came from a juror.

5 All right? So anything that you thought I could do --
6 anything you think I can do better, let me know, please, by
7 all means. All right?

8 At this point in time, ladies and gentlemen, what we're
9 going to do is we're going to take a brief so that the
10 solicitor can prepare a sentencing sheet and decide which
11 members of the decedent's family wish to address the Court
12 for purposes of victim impact. So we'll take a brief break.

13 If you wish to remain for sentencing, just for security
14 reasons, what I'm going to ask that you do is find an area
15 perhaps over -- in the back there where -- you see your
16 alternate is back there in the very back? Okay. They'll be
17 back there. And -- yeah, both alternates are back there.
18 Okay. So sit somewhere back there if you choose to stick
19 around for sentencing. If not, that's perfectly fine. You
20 can head on home and -- you can head no home with my thanks,
21 my appreciation, and definitely beat traffic. Okay.

22 So with that, you are discharged. And again, if you
23 care to stay, we'll be at ease for about ten minutes. Just
24 walk around the back. The bailiffs will get you around, and
25 you can sit where the alternates are, in that general area.

1 All right.

2 Again, thank you. You are free to go. You are free to
3 stay. Appreciate your help.

4 Mr. Foreman, I do need your signature on the actual
5 indictments.

6 (The jury was released from service and exited the
7 courtroom at 2:44 p.m.)

8 THE COURT: We'll be at ease for a few moments.

9 (Court recessed.)

10 THE COURT: Thank you. Have a seat, please.

11 All right. Solicitor, if you would -- before I hear
12 from the family of the victim in this case, if you could
13 share with me Mr. Dawson's prior criminal history and, of
14 course, any input that the State wants to provide.

15 MS. HALIENA: Absolutely Judge.

16 This defendant's prior record starts back in 1980 with
17 harassing phone calls and assault and battery; 1984 contempt
18 of court, shoplifting; 1986 burglary; 1987 burglary, grand
19 larceny; 1994 two counts of criminal domestic violence; 1997
20 simple battery; 2001 public disorderly conduct, trespass, and
21 three counts of criminal domestic violence; 2003 burglary
22 second degree, criminal domestic violence; 2008 burglary
23 second degree and violation of an order of protection; 2010
24 aggravated battery on a child and violation of a DV
25 protection order; 2019 assault and battery second degree and

1 violation of a DV protection order.

2 As your Honor heard, this defendant's criminal history
3 is extensive. It dates back to 1980. It includes multiple
4 batteries, burglaries, six domestic violence convictions, and
5 three violations of domestic violence protection orders. In
6 2010, this defendant was convicted of aggravated child abuse
7 after violating a DV protection order and stabbing his
8 ex-girlfriend's daughter. He received an eight-year sentence
9 in Florida as a result of this, which explains why there's no
10 activity on his rap sheet during that time period.

11 The victim's family, many of which who witnessed this
12 horrific event, traveled very far to come and be here this
13 week. Seven family members traveled in one van through the
14 winter storm. It took them 22 hours to get here. They slept
15 in their car in a parking lot. They've waited five years to
16 see justice in this case. They're never going to forget what
17 they witnessed. We could not be more appreciative of them
18 and sorry for what they're going through.

19 This defendant is 62 years old, so we understand that 30
20 years would be equivalent to a life sentence perhaps, but we
21 believe the defendant needs more than that. We believe the
22 facts in this case warrant life. His complete lack of
23 remorse warrants life. He was given an opportunity to plead
24 to a negotiated 30 years in 2022, and he did not do that.

25 The State and the case agent are on the same page in

1 requesting life for this defendant. We believe that is
2 justified in this case. This jury found him guilty of
3 hunting down and murdering the victim and having no remorse.
4 She was completely defenseless. She was taken by surprise.
5 She didn't have a chance. And for those reasons, we would
6 request a life sentence be imposed.

7 THE COURT: Thank you.

8 Do you have the sentencing sheets, please.

9 MS. HALIENA: I do. May I approach?

10 THE COURT: Yes, please.

11 All right. Ms. Arora, happy to hear from you and --

12 Or, did the family -- did any member of the family care
13 to address me?

14 MS. HALIENA: Yes, your Honor. It's my understanding
15 the victim advocate in this case is going to consolidate all
16 of their thoughts.

17 THE COURT: Okay. Very good.

18 VICTIM ADVOCATE: Thank you, your Honor.

19 THE COURT: Yes, ma'am. Happy to hear from you.

20 VICTIM ADVOCATE: We, the family, feel destroyed and
21 devastated. No words explain the hurt and pain the we've
22 been through and still go through every birthday and holiday.
23 She was a very beautiful private person. She will be truly
24 missed and never forgotten. This has impacted us for life.
25 We will never see her smile again.

1 So you, Kenneth, should never be able to see the light
2 of day ever. People like you should be banned from this world
3 for hurting people. I pray that God will help and have mercy
4 on you. I pray that you get life without the possibility of
5 parole.

6 We, as a family, feel that he needs life without parole
7 because he meant to kill her and she was very scared of him.
8 He really hurt our family because Olivia was happy free
9 spirit who wouldn't hurt a fly. He needs the maximum
10 sentence as justice for the family.

11 THE COURT: Thank you, ma'am.

12 Ms. Arora, I'm happy to hear from you, and certainly
13 anything Mr. Smith and your client wish to say.

14 MS. ARORA: Thank you, your Honor.

15 We are going to be asking for the minimum 30 years.
16 Just to echo the solicitor, Mr. Dawson, he is 62 years old
17 and so a 30-year sentence we believe would be a life sentence
18 for him. He has been incarcerated since June 13, so that is
19 a total of 1,678 days.

20 Just to touch on briefly about who Mr. Dawson is, as you
21 heard, he was born in New York. He was born in the Bronx,
22 grew up there. He's the youngest of his family. He has two
23 other sisters. At the time he was living with his dad
24 growing up and his grandmother, but spent a significant
25 amount of time in Charleston. His mom was living out in the

1 Hollywood area. You know, talking about childhood, he grew
2 up a normal childhood. His dad was in the restaurant
3 business and owned a pool hall.

4 I think it's important to note that he was a very
5 hardworking citizen. He got his high school diploma. He did
6 Job Corps. Starting in 1978, he spent some time in Kentucky.
7 And he told me he got a scholarship for working in
8 restaurants and pursued that a little bit further. He came
9 down here and he actually did some DJ work on the radio,
10 working in Hollywood. At the time of his arrest, he was
11 working hard. He had two jobs to provide for himself.

12 His biggest motivator in coming to Charleston was his
13 daughter. She's 15 years old now, and I think that's his
14 focus right now is rekindling a relationship with her,
15 finding her, being the dad to her that he wants to be. And
16 he's presented me with photos here today. He also has a son
17 that lives in Columbia who's 19. And with his son he has a
18 grandson. You know, he cares deeply about his family.

19 He wants the Court to know, you know, when he was
20 arrested, his sister was his biggest supporter through all of
21 this. Since that, she has passed away. So it's been, you
22 know, hard on him in dealing with that while he's been in
23 jail.

24 You know, we would ask -- we understand the allegations,
25 what was presented at trial, and I'm not going to touch on

1 that. But I would ask that you consider the 30-year
2 sentence.

3 THE COURT: Okay. Thank you very much, Ms. Arora.

4 Mr. Smith, anything you care to add at this time?

5 MR. SMITH: No, your Honor.

6 THE COURT: Mr. Dawson, was there anything that you
7 wanted to say, sir?

8 THE DEFENDANT: Can I stand up?

9 THE COURT: Yes.

10 THE DEFENDANT: Thank you.

11 Your Honor, this whole situation back from June 13,
12 2020, devastated me. I don't care what nobody think. It
13 didn't need to happen to her. I want to say -- I know I
14 can't look at them, but I want to say I really cared about
15 Olivia. I didn't mean to hurt them in no kind of way. I
16 didn't mean to hurt her. Olivia and I had our problems, but
17 I used to always tell her, "Before I put my hand up on you,
18 before we argue too much, I'll open my door and ask you to
19 leave."

20 I have a daughter, 15. She was 9 going on 10 when I
21 came down here. My son is in Columbia. He's 19 now. I have
22 a grandson right here.

23 I grew up, your Honor, in a place where it was rough.
24 But my father, even though he owned a restaurant and a pool
25 hall, I was with, you know, him and his mother, my

1 grandmother, at the time. And he had, like, a hold of me
2 but, you know, with me being an only boy -- well, an only
3 child -- you know what I'm saying? -- up here to him, I
4 managed to, you know, jump the fire escape and run the
5 streets.

6 I've never done any hard, hard drugs. I used to sit on
7 the stoop, which is the steps outside the building, and, you
8 know -- no disrespecting -- just watch the prostitutes go by,
9 watch the drug dealers go by. I used to throw trash away for
10 my grandmother, like I come downstairs and go behind the
11 building where we keep the trash cans. I've seen junkies
12 laying up under the steps, you know, with a spike in their
13 arm, you know, dead. I've seen a lot. And I grew up quick.

14 When I came down here in the summertimes to my mother in
15 Hollywood -- well, first my mother lived Orleans Woods, West
16 Ashley. This was before all those houses got there, even
17 before the mall. You know, that was before the mall. I came
18 down here to her and my sister, who died last year, and my
19 other sister. Right around the corner in Orleans Woods was
20 my aunt, my mother's only sister. So I came down here --
21 even though I didn't have no brothers -- you know what I'm
22 saying? -- like in the household, I went around the corner,
23 you know, to be with my cousin and them. And, you know, they
24 kind of kept me straight.

25 But truthfully, I was wild when I came from New York. I

1 mean, I grew up fast. I grew up fast. I mean. That's how
2 it is up there. You know, the trains is fast. The buses is
3 fast. People walk fast. We talk fast.

4 And being in that environment from the age of like 10 to
5 like 15, I learned a lot about the streets. I learned a lot
6 about the streets. I mean, I've seen things that, if y'all
7 visited New York and seen some of these things, y'all might
8 never go back. You know what I'm saying? It was rough back
9 in the '70s. But I managed not to sell the drugs, not to be
10 a pimp -- you know what I'm saying? -- and not to use drugs.
11 But I was wild because my father was always, you know, either
12 at the restaurant or, you know, at the pool hall. I wasn't
13 allowed to go inside the pool hall from the front door, but
14 there was a back door I would always go to.

15 But I've always had respect. I didn't come up being
16 abused. There were no -- I didn't come up seeing my mother
17 with a girlfriend or my sister with a girlfriend or my cousin
18 with a boyfriend. I came up, you know, normal. There was a
19 lot of respect. I never woke up in the morning and seen
20 another man, you know, sitting at the table. If my mother
21 had a boyfriend, we never knew. There wasn't any drugs, you
22 know, in the house.

23 All the drugs I did was weed. I did it on the outside.
24 And trust me when I say when I step back in my mama house, I
25 put Visine in my eyes and I changed my clothes because my

1 mother was the type of person she could look right at me and
2 tell if I was smoking or not.

3 But other than that, sir, I'm very, very sorry that this
4 happened. But like I said, like Ms. Arora said, when I first
5 came down here, I came down here for my daughter Angel. If
6 she hadn't of asked me on the phone to come down here, I
7 wouldn't have left my two jobs. One of my jobs was paying me
8 \$16.50. My night job was paying me \$19. I left that to come
9 down here to be with her at the time. And why? Because
10 other than my son, who I didn't have contact with, you know,
11 she basically, you know, was the only child. If I had a
12 picture of her, we were practically twins. If she wasn't a
13 daughter, we would actually -- you know, they couldn't tell
14 us apart.

15 Since I've, you know, been in this courtroom the last
16 couple days, you have been fair to me. The jurors have been
17 fair to me. You know, there wasn't any prejudice because of
18 what I did. You were absolutely fair, sir.

19 I'm asking, you know, could the Court show some leniency
20 because yes, I am 62. And I want to get out one day,
21 hopefully, find my daughter and, you know, be together again.
22 You know, I'm healthy. I'm don't have any kind of sickness.
23 And any, you know, leniency that you give me, sir, I really,
24 really appreciate and I never will forget it.

25 Once again, I want to tell the family that I really am

1 sorry about this. I never meant to hurt her. I never meant
2 to hurt her. But once again, the person that caused this,
3 he's not even here. But, you know, sometimes it's like that.

4 Once again, I apologize for this. I want to say,
5 Ms. Arora, you know, you might laugh and say -- we had a
6 rough time at first, me, her, and Ted Smith. But we managed
7 to, you know, get it together and we ended up here. And they
8 have done a good job. I can't fault the solicitor or her
9 partner, you know, for doing their job.

10 And once again, I want to say I'm sorry for this.

11 THE COURT: Thank you very much, sir.

12 THE DEFENDANT: You're welcome, Judge Addy.

13 Oh, one more thing, Judge.

14 THE COURT: Yes.

15 THE DEFENDANT: Like she said -- I apologize.

16 I got sent to Job Corps when I was 15 in 1978. I went
17 there for, you know, discipline because, you know, with me
18 being the only boy, I thought I was smarter than my mama. I
19 did. And she took me downtown to Lockwood. That was before
20 the motels and stuff. And she signed me up to Job Corps, and
21 they sent me to Morgantown, Kentucky, Breckenridge Job Corps.
22 And I stayed there and I got my -- well, they're GEDs now
23 but, you know, it's the same thing. And I got my high school
24 diploma. I took a class for radio personality, and I was a
25 DJ down in Hollywood and I also used to be on the radio like

1 every weekend with Anthony, but he's no longer here. He used
2 to date my sister.

3 THE COURT: Thank you for that information, sir.

4 All right. To Olivia's family, I want to thank y'all
5 for making that drive. I know that was not easy to get here,
6 especially with the weather and everything that was going on.
7 And the fact that y'all were willing to make that drive and
8 come here and stay here throughout the duration of the trial,
9 that speaks volumes in terms of your love for Olivia.

10 And I want to tell you that I am terribly sorry to meet
11 all of you under these circumstances, and I am genuinely
12 sorry for the loss that you have experienced and for what
13 happened to Olivia. Truly I am. And I know that the
14 solicitor certainly joins in those sentiments. So thank you
15 for seeing this through, and thank you for your patience as
16 the system ground on very slowly. But ultimately, we have
17 this resolution. So I apologize for the delay in this being
18 resolved for you.

19 And again, thank you for being here.

20 Mr. Dawson, I do appreciate the fact that you have
21 behaved admirably during the course of this trial --

22 THE DEFENDANT: Yes, sir.

23 THE COURT: -- and the respect that you have shown this
24 process. And I know that none of this has been easy for you
25 either.

1 Understand, Mr. Dawson, that part of my job is to impose
2 a sentence. A lot of that also relates to -- or a lot of
3 that consideration relates to the kind of criminal history
4 that a person has. And just looking at your prior record, it
5 looks like you started getting in trouble when you were 18
6 and pretty much have been in trouble throughout the better
7 part of your adult life. And a lot of it involved batteries,
8 a lot of it involved batteries against woman, and a lot of it
9 involved you violating protective orders that you really
10 should have simply obeyed and had you obeyed them you
11 wouldn't have gotten into trouble.

12 And I don't say this to insult you, Mr. Dawson, but to
13 describe you as a serial wife beater or serial abuser of
14 women is perhaps somewhat of an understatement. I'm struck
15 with -- I'm struck by what you indicated -- or what you said
16 in one of those videos when you said that Olivia basically
17 deserved it. Mr. Dawson, she did not deserve it. But I
18 promise you, sir, that you deserve this sentence.

19 On the charge of murder, the Court imposes a sentence of
20 life without possibility of parole. No sentence will be
21 imposed on the weapons charge because he is receiving a life
22 sentence on the murder charge.

23 Mr. Dawson, you have ten days to file any notice of
24 intent to appeal. I assume your attorneys will do that
25 automatically for you. You have one year from the conclusion

1 of that appeal, or from today's date if no appeal is taken,
2 to file any action for postconviction relief.

3 I wish you luck, sir.

4 The record on this is closed.

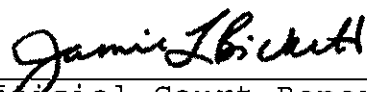
5 (End of proceedings.)
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CERTIFICATE OF REPORTER

State of South Carolina

County of Charleston

I, Jamie L. Bickett, an Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the hearing of the captioned case in the Ninth Judicial Circuit, the Court of General Sessions for Charleston County, South Carolina.



Official Court Reporter

Dated this 19th day
of April, 2025.

MVH/0368981
WITNESSES

DOCKET NO. 2024-GS-10-02850

North Charleston Police Department
C. Ross

The State of South Carolina
County of Charleston

AGENCY CASE NUMBER

2020-016478

FILED

ARREST WARRANT NUMBER

2020A1010203363

6/18/2024 4:43:49 PM
JULIE J. ARMSTRONG
CLERK OF COURT

DATE OF ARREST

06/14/2020

THE STATE

VS.

KENNETH DAWSON
B/M [REDACTED]

ACTION OF GRAND JURY
TRUE BILL

Sharon Boyd JUN 04 2024
Foreperson of Grand Jury Date:

VERDICT

Indictment for

MURDER

SC Code: § 16-03-0010
CDR Code: 0116

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened June 2024, the Grand Jurors of Charleston County present upon their oath:

Murder

That in Charleston County, South Carolina on or about June 13, 2020, the defendant, Kenneth Dawson with malice aforethought did kill and murder Olivia Lorraine Goff by means of stabbing, and Olivia Lorraine Goff did die in Charleston County as a proximate result thereof on or about June 13, 2020 in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


MALLORY V. HALIENA
ASSISTANT SOLICITOR

MVH/0368981
WITNESSES

North Charleston Police Department

C. Ross

AGENCY CASE NUMBER

2020-016478

ARREST WARRANT NUMBER

2020A1010203364

DATE OF ARREST

06/14/2020

DOCKET NO. 2024-GS-10-02851

The State of South Carolina

County of Charleston

FILED

6/18/2024 4:43:49 PM

JULIE J. ARMSTRONG
CLERK OF COURT

COURT OF GENERAL SESSIONS

JUNE TERM 2024

THE STATE

VS.

KENNETH DAWSON
B/M [REDACTED]

ACTION OF GRAND JURY
TRUE BILL

JUN 0 4 2024

Maria G
Foreperson of Grand Jury

Date:

VERDICT

Indictment for

POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT
CRIME

Foreperson of Petit Jury

Date:

SC Code: § 16-23-0490
CDR Code: 0549

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

INDICTMENT

At a Court of General Sessions, convened June 2024, the Grand Jurors of Charleston County present upon their oath:

Possession Of A Weapon During The Commission Of A Violent Crime

That in Charleston County, South Carolina, on or about June 13, 2020, the Defendant, Kenneth Dawson, did possess a firearm or did visibly display what appeared to be a firearm or did visibly display a knife during the commission of or attempted commission of a violent crime, to wit: Murder; in violation of Section 16-23-490, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


MALLORY V. MALIENA
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE

VS

KENNETH DAWSON

AKA: Ken Dawson, Green Eye Dawson

Race: Black **Sex:** M **Age:** 62

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State.

Zip: North Charleston, SC 29405

DL# [REDACTED] SID [REDACTED]
★ #

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

☐ Defendant Pro Se

In disposition of the above indictment comes now the Defendant who

☒ WAS CONVICTED OF or ☐ PLEADS

TO: **Murder**

In violation of

§ 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The State's Position is:

☐ None

☐ Negotiated and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months

☐ Negotiated and Agreed as to Charges Only

☐ Recommended and Agreed Upon Sentence: Years, ____ Months, Probation for ____ Years, ____ Months

ATTEST:

102857	70744
Mallory V. Hallena, Assistant Solicitor	SC Bar #
Defendant	Attorney for Defendant
SC Bar #	SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,

for a determinate term of Life imprisonment Hours/Days/Months/Years ☐ Time Served

☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court☐ Other: _____☐ Judicial Review Days/ Months☐ **Youthful Offender Act** not to exceed _____ Days/ Months/ Years

STATE KENNETH
VS. DAWSON

INDICTMENT/CASE#: 2024-GS-10-02850

And /Or to pay a fine of \$_____;

☐ Time Served

provided that upon the service of _____ Hours/Days/Months/Years

- ☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment
☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility
☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court
☐ Suspended To Batterer's Treatment
☐ Other: _____

And/ Or a payment of \$_____ ; plus costs and assessments as applicable*

the balance is suspended with probation for _____ Months/ Years

- ☐ Suspended During Probation ☐ Suspended During Drug Court ☐ Suspended During Batterer's Treatment
☐ Other: _____

and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
 days/months Since June 13, 2020

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

SPECIAL CONDITIONS:

☐ PTUP after _____ Months/Years ☐ Home Detention Program (HIP)

And Other Terms Listed Below:

- ☐ Conditional Discharge
☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
☐ Mental Health Counseling ☐ May serve W/E beginning: _____
☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other: _____

STATE KENNETH
VS. DAWSON

INDICTMENT/CASE#: 2024-GS-10-02850

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$	Beginning
§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75

Other Costs (As Authorized by Cost Code)*

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
	TOTAL	\$ 128.75

Clerk of Court/Deputy Clerk: Shelby Lott Presiding Judge: [Signature]
Court Reporter: Jamie Bickett Judge Code: 2159
Sentence Date: Jan. 15, 2025

Specify Other Costs*

Cost Code	Cost Description	Amount
☐		
☐		
☐		
☐		
☐		

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE

VS.

KENNETH DAWSON

AKA: Ken Dawson, Green Eye Dawson

Race: Black Sex: M Age: 62
DOB: [REDACTED] SS#: [REDACTED]
Address: [REDACTED]
City, State, Zip: North Charleston, SC 29405
DL# [REDACTED] SID [REDACTED]
* [REDACTED] # [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
☐ Defendant Pro Se

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/ CASE#: 2024-GS-10-02851

A/W#: 2020A1010203364
Date of Offense: 06/13/2020
S.C. Code §: 16-23-0490
CDR Code #: 0549

SENTENCE SHEET

5 yrs

In disposition of the above indictment comes now the Defendant who ☒ WAS CONVICTED OF or ☐ PLEADS

TO: Possession Of A Weapon During The Commission Of A Violent Crime

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The State's Position is:
☐ None
☐ Negotiated and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months
☐ Negotiated and Agreed as to Charges Only
☐ Recommended and Agreed Upon Sentence: _____ Years, _____ Months, Probation for _____ Years, _____ Months

ATTEST:


Mallory V. Hallama, Assistant Solicitor

102857
SC Bar #

Defendant

Attorney for Defendant

70744
SC Bar #

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections ☐ County Detention Center,

for a determinate term of _____ Hours/Days/Months/Years ☐ Time Served

☐ Home Detention Program(HIP) ☐ MH Evaluation and Compliance ☐ Batterer's Treatment
☐ Domestic Abuse Counseling ☐ Drug Court ☐ Drug Program ☐ Alcohol Program ☐ Inpatient Facility
☐ Hold Until Bed Space Available ☐ Mental Health Court ☐ Balance Suspended with Drug Court
☐ Other: _____
☐ Judicial Review _____ Days/ Months
☐ Youthful Offender Act not to exceed _____ Days/ Months/ Years

STATE KENNETH
VS. DAWSON

INDICTMENT/CASE#: 2024-GS-10-02851

And /Or to pay a fine of \$_____;

☐ Time Served

provided that upon the service of _____ Hours/Days/Months/Years

- ☐ Home Detention Program(HIP)
- ☐ MH Evaluation and Compliance
- ☐ Batterer's Treatment
- ☐ Domestic Abuse Counseling
- ☐ Drug Court
- ☐ Drug Program
- ☐ Alcohol Program
- ☐ Inpatient Facility
- ☐ Hold Until Bed Space Available
- ☐ Mental Health Court
- ☐ Balance Suspended with Drug Court
- ☐ Suspended To Batterer's Treatment
- ☐ Other: _____

And/ Or a payment of \$_____ ; plus costs and assessments as applicable*

the balance is suspended with probation for _____ Months/ Years

- ☐ Suspended During Probation
- ☐ Suspended During Drug Court
- ☐ Suspended During Batterer's Treatment
- ☐ Other: _____

and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

- ☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.
- ☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.
SPECIAL CONDITIONS:

- ☐ PTUP after _____ Months/Years
- ☐ Home Detention Program (HIP)
- And Other Terms Listed Below:
- ☐ Conditional Discharge
- ☐ Substance Abuse Counseling
- ☐ Completion of GED
- ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp
- ☐ No Contact with Victim
- ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling
- ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430
- ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☒ Other: No sentence imposed because of the life sentence imposed on
24-GS-10-2850 (per 16-23-490)

STATE KENNETH
VS. DAWSON

INDICTMENT/CASE#: 2024-GS-10-02851

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning

§14-1-206 (Assessments 107.5%)		\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$3.75
Other Costs (As Authorized by Cost Code)*		
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$128.75

Clerk of Court/Deputy Clerk: Shelby Lott
Court Reporter: Jamie Bickett

Presiding Judge: F. L. Blalock, Jr.
Judge Code: 2159
Sentence Date: Jan. 15, 2025

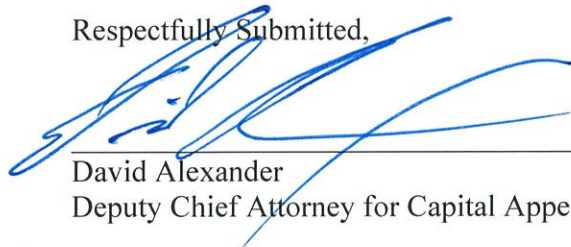
Specify Other Costs*

Cost Code	Cost Description	Amount
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



David Alexander
Deputy Chief Attorney for Capital Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED
Oct 22 2025
SC Court of Appeals

This 22st day of October, 2025.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Oct 22 2025
SC Court of Appeals

Appeal from Charleston County

Honorable Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

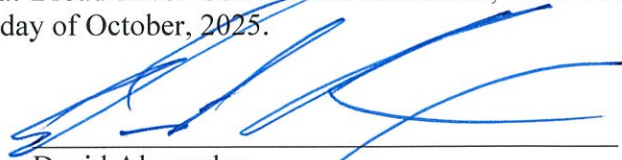
KENNETH DAWSON,

APPELLANT

APPELLATE CASE NO. 2025-000114

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Kenneth Dawson, #137866, at Broad River Correctional Institution, 4460 Broad River Road, Columbia, SC 29210, this 22nd day of October, 2025.



David Alexander
Deputy Chief Attorney for Capital Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT